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No. 43

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
April 17, 2002.

I hereby appoint the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Norvel Goff, Sr., Pastor, Baber African Methodist Episcopal Church, Rochester, New York, offered the following prayer:

O God, our Heavenly Father, Almighty and Everlasting God, we come this day to thank You for last night's rest and early rising this morning. We come praying on behalf of and for the Members of Congress as they seek to know and to do Thy will for America and in the works of the House of Representatives.

O most gracious God, who knows the secrets of our hearts and the thoughts of our minds, we humbly beseech You as we pray for peace throughout the world.

We pray for our President of these United States of America, and the leaders around the world, that You will guide and direct them, that You would lead this world into a path of peace and happiness, truth and justice.

Direct us, O Lord, in all of our endeavors, that in You we may glorify Your most holy name. These and many other blessings we ask in Jesus' name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. 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.

Mr. TIAHRT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TIAHRT. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM 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.

### WELCOMING REVEREND NORVEL GOFF, SR., PASTOR, BABER AFRICAN METHODIST EPISCOPAL CHURCH, ROCHESTER, NEW YORK

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

Ms. SLAUGHTER. Mr. Speaker, today we opened this legislative day

with a prayer from the Reverend Norvel Goff, Sr. I would like to take a moment to tell my colleagues and the country about Reverend Goff and the significant role he plays in my community.

Reverend Goff has served as pastor of Baber African Methodist Episcopal Church in Rochester since 1991. He has been an outstanding advocate in civil rights, economic justice, and peace issues in the Rochester community.

Reverend Goff is joined here today by his wife, Anna Marie, and his son, Norvel, Jr., who is a law student at Howard University; and they have a younger son, John, who is a student at Morehouse College in Atlanta.

Reverend Goff is a teacher, a lecturer, a writer and an outstanding orator. He has served on numerous community boards and committees in Rochester, including the Monroe County Public Defender's Advisory Board, the Community Energy Board, and Fleet Bank's Community Development Corporation Board.

Reverend Goff currently serves as the president and CEO of the Greater Rochester NAACP and is chairman of the Black Ministers Alliance in Rochester. Under his leadership, the Black Ministers Alliance founded the Footprints Program, which is a partnership with local banks that has provided more than \$10 million in mortgages for first-time homeowners. The Rochester chief of police recently appointed Reverend Goff as the chairman of the Faith Community Subcommittee Initiative Against Illegal Drugs in Rochester.

Reverend Goff continuously displays extraordinary commitment to the children of the Baber African Methodist Episcopal community and to all the other children in Rochester. He serves as a mentor and encourages academic achievement among the area youth. Reverend Goff recognizes the children of his church who make the honor roll at a church service and takes the time

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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to visit and have lunch with them at school and check on their progress.

Reverend Goff's accomplishments in the area of civil rights, business, community and religious affairs have earned him numerous awards, including the Annual Friends of Education Award from the Rochester City School District and the Winn Newman Pay Equity Award from the National Committee on Pay Equity.

Reverend Goff is truly a modern-day crusader for justice, and I am grateful for his valuable work in our community. I am pleased that the House of Representatives could have him lead us in such a powerful prayer.

#### CONGRATULATING J.R. UNITED INDUSTRIES AND COMPANY PRESIDENT SALO GROSFELD

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate J.R. United Industries and company president Salo Grosfeld for their involvement in an extraordinary back-to-school project.

Afghan Minister for Women's Affairs, Dr. Sima Samar, asked for help to send girls back to school in Afghanistan, for, you see, school uniforms are considered a luxury that few Afghan families can afford. But J.R. United, located in my congressional district, helped by providing sewing machines and fabrics through their commercial partners in Pakistan.

Salo Grosfeld and his company are giving children thousands of miles away something greater than just uniforms. They are giving them hope for a brighter future and a better life.

Please join me in congratulating Salo Grosfeld and J.R. United for their generosity to the children of Afghanistan. Thank you, Salo.

#### SPEAKING AGAINST CUT IN PAYMENTS IN LIEU OF TAXES PROGRAM

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak out against the administration's 21 percent cut of the Payments in Lieu of Taxes Program.

Many of our western States have substantial Federal land within their borders. On the one hand, these lands provide many opportunities for all Americans. But for local counties who are financially strapped, Federal lands mean the loss of a tax base.

To deal with this issue fairly and so that the Federal Government is a good neighbor, we pay a portion of the lost tax revenue. This is called Payments in Lieu of Taxes. It is a good program that should be fully funded, although it never has been. By cutting this valu-

able program, the administration is turning its back on many western counties.

I urge my colleagues to reject this unwise and unsound cutback.

#### MAKE CHILD PORNOGRAPHY ILLEGAL

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

Mr. FOLEY. Mr. Speaker, the United States Supreme Court ruling Tuesday on the Child Pornography Prevention Act drew strong reaction, mostly negative, regarding the High Court. However, the ruling did receive some support from some in the adult movie industry.

"We are extremely disappointed with this decision," said the American Center for Law and Justice. The Supreme Court clears the way for pornographers to use the first amendment as a shield and gives them a green light to engage in this kind of Internet activity."

I say whether in movies or photographs, it does not make a difference whether or not the person engaged in sex is actually a child. If it looks like a child, is said to be a child, pedophiles have found their fix and their search for true child pornography will only be enhanced.

Attorney General Ashcroft said the ruling makes prosecution of child pornographers immeasurably more difficult. He offered to work with Congress on new legislation that could withstand the Court's scrutiny.

Mr. Ashcroft, I join you today in hoping we can craft a bill that meets the fitness test of the Supreme Court so we can rule this to be an illegal activity.

#### RESTORE FOOD STAMPS FOR LEGAL PERMANENT RESIDENTS

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

Mr. RODRIGUEZ. Mr. Speaker, despite the calls from President Bush for efforts to provide legal permanent residents access to Federal nutrition programs, the House conferees on the farm bill have refused to budge. Now we hear today that the gentleman from Colorado (Mr. TANCREDO) has an amendment to instruct on the farm bill on this particular item.

There are too many cases of legal immigrant children suffering from hunger right here in our own backyards. These are legal residents. Their parents work hard, they pay taxes, they serve our country, they play by the rules; but they are unable to qualify for food stamps if they find themselves in that situation.

The reality is, and I will appeal to the Republicans, that we have over 62,560 military people right now that are legal immigrants; and as we well know, we have a lot of people in the

military that also qualify for food stamps. This amendment would disqualify them from being able to have access to food stamps.

So I make the appeal and ask that we look at what the administration has been saying, that we ought to be providing for those services.

#### CELEBRATING THE PRODUCTION OF NEVADA'S 50 MILLIONTH OUNCE OF GOLD

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

Mr. GIBBONS. Mr. Speaker, Nevada's nickname may be the Silver State, but our State is diverse and has a wealth of many minerals, including many precious metals like gold, silver and platinum. In fact, only two countries in the world are ahead of Nevada in total gold production, South Africa and Australia; and only those two locations have ever achieved the same milestone which Nevada celebrated this week, the production of the 50 millionth ounce of gold.

Let me put this achievement in perspective. If 50 million troy ounces of gold were viewed as cube, it would be approximately 14 feet 2 inches square and weigh about 1,714 tons.

This achievement was produced by the Carlin Trend, located about 10 miles south of Carlin, Nevada, which produces nearly 4 million ounces of gold annually, contributing \$1.8 billion to America's economy every year.

Congratulations to the hard-working men and women of the Carlin Trend on this accomplishment, and thank you to the mining industry for producing the minerals which allow us to live in and enjoy the 21st century.

#### DEFENDING LEGAL IMMIGRANTS

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

Ms. SOLIS. Mr. Speaker, I also rise in disappointment at the action that will take place today on the floor, and that is to instruct conferees on the farm bill to remove the provision of food stamps for legal immigrants.

We talk about legal immigrants. Let us really put a face to it. Let us look at who these people are. They serve in our wars; they are serving in the military. Many of them are grandparents, many are children. They are here legally. They are playing by the rules. Their families pay into the tax base.

The President has said he wants to honor them and give them food stamps; but his own party, the Republican Party, wants to take that away. We are sending mixed messages here, and I would hope we could unite around this whole concept of compassionate giving to people who earn their way here in the country.

I would ask that the conferees and everyone please take hold of this situation, address it, and help to feed the

children, the hungry children, in our districts. Right now in my own district there are about 37 percent immigrant families. Of that, those kids do not have enough to have food on their table. They do not have cereal. They did not have a banana. They did not have milk today, like you and I may have had.

Let us make sure we do our best to defend those children.

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#### FREE MARTIN AND GRACIA BURNHAM

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

Mr. TIAHRT. Mr. Speaker, today marks the 326th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Mr. Speaker, millions of Americans paid their dues on Tax Day this week, but Martin and Gracia have been paying the price for being Americans for over 10 months now. The Nation they love, however, is prevented from rescuing her children.

Martin's parents, Paul and Oreta, are patriotic citizens. They pay their taxes without complaining and trust the government will carry out its responsibility to protect and defend our citizens, all this despite the continued captivity of their son and daughter-in-law.

I must admit, as a patriot, as a taxpayer, as a representative of this government of the United States, I am frustrated. I call upon President Arroyo and the Philippine Congress to allow the American military to rescue our fellow Americans who are being held hostage. I request Secretary Powell, Secretary Rumsfeld, and President Bush, do not take "no" for an answer.

Let us rescue these Americans. I believe we have the resources to rescue Martin and Gracia, and it is our government's duty to do so. As always, I ask you to join me in prayer for Martin and Gracia and their loved ones, that this nightmare may soon be over.

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#### PROTECT THE CLEAN AIR ACT

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

Ms. McCOLLUM. Mr. Speaker, the current administration is proposing a rollback of what has been called the centerpiece of our environmental agenda. Instead of fighting hard to protect the Clean Air Act, this administration wants to eliminate clean air programs that control new sources of pollution and regional haze.

What does this mean? It means that harmful emissions released from these old power plants will continue to cause asthma attacks and increase hospital visits. Haze will continue to blanket our cities and continue to spread out, obscuring views at our national parks

and monuments. It also means that companies that own and operate our oldest and dirtiest coal-fired power plants can continue to escape strict pollution controls.

We can do better. Monday is Earth Day, a time to celebrate past progress we have made in cleaning up our environment while leading our Nation to a cleaner tomorrow. It is not the time to eliminate tools that can help us clean our air.

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□ 1015

#### HAPPY 100TH ANNIVERSARY TO J.C. PENNEY

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to celebrate a major milestone in the history of American business. This past Sunday, on April 14, J.C. Penney Company, whose Plano headquarters is located in my district, celebrated 100 years of serving American consumers.

J.C. Penney is a name that Americans know well, and most of us have shopped in a J.C. Penney store at some point. We have learned by experience to expect their superior value for our money. And a century of delivering on that promise has made J.C. Penney a trusted name among American retail institutions and hard-working Americans.

When James Cash Penney opened his first store on the Wyoming frontier 100 years ago, he had but one passion: to serve his customers to their complete satisfaction. That passion has been the enduring reason for his company's growth, survival and success, and also why J.C. Penney has helped millions of Americans raise the quality of their lives.

Trends may come and go; businesses like J.C. Penney, built on timeless values, endure.

I want to extend my sincere congratulations to the company for 100 years of performance.

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#### CONGRESS MUST RESTORE FOOD STAMP BENEFITS TO LEGAL IM- MIGRANTS

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

Mr. REYES. Mr. Speaker, later today the House will debate a motion to instruct conferees on the Farm Security Act that seeks to prevent the restoration of benefits to legal residents.

Well, I am appalled that this motion is offered, given the bipartisan support to restore food stamp benefits to legal permanent residents. I am, however, not surprised that there are some still in this House who continue their anti-immigrant, anti-Latino and anti-family campaign.

Let me repeat, Mr. Speaker. We are talking about benefits to legal residents; legal residents who come to this country from all parts of the world.

Earlier this year we welcomed the administration's proposal to extend eligibility to legal residents who have lived in the United States for 5 years. We supported this proposal because it was simple and straightforward. The Senate has included the administration's proposal in its version of the farm bill, but efforts continue in conference discussions to undermine a fair and simple restoration of benefits for legal residents.

These efforts clearly undermine President Bush's own proposal for restoration of food stamps.

I hope that this Congress, Mr. Speaker, does the right thing and restores food stamp benefits to legal residents, and I also today ask President Bush to do more to convince his party that legal permanent residents deserve these benefits. It is long overdue, it is time, and it is the right thing to do.

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#### MURDERERS, NOT MARTYRS

(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, tragically, Israelis and Palestinians are once again in a spiral of violence.

President Bush said recently that when a Palestinian girl kills herself in order to murder an Israeli girl of her own age, the future is dying. No boy or girl should ever have to die in a terrorist attack and no boy or girl should ever be misled by fanatics to go off on a suicide mission.

Mr. Speaker, too many Israelis and Palestinians have died and too many Palestinian kids have been turned into fanatics by the terrorists who have hijacked the Palestinian cause. As the President said, strapping a bomb around your waist and killing people is not an act of martyrdom, it is an act of murder.

Yesterday it was reported that the Saudi ambassador to Britain has written a lavish poem praising a young homicide bomber as "the bride of loftiness." He says, "The doors of heaven are opened for her."

Mr. Speaker, this is an outrage. Here is a leader, an ambassador no less, encouraging children to commit murder. There will be no peace in the Middle East until this kind of irresponsible rhetoric stops. The international community should condemn this kind of talk with a loud and united voice.

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#### DEADLY NUCLEAR WASTE SHOULD NOT BE SHIPPED THROUGHOUT AMERICA

(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, in the near future, the House will vote on

House Joint Resolution 87 to determine if we are going to ship deadly, high-level nuclear waste through America's cities and towns, through our neighborhoods, and past our schools, hospitals and houses of worship. If you vote for this resolution, that is what you will be doing, sending over 100,000 massive shipments of highly radioactive waste through the communities you represent, shipments that would be rolling on our roads and our rails every day for the next 30 years.

A single accident would threaten the health of thousands, cost billions to clean up, and forever ruin property values. If you do not think this can happen and will, think again. Just follow the headlines of transportation disasters we see almost weekly. Someday, instead of gasoline or chemicals, the disasters will involve nuclear waste. Could you look at your constituents and their children and look them in the eye and tell them you voted for a resolution that allowed a massive catastrophe to ruin their lives?

Vote "no" on House Joint Resolution 87 for the sake of your families, the sake of your constituents.

#### MAKE THE BUSH TAX CUTS PERMANENT

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

Mr. RYUN of Kansas. Mr. Speaker, American families have recently completed the dreaded chore of preparing their tax returns, but this year, many found a bonus. The IRS reports that the average income tax refund is over \$1,000, significantly higher than last year. What does this mean? Taxpayers are reaping the benefits of the Bush tax cut. Here in Congress, we should be proud of the cut that enables families to keep more of what they earn and for causing the economy to rebound as well.

But there is trouble on the horizon. Unless Congress takes action, this significant tax cut will expire in the year 2010 and our taxes will be raised.

It was over 2 centuries ago that Benjamin Franklin said, "Nothing is certain but death and taxes." While death and taxes may be certain, the death of this tax cut does not have to be.

Mr. Speaker, I urge my colleagues to act now to ensure that President Bush's tax relief is made permanent.

#### BENEFITS FOR LEGAL IMMIGRANTS AND PEACE IN THE MIDDLE EAST

(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, let me quickly join in with my colleagues from California and Texas and others of goodwill to oppose the amendment that will be on the

floor today to deny legal immigrants, individuals who are accessing legalization, accessing citizenship, paying taxes, but, most of all, giving of their lives so that we might be free. What a tragedy. How heinous. I ask my colleagues to vote enthusiastically against denying legal immigrants their rightful benefits.

Let me move very quickly to my disappointment with the media who has now assessed Secretary Powell's trip as a failure. The Washington Post: "Powell to end trip without a cease-fire. Sides failed to agree to talk." Electronic media reported "Powell's trip unravels."

Let me just simply say that peace is long-standing. It is not for the impatient. Our lives depend on it. This administration must continue to engage. We must provide a constructive proposal, we must help, in order to have peace in the Mideast.

Secretary Powell must return to the Mideast.

#### BUILDING ON PAST SUCCESSES TO CONTINUE WELFARE REFORM

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

Mr. WICKER. Mr. Speaker, I want to take my 1 minute to talk about the Welfare Reform Act of 1996, one of the greatest public policy successes in half a century. This body will soon have the opportunity to continue the remarkable progress made over the past 6 years when we reauthorize the law.

Our Nation has seen a dramatic 56 percent drop in welfare caseloads as more families have broken the cycle of poverty and replaced welfare checks with paychecks. Welfare rolls are at their lowest levels since 1965, and more than 2 million children have been rescued from poverty, a remarkable success.

The reauthorization will allow us to build on the principles which have helped more Americans achieve self-reliance. It contains a strong work requirement, continues the focus on protecting children, and strengthening families, and gives more States flexibility.

Mr. Speaker, the emphasis on work and strengthening families in this new initiative represents a winning formula to put more needy Americans on the path toward a brighter future.

#### ENVIRONMENTAL ROLLBACKS BAD FOR THE ENVIRONMENT

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

Mr. HOLT. Mr. Speaker, despite the fact that a majority of Americans believe that we should do more, not less, to protect our environment, President Bush is pursuing several policies to roll back environmental progress.

Let us look at our national parks. Despite the clear evidence that snow-

mobile use is not compatible with the preservation and public enjoyment of Yellowstone, our world's oldest national park, the President is pushing to roll back a rule that would prevent snowmobile use there, a rule that the EPA said was among the most thorough and substantial scientifically based rules they had seen.

Right now, the administration and the Republican majority here is also trying to roll back a ban on personal watercraft like jet skis in our national parks, despite the clear indication from rangers that these have a negative effect on the enjoyment and preservation of the parks.

Mr. Speaker, our environment and our national parks belong to all of us, and we cannot let these series of environmental rollbacks ruin them for us.

#### HOUSE OF REPRESENTATIVES HAS BEEN PRODUCTIVE

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

Mr. STEARNS. Mr. Speaker, what do all these things have in common? Trade promotional authority, the energy bill, the job stimulus bill, the terrorist insurance bill, faith-based initiative; in fact, 51 bills all in common, plus 90 appointments for judges? What they all have in common is they have not been acted upon by the other body.

The American people elected a Republican House and we have been productive over here. Governors, CEOs, coaches, deserve to have their team in place.

We need the other body to act to put the administration's team in place and address the 51-plus bills that are in need of action.

#### POINT OF ORDER

Mr. FRANK. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman will suspend. The gentleman should not urge action in the other body. The gentleman may proceed.

Mr. STEARNS. Mr. Speaker, we need to expedite and to take the bills that were in the House and get them passed by the other body.

The American people want action by its elected officials here in Congress.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to refer to action in the other body.

#### U.S. SUPREME COURT DECISION IS A CLEAR AND PRESENT DANGER TO OUR CHILDREN

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

Mr. LAMPSON. Mr. Speaker, Ludwig Koons still has not been returned from

Italy where he was abducted by his pornographer mother.

What is in this morning's newspaper headlines? Supreme Court decides to strike down the Child Pornography Protection Act. This is a clear and present danger to children all over the world.

I am concerned that this decision will allow the manufacture, distribution, and possession of virtual child pornography. We will potentially see a rise in the exploitation of children. Child pornographic material, whether virtual or not, is used to lure and to exploit children. I am concerned about the onerous burden that this is going to place on prosecutors. Prosecutors will now have to prove the identity of the children who are being exploited.

Well, this is a difficult task. The Supreme Court sent a terrible message, one that is terrible to send to the pornographic community that this behavior is okay. We can be sure that the Congressional Caucus on Missing and Exploited Children will do everything within its power to right this wrong and to protect our children from exploitation, and we must bring Ludwig Koons home.

#### BIPARTISAN DENOUNCEMENT OF UNITED STATES SUPREME COURT DECISION INVOLVING CHILD PORNOGRAPHY

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

Mr. PENCE. Mr. Speaker, it should be obvious on the floor of the House today that the denouncement of yesterday's decision by the United States Supreme Court is truly bipartisan. As a father of three small children, I do rise to denounce this deplorable decision where the court struck down a 1996 Federal ban on computer-generated child pornography.

The court actually wrote that the law was not sufficiently precise and that the law does not make reference to any crime or the creation of any victims. The promotion and the creation of child pornography by definition creates victims, Mr. Speaker.

I call on my colleagues to move forward expeditiously to right this wrong in the law. While the court has given solace to child pornographers, some protection from the law of man, I would close with reflecting on the law of God to those out there who create this material. The Good Book says that if anyone causes one of these little ones to sin, it would be better for him to have a large millstone hung around his neck and that he would be drowned.

□ 1030

#### PASSAGE OF H.R. 476, CHILD CUSTODY PROTECTION ACT

(Mr. SHUSTER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act. H.R. 476 has two important functions. First, it works to make sure that valid parental notification laws will not be circumvented. Second, it secures the right of a parent to be involved in medical decisions regarding their minor daughters.

I think it is important to note that even abortion rights advocates, such as Planned Parenthood and the National Abortion Federation, all encourage minors to consult their parents before having an abortion. Not only can a parent provide the emotional and physical support that their daughter will need, but a parent also knows their daughter's medical history.

There is also widespread support for parental notification among the American people. A 1998 CBS New York Times poll found that 78 percent of those polled favored requiring parental notification.

I come from a State that requires parental notification. Yet, out-of-State clinics try to circumvent this law. It is not uncommon practice for clinics in New Jersey, a State without parental notification law, to advertise in Pennsylvania phone books. These clinics often go as far as to highlight the fact that they will perform an abortion without parental notification.

The passage of H.R. 476 effectively puts an end to this despicable practice. I urge my colleagues to support this legislation.

#### FOOD STAMP RESTORATION

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

Mr. BACA. Mr. Speaker, the Congressional Hispanic Caucus has been working hard to restore food stamp benefits to hard-working, tax-paying legal residents; I state, to hard-working, tax-paying legal residents. Unfortunately, the House amendment 2846 would leave thousands of legal residents, permanent residents, without food stamps. This amendment would discriminate against permanent legal residents.

This is a real problem for LPRs and their families. Thirty-seven percent of all children of immigrants live in families that cannot afford enough nutrition on a regular basis. Most immigrant families include at least one child that is an American citizen. These children go to school hungry because their parents cannot afford to pay for food stamps or apply for food stamps. How can these kids study and learn and concentrate in the classroom if they do not have enough to eat?

We talk about "leave no child behind." Well, we are about to do that, through this amendment. It is time for us to assure that all legal immigrants are eligible for food stamps. These are

hardworking, legal permanent residents who currently cannot buy food stamps because they are not eligible for assistance under the basic nutritional program.

I urge the President that he must deliver on his promises to the Latino community. We need his leadership and inclusion, not false promises.

#### CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a closed rule for H.R. 476, the Child Custody Protection Act. The rule waives all points of order against consideration of the bill. It provides consideration of H.R. 476 in the House with two hours of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenaged daughter. We all hope that our teenaged daughters have the wisdom to avoid pregnancy, but if they make a mistake, a parent is best able to provide advice and counseling. Also, more importantly, the parent knows the child's past medical history.

For these reasons, my home State of North Carolina, along with several other States, requires a parent to know before their child checks into an abortion clinic.

This law is needed because of stories chillingly similar to the story of a Pennsylvania mother and the tragic story of her 13-year-old daughter.

Several years ago, a stranger took Joyce Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified medical records at the abortion clinic, and abandoned her in a town 30 miles away, frightened and bleeding. Why? Because this stranger's adult son had raped Joyce Farley's teenaged daughter, and she was desperate to cover up her son's tracks.

Even worse, this may all have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. In fact, many abortion providers in States where there are no parental consent laws actually advertise in the yellow pages in States where consent laws have been passed. It is wrong, and it has to be stopped.

The Child Custody Protection Act would put an end to this child abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Right now, a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin. They have to call and give permission for their child to have an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to Maryland, for instance, for an abortion. It is total nonsense.

So let us do something to protect the thousands of children in this country. Let us pass the child custody Protection Act, and put a stop to the absurd notion that there is some sort of constitutional right for an adult stranger to be able to secretly take someone's teenaged child into a different State for an abortion.

I applaud my friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for continuously fighting this fight. I urge my colleagues to support this rule and to support the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I oppose this closed rule and I oppose the bill that underlies it. The Committee on the Judiciary has handed us yet once again a bill that is blatantly unconstitutional and will never see the light of day because the Senate is not going to touch it.

The attempt here today is to interfere with the rights of American citizens to go from one State line across the other. It is never going to work. In addition, and the most surprising thing to me, is by a vote of 16 to 12, the rapist or person who commits incest has the right of court action if anyone interferes with a pregnancy that he has caused.

I think I need to say that again. A subcommittee of the Committee on the Judiciary voted 12 to 16 to protect the right of a rapist or someone committing incest, and give them the right of court action if anyone interferes with the pregnancy that they have caused, taking away all the rights of the child.

I want to reiterate again that abortion is legal in the country. To prohibit anyone's right to across a State line for a legal purpose in the United States is foolish on the face of it, and flies in the face of the freedom that we enjoy.

Are we going to put border crossings at the State lines? Are we going to stop people and check their cars and make sure that no minor is in there? Are we really willing to put people's grandmother in prison? Are we really willing to allow a rapist or someone who commits incest to go to court to sue if a pregnancy caused by their action ensues? Surely not.

But this bill, again, in addition to it being terribly bad policy and its flagrant unconstitutionality, is closed, so no one could even amend it. But frankly, I do not know why anyone would want to. It is hard to amend an unconstitutional bill in such a way that we could make it constitutional. But we are talking about a fundamental right here, not something superficial. This measure tramples that right by imposing substantial new obstacles and dangers in the path of a minor seeking an abortion.

It violates the rights of States. And this Congress has gone on record time after time after time believing States are far more bright than we are. If they should have the right to pass their own laws, this tramples on the rights of States to enact and enforce their own laws that govern conduct within their own State boundaries.

The assaults on the Constitution do not stop there. One fundamental principle of our Federal system is a State may not project its laws onto other States. Every citizen has a right to cross a border into another State, and it has been so since the founding of this Republic. But we can do it in favor of the laws of the State that we are visiting, as long as we do not infringe upon those laws.

This bill undermines this fundamental principle, saying that young women are bound by the laws of their home States, even as they traverse the Nation. On the face of it, that is absolutely foolish. Because something is legal in New York and illegal in another State, should all New Yorkers be allowed to go there and freely fly in the face of a law of the other State? Absolutely not. The Supreme Court has consistently held that States cannot prohibit the lawful out-of-State conduct of their citizens. That is a simple premise simply put, but it is absolutely one of the basics of our freedoms. Nor may they impose criminal sanctions on that behavior. That has been the law of this land for a long, long time, about 200 years, I suspect. This bill does ex-

actly that, imposing criminal sanctions on what is literally a freedom for a United States citizen.

As Professor Lawrence Tribe of Harvard Law School and Peter Rubin of Georgetown University Center explained, the bill ". . . amounts to a statutory attempt to force the most vulnerable class of young women to carry the restrictive laws of their home States strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go."

□ 1045

Why is this body singling out young women for this treatment? I want to urge my colleagues to stop for a moment and think what are we doing here. We swore an oath to uphold the Constitution, but instead we are abandoning it, and indeed we are trashing it to satisfy some of the most extreme elements of the majority party.

Moreover, I want my colleagues to take a close look at this bill. As noted, it would criminalize the act to bring in the minor across State lines to obtain an abortion without parental consent, but the bill does not stop there. It goes on to provide prison time for grandparents or an adult sibling or members of the clergy who may have tried to help a minor obtain medical care and subjects them to civil action by a parent who may have raped and impregnated the minor. Even a cab driver, even a cab driver who drove this minor is subject to criminal penalty.

We had one amendment trying to remove that in the Committee on Rules and it was not allowed.

Let me put this another way: The bill allows the father who rapes or anybody who is carting this child, rapes or impregnates his minor daughter, to sue, to sue for damages. Can my colleagues imagine that? Do my colleagues want to go back home and tell people that that is what they voted for in the House of Representatives? It locks the victim of incest into requiring consent from an incestuous parent. That is the quality of the legislation we are considering today and the leadership ought to be ashamed.

Several amendments were offered in the Committee on Rules to address some of these egregious provisions, but none were allowed. The closed rule is a final slap in the face of our colleagues, and the victims of these crimes.

Vulnerable young women, deserve better. We all want active and supportive parents involved in their children's major decisions, but many young women have a justifiable fear that they will be physically abused if they are forced to disclose their pregnancy to their parent. Nearly one-third of minors who choose not to consult their parents have experienced violence in the family. Forcing young women in these circumstances to notify the parent of their pregnancies may only exacerbate the dangerous cycle of violence in these families.

This is the cruel lesson of one young Idaho teenager who was shot to death by her father after he learned she was planning to terminate a pregnancy caused by his act of incest. Shot to death by the man who had raped her. Despite our noblest intentions, Congress cannot legislate health and family communications.

The political cynicism this rule embraces today would be comical if young women's lives were not at stake. Congress once again is placing its political agenda ahead of a woman's ability to have access to safe and appropriate medical care.

As a Member of Congress and mother of three daughters and long-time advocate of women's health, I strongly believe that the health of American women matter, and I urge my colleagues to vote no on this rule and on the underlying bill. Please do not go home and say that we put the rights of the rapist or the perpetrator of incest above other citizens of the United States and tried to restrict their right to move across State lines.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), who also serves on the Committee on Rules.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would ask the visitors in the gallery to desist from conversations.

Mr. DIAZ-BALART. Mr. Speaker, I want to commend, first of all, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time and my dear colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing and shepherding and leading the effort on this important legislation.

When I was listening to my distinguished friend on the other side of the aisle, I thought that at times she was referring to another piece of legislation. Twenty-seven States require parental notification, recognizing the need for parental involvement when daughters face the confusing and sometimes frightening reality of an unexpected pregnancy. Strangers should not be allowed to deprive parents from the right to at least try to protect their daughters from harm by taking these children to another State in violation precisely of the State laws that have been passed to protect the parents' rights and to try to protect the rights of their daughters.

What this legislation tries to do is to punish those who smuggle children across State lines to, in effect, dodge the home State laws which are designed to protect the health and safety of children and the rights of the parents. In essence, what we are trying to do today with this legislation is to protect as much as possible the States' rights to have their wishes, as made law by their legislatures, enforced. That is, in essence, what we are trying to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding the time to me, and I want to commend her on her extraordinary testimony. I think no one could have addressed more carefully and better the issues underlying this bill than she did. I do not want to repeat what she said. I just strongly endorse it and hope that our colleagues are listening and will oppose this bill.

I want to speak personally for just about a minute, Mr. Speaker. I am the mother of a 26-year-old daughter and a 17-year-old daughter. I am also the mother of a 28-year-old son and a 19-year-old son. I work very hard to earn their trust, and I try very hard to provide for them a moral framework in which they will make wise choices for their lives.

When I first learned about this issue some years back, my immediate instinct was to oppose the notion that parents could not or should not be consulted when a daughter makes a decision about an abortion, not just across State lines but in a State. I then consulted my own daughters and they said, Mom, we would talk to you, but think about all the kids who cannot talk to their parents.

Our colleague from New York has spelled out those circumstances. They are dreadful and shameful, and my view after consulting my own children is that for the children of others, we must stop this vicious legislation. For children of others, to make sure that in safety they can seek out their constitutional right to an abortion in an emergency, for the children of others who will seek adult consultation but possibly not from dysfunctional or evil parents.

Mr. Speaker, I urge support of the position of the gentlewoman from New York. I urge us to think about the children of others. I urge a no vote on this legislation.

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

Ms. HART. Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act.

Unfortunately, we are hearing lots of dramatic stories about young women who may be victims of incest and young women who may be victims of other terrible crimes as a motivator for us to prevent what so many States think is important and what so many people think is important, and that is, that children and their medical care and their guidance be in the hands of their parents.

This bill would simply respect that. It would respect what 43 States have already done in requiring parental consent or notification before a young woman can receive an abortion. So this is not a dramatic change of any kind. In fact, this is something that would respect States' rights.

This bill has nothing to do with consenting adults who have made a decision about what to do with a pregnancy. It solely focuses on young girls who are the most susceptible to confusion and difficulty of making a decision on their own health care and decision about ending a pregnancy.

Most of these young women are not in situations that have been presented dramatically to us. As a State senator, I worked on legislation in Pennsylvania where parental consent requirements gained wide support, and I know that they have obviously gained wide support throughout the Nation because of those 43 States with such laws.

The Child Custody Protection Act would make it a criminal offense to transport a child across a State line to avoid parental consent for the purpose of having an abortion. That means a person who is not the parent is taking a child that is a minor across a State line to violate the law basically. I am not sure why anyone would support that, but unfortunately, many here today are.

It is important for us to stand up for families in the United States. It is important for us to stand up also for the rights of parents to be counselors to their children.

Some of the opponents have argued that our approach is wrong and these young girls who are involved in these tremendous life-altering decisions should be taken away from their parents, transported across State lines for a very serious medical procedure, without their parents notification consent, without any necessarily records of their health in the past. This defies all logic. It usurps parents' vital role, and I think it is playing a dangerous game with the lives of young girls.

These girls should not be whisked away from their problems. We should not be finding more ways for them to avoid getting help from their families. We should be focused on finding ways where we can help them and their families.

This bill would certainly lead us in that direction as 43 of our 50 States have already gone. It is not for the Federal Government to change that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time, and let me add my appreciation as well for her very eloquent defense and advocacy for issues of choice and particularly her work in the Committee on Rules.

It is interesting that my colleagues speak about States' rights and are very apt to involve themselves in the rights of Oregonites who have supported euthanasia through State law, but yet the Federal Government and Republicans want to intrude upon those State rights.

On the other hand, in this instance, dealing with an individual's probably

necessity to secure assistance somewhere, the child who may happen to be 16 or 17, this legislation that we have today undermines the very sense of privacy and the rights of a child to secure help from a grandparent, an uncle, an aunt or a sibling who is that child's confidante, who is able to take them somewhere to assist them in a choice that is intelligently made.

This has nothing to do with programs that deal with abstinence or deal with the issues of not engaging in premarital sex. This is not what this legislation is about, and I am very disappointed that the Committee on Rules would argue for a closed rule so that those of us who had amendments dealing with others who would give advice to our young people so that we would not have a murderous condition, a child losing their life because of a back room botched circumstance and procedure.

This is absolutely, I believe, without mercy because what it says is that if a child has someone that they are able to confide in and they can assist them in a very troubling time of their life, to make a choice about their body, an intelligent choice, comforted with the counsel of their religious person, and that particular individual that they have confidence in, they cannot do it.

This is a bad rule. I hope my colleagues will support the motion to recommit, and I would hope that we would be a consistent Congress. If we are fighting the Oregonites, and we are overlooking their State laws, then why are we now making a Federal law or insisting that we have to affirm Federal laws or State laws that intrude on the right to privacy?

Mrs. MYRICK. Mr. Speaker, I yield so much time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN). She is the author of this legislation and we thank her for that.

Ms. ROS-LEHTINEN. Mr. Speaker, abortion is perhaps one of the most life altering and life threatening of procedures. It leaves lasting medical, emotional and psychological consequences and is so noted by the Supreme Court, particularly so when the patient is immature.

Although *Roe v. Wade* legalized abortion in 1973, it did not legalize the right for persons other than the parent or a guardian to decide what is best for our child nor did it legalize the right of strangers to place our children in a dangerous situation that is often described as being potentially fatal.

□ 1100

Mr. Speaker, my legislation, the Child Custody Protection Act, will make it a Federal misdemeanor to transport an underaged child across State lines in circumvention of State local parental notification or consent laws for the purpose of obtaining an abortion. It is very simple.

Last year in the 106th Congress, I introduced this legislation; and it passed

the House with a vote of 270 to 159, almost a two-thirds majority.

In the 105th Congress, this legislation also passed with a vote of 276 to only 150 against. Significant support for this legislation is not surprising because according to Zogby International, 66 percent of people surveyed believe that doctors should be legally required to notify the parents of a girl under the legal age who requests an abortion.

In addition, a 1999 fact sheet created by the Planned Parenthood Federation of America, one of the most adamant opponents of my bill entitled, "Teenagers, Abortion, and Government Intrusion Laws" cites: "Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with an unwanted pregnancy."

Mr. Speaker, few would deny that such guidance ideally should come from the teenagers' parents. Parental consent or parental notification laws may vary from State to State, but they are all made with the same purpose in mind, to protect frightened and confused adolescent girls from harm. This historical legislation will put an end to the abortion clinics and family planning organizations like Planned Parenthood that exploit young, vulnerable, frightened girls by luring them to recklessly disobey State laws with advertisements such as the ones that we will show later today which shout: "No parental consent, no waiting period." The translation: do not worry about your parents. You are a mature 13-year-old, and you know best.

Our society is filled with rules and regulations aimed at ensuring the safety of our Nation's youth through parental guidance. At my alma mater, Southwest Miami High School, and in many of our schools, a child cannot be given an aspirin unless the school has been given consent by at least one parent or guardian. In some States, a minor cannot operate a vehicle until the age of 18. Most schools require permission to take minors on field trips; and in many schools, parents have the ability to decide whether or not to enroll their children in sex education classes.

In fact, a student cannot play football, soccer and even a noncontact sport such as chess without parental consent. Every one of these principles emphasizes that parents should be involved in decisions that can seriously affect our children. And the decision of whether or not to obtain an abortion, a life-altering, potentially fatal and serious medical procedure, should be no exception to these rules. Safety of our Nation's youth is precisely why over 20 States in our Nation have parental consent or notification laws on their books.

Most would agree that the violation or circumventing of any law should be punished. But by making the circumvention of State parental consent and notification laws a Federal misdemeanor, this legislation will do more

than just uphold the laws of our country. It will give back to parents the right to be a parent. It will strengthen family bonds; and most importantly, Mr. Speaker, it will ensure that America's youth have a safer, healthier and brighter future.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentlewoman from North Carolina (Mrs. MYRICK), for their hard work on this legislation; and I thank the prolife caucus, the bill's 98 cosponsors, and all of the organizations which have supported H.R. 476 and have worked tirelessly to secure consideration today.

Today, as the House once again votes on this bill, I am hopeful that in reflection of the views of most Americans, the Child Custody Protection Act will pass once again. Passage of this bill will demonstrate our commitment, Congress' commitment to protecting both parents and children, and I ask that my colleagues vote in favor of this rule and later on for the bill itself.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, passage of this bill once again by this House, which we do every Congress, knowing the Senate will not even look at it, will once again demonstrate the conviction of the Republican leadership that this is a good subject to exploit politically; and that is all it will demonstrate.

Mr. Speaker, I will not talk too much about the merits of the bill right now; I will save that for general debate, but let me say a few things.

I am in my 10th year in the House. My first 2 years there was a Democratic majority, and the Republicans used to complain about closed rules. How dare the Democrats refuse to allow Republicans, or anybody else, to bring amendments to the floor.

Well, for the last 8 years, the Republicans have refused to allow amendments of any note to come to the floor on any bills except appropriations bills. Let us take this bill, for example. This bill, which ostensibly is designed to protect young women in situations where they are being lured across State lines by evil people to get them to have abortions without consulting their parents, which is an absurdity, but forget that for a moment, there were a number of amendments introduced in committee but not permitted on the floor, such as an amendment to say this bill should not apply if the person accompanying the minor across State lines was doing so because the reason the minor was pregnant was because she had been impregnated by her father.

Picture a situation where the mother is dead and the father is guilty of incest and rapes the daughter, and now he refuses permission for her to get an abortion, and we are going to prosecute her grandfather or her brother or sister for helping her to go to a State which has a more enlightened law and allows

her to get an abortion that she wants because she is 17 years old, and she wants an abortion lest she bear a child fathered by her father in an act of incestual rape.

Maybe some people can come up with a reason against this amendment; I do not know. There are twisted minds in this world, but not to allow that amendment on the floor because they are afraid it will pass, they are afraid Members in this House will not have twisted minds and the amendment will pass?

The real purpose of this bill is not to protect women, girls 17, 16 years old, not to protect them in situations such as I have just mentioned, the real purpose of this bill is simply to cut away at the right to abortion to the extent possible without falling afoul of Roe v. Wade.

A second amendment not permitted on the floor is the amendment that would exempt clergy and grandparents and aunts and uncles from accompanying a person. I would simply point out also that even in committee the majority refused to allow amendments to be introduced by moving the previous question, an almost unheard of procedure.

Mr. Speaker, what is the Republican majority afraid of?

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

Mr. Speaker, I would remind the House that the minority does have a motion to recommit, as always.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise today in support of the resolution and the rule that we have in front of us, and I would like to commend the sponsor of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for introducing the legislation. I am also proud to be an original cosponsor of this legislation.

This legislation makes it a Federal offense to knowingly transport a minor across State lines with the intent to obtain an abortion in circumvention of State law and parental consent or parental notification law. This legislation is specifically important in my district, which lies on the border between Illinois and Missouri, and has an abortion clinic nearby that serves people from both sides of the Mississippi River.

The problem is that Missouri has a parental notification law and Illinois currently does not. A young woman can cross the border into Illinois to have an abortion without the knowledge or consent of her parents.

I would like to relay a quick story. This is not a hypothetical story. This is a true incident which recently took place in Illinois because of Illinois' failure to have a parental notification law in place, and reported in the St. Louis Post-Dispatch, and I include the entire article for the RECORD.

In February of this year, a mother from Granite City got a call from her

daughter's high school that her daughter had not shown up for school. After checking with friends, she learned her daughter was at a local clinic getting an abortion. The mother quickly ran over to the clinic to try to talk to her daughter. The woman was not allowed in the clinic to be with her daughter. When she contacted the police to help her, they told her there was nothing they could do. Instead, she had to sit outside the clinic and wait while her daughter underwent a major medical procedure.

How many Members here today would like to be sitting outside a hospital while their child underwent a medical procedure, prohibited by law from being next to them, from being able to care for them, from holding their hand to ease the pain? Any other operation, any other treatment, any other reason for a minor to be in a hospital or clinic would require that the parent be present and consulted. But not for an abortion.

We should strengthen and protect the family. We should also protect life, the life of the minor child and the life of her unborn child. In our Declaration of Independence it states we hold these truths to be self-evident that all men are created equal, that they are endowed by our creator with certain unalienable rights, and among these are life.

Mr. Speaker, let us protect life and strengthen families by supporting this rule and this legislation.

ABORTION CLINIC BLOCKS MOTHER FROM DAUGHTER INSIDE; GIRL WAS 16; GRANITE CITY POLICE SAY LAW GIVES NO VOICE TO PARENTS OF MINORS

(By Colleen Carroll)

A woman who tried to enter a Granite City abortion clinic to see her 16-year-old daughter last week was stopped by clinic officials and police.

Granite City Police Chief David Ruebhausen said the woman was seeking entrance to the private Hope Clinic on Thursday morning when she went across the street to the Gateway Regional Medical Center and found one of his officers. Ruebhausen said she asked the officer to help her get inside the clinic. The officer called the station, and he was instructed not to bring the woman into the clinic. "Parental consent is not necessary," Ruebhausen said, explaining that the Illinois abortion law allows minors to undergo abortions without the permission or knowledge of their parents.

Ruebhausen said such incidents—of parents asking police to help them intervene in abortions or speak with their children who are inside abortion clinics—happen occasionally. But, he said, the law does not allow his officers to intervene on behalf of the parents. The woman could not be reached for comment.

A group of abortion protesters who were at the clinic Thursday morning said the woman told them that she had received a call from her daughter's high school alerting her to her daughter's absence. The woman then learned from her daughter's friend that her daughter was at the Hope Clinic, said Angela Michael, one of the protesters. Michael said the woman was not allowed into the clinic until several hours after she first requested to see her daughter. "I just stood there holding her and praying with her," Michael said.

Hope Clinic executive director Sally Burgess said she would not comment on the cases of specific patients for legal and privacy reasons. She said uninvited visitors rarely come to the private clinic looking for patients during a procedure, "but it does happen." When it does, she said, "We're going to tell the patient what's going on." "We always encourage, our patients to talk to their parents," Burgess said. "But if the teenager is adamant, we're going to respect her privacy."

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume in response to the gentleman.

Mr. Speaker, I know of no Federal law that prohibits a parent from being with a child; but if this law passes, a grandparent could certainly be prohibited from doing this. Fortunately, we know this legislation is not going anywhere.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), a member of the Committee on the Judiciary.

Ms. DEGETTE. Mr. Speaker, this bill is unconstitutional because it would restrict the movements of citizens across State lines for legal purposes. And I guess the previous speaker said our Constitution says all "men" are created; some Members do not think that young women should have those same rights. I think this bill would be struck down by a court for that reason.

But equally importantly and to the underlying bill, it is terrible public policy; and it is an ineffective attempt by Congress to control people's lives. Every parent in this Chamber feels the same way about his or her children. I also have two daughters. One of them is 12 years old, about to be going through the morass of middle school and high school. I love my children unconditionally, just like every other parent in this country; and when it comes to making big decisions, I would hope my children would come to me. I think that they would come to me. But sadly, this is not true for every young adult across this country. For myriad reasons, thousands of adolescents and young adults do not feel that they can turn to their parents with problems like an unplanned pregnancy. Victims of incest, victims of rape, child abuse victims, they have good reasons why they cannot go to a parent. Of course we should encourage teenagers to seek their parents' advice and counsel when facing difficult choices about abortion and other reproductive health issues. But folks, there is a reality in this country, and that reality is sometimes there are desperate kids who we need to help from making a bad situation even worse.

The government cannot mandate open and healthy family communication if it does not exist, and the fact of the matter is most young women considering an abortion do involve one or both parents. Let me say it again. Most young women in this country involve one or both parents when making this decision. But not everybody talks to their parents because not everybody can. It is these young women who most

need the advice of a trusted family friend, a minister, a sympathetic grandmother.

When a young woman cannot involve a parent, public policies and medical professionals should encourage her to involve a trusted adult because the result of laws like this will be deaths from illegal abortions and unsafe abortions, and that is wrong.

Most major medical associations including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association all have long-standing policies opposing mandatory parental involvement laws for this reason.

□ 1115

Because of the dangers they pose to young women and the need for confidential access to physicians, the American Academy of Pediatrics and Society for Adolescent Medicine oppose this bill. We should, too. Oppose the rule. Oppose the bill.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, America is a wonderful and diverse country. We have people of every kind living here, who belong to different political parties and go to different kinds of churches. Likewise we have many kinds of families. But there is one thing just about every family has in common. Parents love their children. The job of a parent is to raise and nurture his or her child until that child reaches adulthood. The way parents do this is by setting rules and making decisions that will affect their kids for the rest of their lives. They teach values and principles. They teach their kids the difference between right and wrong. They teach them manners and pass on their faith to them. As a child grows and gets older, mom and dad begin to help their teenagers make their own responsible decisions. Eventually, when a person turns 18 or so, we treat them as an adult. Even the law recognizes that when a person turns 18, they can make their own decision about just about everything except perhaps purchasing alcohol. This is the way it is. This is the way it should be.

Mr. Speaker, my wife and I had three wonderful kids who long ago left the nest, who are now full grown and responsible adults. When they were little my wife and I did our very best to teach our kids the values that we had learned, that we had learned from our parents. Our greatest desire was that our own kids by the time they left home would be ready to make their own choices and not get themselves in trouble. I think most parents feel that way. Every parent wants their kids to be able to make good decisions. But until they are full grown, they want to be there to help them make the hard decision. And, if need be, to step in and prevent their son or daughter from

making a bad decision they will regret for the rest of their lives.

Sometimes kids get into trouble. That is just the way it is. Parents should be there to help them learn the lessons that will keep them from getting into trouble again.

Mr. Speaker, this is not just a parent's right. It is a parent's duty. This bill was written to protect that right and that duty.

As you can see in this advertisement from the Yellow Pages in my district, abortion clinics go out of their way to advertise to girls that they do not need their parents' permission to have an abortion.

I am pro-life. We are not here today to debate pro-life versus pro-choice. We are here today to protect America's families. We are here today to guarantee the right of mom and dad to act as the legal, moral and ethical guardian of their children.

I served in the Pennsylvania legislature when we passed this parental consent law. In Pennsylvania, we require the consent of one or two parents. And in case there is a breakdown between the partners and child, we have a judicial bypass where the child can go confidentially before a judge to get a decision. This law was designed because of a case that occurred in Pennsylvania in 1995. At that time, a 12-year-old young girl was impregnated by an 18-year-old male. The mother of that boy took the 12-year-old girl to a neighboring State, New York, without her parents' consent or knowledge for an abortion, secretly. It is outrageous that in America, a stranger who does not know the child or her medical history can take that child out of State for a secret abortion.

I urge my colleagues to vote for this important bill and to show the moms and dads of America that Congress still knows what it means to be a loving, caring family.

In closing, if you look at the ads, this is taken from the Yellow Pages in the State capital of Harrisburg. It says, no parental consent, no parental consent. They are doing this in violation of our State law. I urge the adoption of the bill.

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

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

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule because it shuts out an opportunity to offer another side of the issue. The other side would address what is best for young women.

In an ideal world, teens talk to their parents if they find themselves in trouble. In fact, in an ideal world, our teens would not be having sex at all. But let us face it, that is not the world we live in. Many teenagers live in a world that is quite the opposite and they would do anything not to tell their parents about an unintended pregnancy, even if

it means putting themselves and their life in jeopardy.

Make no mistake, I strongly support measures that help to foster healthy relationships between parents and their children. I would like to think that I had that kind of relationship with my own four children. But just because I consider myself an approachable parent does not give me the right, or anyone else the right, to assume that all teens find their parents approachable and understanding. Those out there who believe this is a good family-friendly bill are out of touch with reality. This bill is not going to encourage teens to talk to their parents and it is not going to curb abortion. Rather, this bill will encourage young girls who cannot or will not talk to their parents to seek unsafe, illegal abortions. For that reason alone, I cannot support this bill.

I urge my colleagues, vote responsibly. Oppose the Child Custody Protection Act.

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

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

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York for her leadership in opposition to H.R. 476. I associate myself with her remarks.

One of the most moving experiences of my life was when I met with the parents of Becky Bell, a 17-year-old who died from an illegal abortion after the passage in her State of parental notification laws. We have talked a lot about why children, why girls from families where there is violence and it is, according to the AAUW, about a third of the teens that do not involve their parents in the decision to make an abortion have already been victims of family violence and fear it will recur with the news of a pregnancy.

But I want to talk about the Bell family because this was in many ways the ideal family. That is what Karen Bell thought, that they were very close with their children, they were a middle-class family, everything was going great. She favored parental notification laws because she thought certainly Becky, if she had a problem, would come to her as she should, and everyone in this Chamber agrees that that is the way it should be, that children should go to their loving parents.

It did not quite happen that way. Becky, because she was so close to her parents, felt she could not disappoint them. She would not tell them. She ended up having an illegal abortion. As Becky Bell lay dying, holding her mother's hand, her mother said, "Becky, tell mommy what happened," and she would not. She would not. It was not until the death certificate was written, until the doctor said what was the cause of Becky's death. Karen would have done anything, paid the fee for her to go to another State, paid for the abortion, anything for Becky not

to be dead. This is the reality of life in too many situations. Again, most girls tell their parents. Of course they do. And involve them. The vast majority do. We are talking about those who not only cannot because of violence, but often who will not.

The American Medical Association notes that, quote, the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths. That is what we are talking about, life and death here, that this legislation, as well intended as it may be, is going to cause the death of some young women who feel, for one reason or another, that they cannot tell their parents.

We want them to go to a respected adult, to a relative, a grandparent and hope that they will and that those adults can provide the guidance and the care and take them to a place where legally and safely they can have the abortion that they need.

I urge a "no" vote on this bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about the dangerous implications of H.R. 476. While we wish that every family engaged in open communication, we must recognize that the Federal Government is unable to mandate it. Studies show, and several speakers have mentioned this, well over 60 percent of young women do seek their parents' advice when making an abortion decision. But in situations where young women do not have supportive home environments or for whatever reason they are unable to approach their parents, they do often turn to another trusted adult figure, such as a relative or a teacher, for assistance. H.R. 476 would make this illegal.

If enacted, this legislation will require a young woman's State laws to travel with her wherever she goes. These laws would be her only companion during this stressful time. H.R. 476 may actually harm young women by compromising their access to health care services since providers would face the burden of determining their patient's State of residence and associated laws. Instead of ordering parental involvement, we should provide comprehensive reproductive health education to enable young people to make these good decisions.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the committee.

Mr. SCOTT. I appreciate the time from the gentlewoman from New York.

Mr. Speaker, I oppose the rule because it allows no amendments. There are several amendments that ought to be offered, that we ought to be able to consider. The bill prohibits anyone from transporting a minor across the

State line for the purpose of obtaining an abortion if in fact the notification and parental consent laws were not complied with.

This obviously includes a taxicab driver who knows where the person is going by virtue of their address and during the conversation on the way before they cross State lines could clearly ascertain that the minor is being transported for the purpose of an abortion. He is not required to know whether or not the parental consent laws are complied with. He would have to ascertain by the fine print in the bill whether or not they have been complied with. Otherwise, he will be exposed to criminal and civil liability.

Even if a prosecutor refused to prosecute a taxicab driver for this fare, there are civil damages. Even the incest situation that the gentlewoman from New York indicated, the parents could sue the taxicab driver for civil damages.

Another is the fact that there is no exception for the health of the minor. The Supreme Court, on a number of occasions for the last 30 years, has said that any antiabortion legislation must have an exception for the health of the mother. This does not include a health exception. Perhaps with an amendment we could debate this situation but because it is a closed rule, we cannot. Because it is a closed rule and we cannot debate many important amendments, I oppose the rule.

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

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

I want to remind my colleagues who are probably in their offices, I know a lot are in markups and doing other things, that what is before us today is a restriction of American citizens to cross State lines, not just the case of what they call the minor child, but we are restricting the right of a grandparent, a clergy person, any adults, brothers, sisters, siblings, even cab drivers the right to carry people across State lines.

□ 1130

It is unheard of. I do not suppose any bill ever passed the House of Representatives saying we are going to restrict travel of American citizens for legal purposes. That is one of the most important issues here. Even when we talk about not being able to amend it, I do not know how you could amend it to make it correct, because, on the face of it, it is certainly most unconstitutional.

The second most egregious part of it personally is the fact, as I pointed out before, the Committee on the Judiciary by a vote of 16 to 12 voted to give a rapist or a person who commits incest the right of action against the minor child or anyone who tries to help the child get an abortion. In other words, protection of his work took precedence over the right of that minor.

There has been a lot of talk about 11- and 12-year-old girls being in that situation. Frankly, no 11- or 12-year-old girl should be giving birth. If this society allows it or even encourages it, there is really some debate we need to have on that.

The health of young people is very important to this House, and we have voted time and time again to try to talk about what we want to do for our children. But believe me, if the House of Representatives goes on record today saying that rapists and people who perpetrate incest have rights of action against anyone trying to help a minor child, and if it goes on record today saying that we have the right to restrict American travel of American citizens across State lines for legal purposes, we will be talked about for years to come as to whether or not we are really up to the job that we took when we raised our right hand and swore to uphold the Constitution of the United States.

Mr. Speaker, I urge a "no" vote on this bill today. I will not call a vote on the rule, but this underlying bill is something that is really quite remarkable in its unintelligence, and I really urge Members to vote "no" on it today.

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

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 388, I call up the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 476 is as follows:

H.R. 476

*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 "Child Custody Protection Act".

**SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

**"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION**

**"Sec.**

**"2431.** Transportation of minors in circumvention of certain laws relating to abortion.

**"§2431. Transportation of minors in circumvention of certain laws relating to abortion**

**"(a) OFFENSE.—**

**"(1) GENERALLY.—**Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the

age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

“(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

“(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

“(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

“(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

“(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

“(e) DEFINITIONS.—For the purposes of this section—

“(1) a law requiring parental involvement in a minor's abortion decision is a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court; and

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(2) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides,

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

“(3) the term ‘minor’ means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

“(4) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States.”.

(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 117 the following new item:

“117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431”.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 388, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour.

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 material on H.R. 476.

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 6 minutes.

Mr. Speaker, H.R. 476, the Child Custody Protection Act, would make it a Federal offense to knowingly transport a minor across a State line with the intent that she obtain an abortion, in circumvention of a State's parental consent or notification law. Violation of the law would be a Class One misdemeanor, carrying a fine of up to \$100,000 and incarceration for up to 1 year.

H.R. 476 has two primary purposes: the first is to protect the health and safety of young girls by preventing valid constitutional State parental involvement laws from being circumvented. The second is to protect the rights of parents to be involved in the medical decisions of their minor daughters.

There is widespread agreement that it is the parents of a pregnant minor who are best suited to provide her counsel, guidance and support as she decides whether to continue her pregnancy or undergo an abortion. A total of 43 States have enacted some form of a parental involvement statute. Twenty-seven of these States currently enforce statutes that require a pregnant minor to either notify her parents of her intent to obtain an abortion or to obtain the consent of her parents prior to obtaining an abortion. As these numbers indicate, parental involvement laws enjoy widespread public support as they help to ensure the health and safety of pregnant young girls and support parents in the exercise of their most fundamental right, that is, of raising their children.

Despite this widespread support, the transportation of minors across State lines in order to obtain abortions is, unfortunately, a widespread and frequent practice. Even groups opposed to this bill acknowledge that large numbers of minors are transported across State lines to obtain abortions, in many cases by adults other than their parents.

Following the 1994 enactment of Pennsylvania's parental consent law, abortion clinics in New Jersey and New

York saw an increase in Pennsylvania teenagers seeking to obtain abortions. This is not a surprise, because just prior to Pennsylvania's law going into effect, counselors and activists in Pennsylvania met to plot a strategy to make it easier for teenagers to travel to neighboring States for abortions.

In one disturbing case, the operator for the National Abortion Federation's toll-free national abortion hotline went so far as to talk a Richmond, Virginia, area teenage girl through a travel route so that the girl could obtain an abortion in the District of Columbia.

This conduct is only aided by the dubious practices of many abortion clinics located in States lacking parental involvement laws. To gin up business, some clinics even advertise in the Yellow Pages directories distributed in nearby States that require parental involvement, advising young girls that they can obtain an abortion without parental consent or notification. Such ads only serve to lure young girls residing in States with parental involvement laws to these clinics, thus denying parents the opportunity to provide love, support and advice to their daughter as she makes one of the most important decisions of her life.

When confused and frightened young girls are assisted in and encouraged to circumvent parental notice and consent laws by crossing State lines, they are led into what will likely be a hasty and potentially ill-advised decision. Often, these girls are being guided by those who do not share the love and affection that most parents have for their children. In the worst of circumstances, these individuals have a great incentive to avoid criminal liability for their conduct given the fact that almost two-thirds of adolescent mothers have partners older than 20 years of age.

Parental notice and consent laws reflect the State's reasoned and constitutional conclusion that the best interests of a pregnant minor are served when her parents are consulted and involved in the process. States are free to craft their own parental notice and consent laws to allow a minor to consult a grandmother or other family member in lieu of parents, and a few States have in fact made such a choice. Most, however, have chosen not to allow close relatives to serve as surrogates for parents in the abortion context. If a young girl's circumstances are such that parental involvement is not in her best interests, grandparents and close relatives are free to assist the girl in pursuing a judicial bypass. Indeed, the United States Supreme Court has required judicial bypass procedures to be included in the State's parental consent statute.

As the U.S. Supreme Court has stated: “The natural bonds of affection lead parents to act in the best interests of their children.” The decision to obtain an abortion is, as the Court also stated, “a grave decision, and a girl of tender years under emotional stress

may be ill-equipped to make it without mature advice and emotional support.”

In light of the widespread practice of circumventing validly enacted parental involvement laws by the transportation of minors across State lines, it is entirely appropriate for Congress, with its exclusive constitutional authority to regulate interstate commerce, to enact the Child Custody Protection Act.

This Chamber has twice approved this legislation, each time by an overwhelming majority. I encourage my fellow Members to again provide parents with this much-needed support and approve this important legislation.

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

Mr. Speaker, I rise in opposition to a bill which will have a catastrophic and cruel impact on young women and on the adults who care for them.

I think every Member of this House believes that a young woman with an unintended pregnancy should make any decision about what to do in that very difficult situation with her parents in the warm, loving environment of her family. In fact, in the majority of cases, that is precisely what happens.

Ideally, young women would not get pregnant at all. Ideally, they would not get raped by their fathers or step-fathers or boyfriends or mothers' boyfriends. Ideally, they would make mature and thoughtful decisions about when to become sexually active and to practice safe sex all the time, if they must practice sex at all. Ideally, all methods of birth control would be 100 percent effective. Ideally, when contemplating an abortion, young women would be able to confide in a loving parent who would assist them in making the right decision.

Unfortunately, we do not live in an ideal world; and Congress cannot legislate ideal circumstances where they do not exist.

Because we do not live in an ideal world, young women do get raped. Young women are the victims of incest. Young women often lack the maturity to make sensible judgments about sexuality. Young women often do not know how to avoid pregnancy, thanks in large part to the mindless resistance on the part of many of their elders to sex and contraception education. And sometimes they get pregnant, and they fear they cannot go to their parents without fear of violence.

This bill is not about strangers, as its supporters argue. This bill would make a criminal out of any caring adult who tried to help a young woman: a grandparent, an adult brother or sister, a clergy member, an aunt or an uncle. It would also allow a father who had raped his daughter to sue in law anyone who helped her deal with the consequences of his crime, because, in the words of this bill, his rights had been violated. Never mind that he raped the daughter and created the problem in the first place.

There are times when, in wishing for an ideal world, the murderous angels of our better nature do more harm than good. This legislation is a perfect example of that human failing. It does not make the problem go away. It does not provide assistance to these young women. It only makes it more likely that a 15- or 16- or 17-year-old girl will have to face the consequences of her elders' wrongdoing alone. There is no moral or reasonable justification for doing that.

We are told that States are required to have a judicial bypass available to a young woman who feels she cannot go to her parent, that a judge in those circumstances will exercise the judgment and permit her to have an abortion if the circumstances so indicate. The Supreme Court has required such a provision in State parental consent laws.

But the fact is, and this is no secret, in many communities the so-called judicial bypass is a sham. Judges with a strong ideological or religious opposition to the constitutional right to choose often simply will not grant that permission. In some small communities, the judge may know the parents, may know the young woman, or may even be her teacher or some other authority figure in her life.

To say that the judicial bypass will cure any ill parental consent laws may create is to ignore the realities of life; it is to pretend we live in an ideal world and to let these young women suffer the consequences when reality turns out to be more unpleasant.

We are also told that by going to court the police will become involved in any case of rape or incest. The reality is not nearly so simple. Seeking a judicial bypass does not mean the court will believe the young woman or involve the authorities. Sometimes knowing the authorities will become involved is enough to scare the young woman away from going to court in the first place. Of course, a counselor at a clinic may be better able to involve the authorities in a manner that is helpful and non-threatening to the young woman than is a judge who may suspect that a teenager is lying in order to get the abortion that she wants. Judicial bypass procedures neither guarantee, nor does its absence preclude, the involvement of the authorities.

As in the past two Congresses, we had hoped to offer amendments to make this unyielding legislation just a little more humane. We wanted to exempt grandparents, for example, so that if dad rapes the daughter and the mother is not coping with reality or is perhaps not alive, mom's mother can step in and take care of her granddaughter without facing a stretch in the Federal penitentiary and the threat of getting sued by the rapist. Unfortunately, even that modest effort to provide some ability for some adult close to the young woman to help her proved too much for the Republican majority, which will go to any lengths, no matter who gets hurt, no matter whose life is

ruined, no matter who has to die, to pander to the extreme fringe of the anti-choice radicals.

Well, being pro-life and pro-family should mean caring about what happens to real people facing real and tragic crises. This bill is evidence, if such evidence is needed, that there are Members of this House who do not care if a young woman must face the most difficult moment of her life alone, even, as has been the case in the past, she must die to prove the majority's political bona fides.

□ 1145

She must die to prove the majority's political bona fides.

I would note one other thing. Quite a few States, my own State of New York included, have refused to enact, to enact parental consent laws. I was a member of the State legislature when we considered such legislation, and I can tell my colleagues that we rejected that law, that bill, because the realities of these situations convinced us that it would do more harm than good.

Now comes the party of States' rights in Federalism to tell us that they do not care what the people of our State think, they do not care what the legislature of New York and other States think, they are going to subject people who come to New York to the laws of their own States. They want to enact the 21st century version of the Fugitive Slave Act. They want to tell young women that they are the property, the property of their home States, and that they carry the laws of their home States on their backs if they go to another State which has a different view, and that they may not engage in perfectly legal activity if the law of the State from which they came makes it illegal there. This is unprecedented in any real way in American law, except for the Fugitive Slave Act.

In the Fugitive Slave Act, we told South Carolina that she could reach out her hand to people, to slaves who had fled from North Carolina and gone to New York or Pennsylvania where freedom prevailed and said no, you are not free under the laws of Pennsylvania and New York, you must carry the law of South Carolina with you and the people up in New York must drag you back to slavery. This bill says if a young woman, with the help of some friend or adult who wants to help her goes to another State, she is not free to have an abortion if she wants, if the law of that State permits it, because we will permit the law of the other State from which she came to follow her, to reach out the long hand of the other State and say, wherever you go, you are the property of this State.

We say, you cannot get the liberty to have the abortion you want in the other State that says you can, because we are going to drag you back and punish anyone who helped you go to that other State.

What kind of liberty is this? What kind of Federalism is this?

This is not only unconstitutional, it is an affront to the dignity and decency of every citizen of this country. It is an affront to the people of every State who have chosen not to enact the law that the majority wants to impose on them. If this Congress succeeds in doing this, it means that any State in the future will be able to reach across the country and control the lives of people in other States whom they own because they came from those States. It means that if you live in one State, even if you leave it and engage in a perfectly legal activity in another State, that first State can still punish you in that State.

There is nothing more offensive to the idea that we are a free people who can go wherever we want without the permission of the government, and help our neighbors, and follow the law than this bill. This is the third time we have considered this bill. Thankfully, it has never gotten close to passage by the other body. Despite the iron fist that rules this House and suppresses free debate and free ideas by not allowing amendments on the floor, I trust that this is the third time that the Congress disposes of this issue without sending it to the President.

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

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

Mr. Speaker, the gentleman from New York, my friend, has gotten carried away in referring to this bill as the 21st century version of the Fugitive Slave Act. First of all, let it be plain. This bill only involves a minor crossing State lines in order to evade a parental involvement statute. Nobody over the age of 18 is caught in by this bill whatsoever.

Secondly, since *Roe v. Wade*, abortion has been legal in every State in the country, so it is not a way to shut off access to abortions in any State. That has been settled law since *Roe v. Wade*. But the Supreme Court has also said that as long as there is a judicial bypass, parental involvement statutes are legal. So what is wrong with keeping the parents involved when a decision is made to give an abortion to a minor when the parents, by law, have to be involved when a doctor treats that minor for a hang-nail?

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. CHABOT).

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

As chairman of the Subcommittee on the Constitution, I will address some of the Constitution issues and the legal issues relative to H.R. 476.

Mr. Speaker, H.R. 476, The Child Custody Protection Act, is a regulation of interstate commerce that seeks to protect the health and safety of young girls, as well as the rights of parents, to be involved in the medical decisions of their minor daughters, by preventing valid and constitutional State parental involvement laws from being

circumvented. As such, it falls well within Congress's constitutional authority to regulate the transportation of individuals in interstate commerce.

There is a solid body of case law which confirms that the authority of Congress to regulate the transportation of individuals in interstate commerce is no longer in question. Particularly instructive is the Mann Act, which flatly prohibited the interstate transportation of women for "prostitution" or for "any other immoral purpose." Upholding the Act, the Supreme Court held that under the commerce clause, "Congress has power over transportation 'among the several States,'" and characterized this power as being "complete in itself," and further held that incident to this power, Congress "may adopt not only means necessary," but also means "convenient to its exercise," which "may have the quality of police regulations."

Congress's commerce clause authority to enact H.R. 476 is not placed in question by the fact that it seeks to prohibit interstate activities that might be legal in the State to which the activity is directed. Application of the Mann Act has been upheld in the transportation of a person, for example, to Nevada, even though prostitution in Nevada is legal. And Federal prohibitions on the transportation of lottery tickets in interstate commerce as well as placing letters or circulars concerning lotteries in the mail, regardless of whether lotteries are legal in the State to which the tickets are transported, have also been upheld by the United States Supreme Court.

Rather than exercising its full authority under the commerce clause by simply prohibiting the interstate transportation of minors for abortions without obtaining parental notice or consent, H.R. 476 respects the rights of the various States to make these often controversial policy decisions for themselves, and ensures that each State's policy aims regarding this issue are not frustrated. Nothing in H.R. 476 affects the ability of minors residing in States that have chosen not to enact a parental involvement law, or where a parental involvement law is currently not in force, from obtaining an abortion without the knowledge of their parents. Thus, it will not supersede, override, or in any way alter existing State parental involvement laws.

Opponents argue that H.R. 476 violates the rights of residents of each of the United States and the District of Columbia to travel to or from any State of the Union for lawful purposes. First, it does not appear that the Supreme Court has ever held that Congress's power to regulate interstate commerce is limited by the right to travel. Even assuming, however, that Congress's authority under the Interstate Commerce Clause is limited by the right to travel doctrine, the Supreme Court recognized in *Saenz v. Roe* that the right to travel is "not absolute," and is not violated, so long as

there is a "substantial reason for the discrimination beyond the mere fact that they are citizens of other States."

Congress obviously has a substantial interest in protecting the health and well-being of minor girls and in protecting the rights of parents to raise their children.

In upholding the constitutionality of parental notice and consent statutes, the United States Supreme Court has consistently recognized that "during the formative years of childhood and adolescence, minors often lack the experience, perspective and judgment to recognize and avoid choices that could be detrimental to them." Based upon this reasoning, the court has allowed the States to enact laws that "account for children's vulnerability" and to protect the unique role of parents. Thus, "legal restrictions on minors, especially those supportive of the parental role, may be important to the child's chances for the full growth and maturity that make eventual participation in a free society meaningful and rewarding."

Opponents of H.R. 476 also contend that its criminal intent requirement renders it unconstitutional. However, the bill's requirement that defendants "knowingly" transport a minor with the intent that the minor obtain an abortion prevents H.R. 476 from acting as a strict liability law. Although H.R. 476 does not require defendants to be aware that the conduct is criminal, a mens rea requirements still exists, since the defendant must intend or know what he or she is doing in a physical sense, apart from any knowledge as to its legality.

Furthermore, as the court has stated, "The State may, in the maintenance of a public policy, provide that he who shall do particular acts shall do them at his peril and will not be heard to plead in defense good faith or ignorance."

A stranger that secretly takes a minor across State lines for a dangerous medical procedure without ascertaining her parents' consent is certainly aware that he or she has acted, in some measure, wrongly. By finding the transporter liable when he "in fact" abridges a State law, H.R. 476 puts the transporter under a duty to ascertain parental permission before action is taken in order to guard against a possible violation.

At the heart of the debate surrounding the Child Custody Protection Act is a disagreement about whether common sense legislation should be enacted in order to preserve the health of pregnant young girls and support parents in the exercise of their most basic right. This debate has already been held in almost all of the Nation's State legislatures, 43 of which have reasonably concluded that parents should be involved in these decisions by their minor daughters. These laws have been validly enacted and Congress is well within its authority to ensure that the channels of interstate commerce are

not used to frustrate the policy goals of these laws.

Thus, I urge my colleagues to support American families and vote in favor of this important bill.

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

Mr. Speaker, this debate is not really about the parental consent, parental notification laws; those debates occur in State legislatures. This debate is whether Congress should attempt to give the power to one's State to export its law to another State by criminalizing crossing the State line to do something that is legal in that State with respect to abortion, and that, that is what makes this the 21 century Fugitive Slave Law, because the philosophy of the bill is we can control what our young people do wherever they do it, not in this State, but elsewhere. We can criminalize anyone helping to do something elsewhere.

The gentleman from Ohio (Mr. CHABOT) says criminal intent can be inferred, we know that. Well, the fact is, in some cases, it can. But let us assume that someone crosses the New York-Pennsylvania border, not necessarily because they want to cross a border, but simply because the nearest town with a clinic happens to be across the State border. The lines on the map are not lines on the street in front of you. You go to the nearest town, you help your young friend, your niece, your granddaughter, and it will be criminal, even if you had no intent to cross the State line, you were not even thinking about the States; it just happens that the nearest town is across the State line.

I would also like to ask the gentleman from Ohio to yield for a question, if he would, on my time. I will ask the gentleman from Ohio (Mr. CHABOT) a question, and then I will yield. The bill said, except as provided in subsection B, whoever knowingly transports an individual, et cetera, et cetera. What does the bill mean by transport? I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, could the gentleman from New York (Mr. NADLER) repeat the question?

Mr. NADLER. What does the bill mean by the word "transport"? Whoever knowingly transports an individual under 18, et cetera.

Mr. CHABOT. Mr. Speaker, will the gentleman yield on his time?

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

Mr. CHABOT. Mr. Speaker, "transport" would be to take a person across a State line for the purpose of an abortion. It would not include a taxi cab driver, for example, if the taxi cab driver was not involved in a conspiracy to transport that person across the State line.

Mr. NADLER. Mr. Speaker, reclaiming my time, I did not ask what "knowingly" means, I asked what "transport" means. So in other words, if you take this person across State

lines; now, what if she is 17 years old and she is driving, you are just accompanying her and holding her hand. Are you transporting her? I yield to the gentleman.

Mr. CHABOT. Will the gentleman yield on his own time?

Mr. NADLER. Yes.

Mr. CHABOT. Mr. Speaker, if the person has knowledge and conspires to transport a minor across the State line—

Mr. NADLER. Mr. Speaker, reclaiming my time, the gentleman from Ohio is not answering the question. Forget the knowledge question. Let us assume he has the knowledge. Transport. If the young 17-year-old woman who has a driver's license who wants to get an abortion asks her friend or her uncle or her aunt or her grandparent to accompany her, and she is driving, are they "transporting" her, under the meaning of this bill?

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Mr. CHABOT. Mr. Speaker, if the gentleman will continue to yield, the gentleman says "she is driving." Who is he referring to?

Mr. NADLER. The 17-year-old who wants the abortion.

Mr. CHABOT. The gentleman is saying if the person who is going to get the abortion is driving the vehicle, would they themselves be responsible?

Mr. NADLER. No, would the person sitting in the seat next to them holding their hand be responsible?

Mr. CHABOT. If the gentleman will yield further, if a person is involved in a conspiracy to transport a person across State lines for the purpose of obtaining an abortion, and is doing that in violation of a parental notification law and is not the parent, then they would be involved and they would be responsible.

Whether it is a person accompanying, in my opinion, a person just accompanying would not be criminally responsible.

Mr. NADLER. So, in other words, the person, if a 17-year-old minor who wants to get an abortion asks her grandfather or her uncle or her brother or her friend who is 18 to accompany her across the State line to get the abortion, but she is driving, nobody has committed a crime? Is that what the gentleman is saying?

Mr. CHABOT. If the gentleman will continue to yield, the gentleman needs to read the language that is in the statute.

Mr. NADLER. I have read the language.

Mr. CHABOT. The language indicates if a person transports a person across the State line, then that person is responsible. It depends upon the level of their involvement.

Mr. NADLER. Mr. Speaker, I would tell the gentleman, I am not asking the level of their involvement. But reclaiming my time, the bill seems to indicate the opposite. Normally, when we say "transport," if I transport a box, I

am driving the car and the box is on the seat or in the trunk. If I transport a person, I am driving the car, the person is in the car with me.

My question is, if the person who wants to get the abortion, who is 17 years old and has a driver's license, is driving the car across the State line and she has asked someone to go along with her and he knows the purpose, is that person guilty of transporting? Is that person guilty of knowingly transporting her?

The plain language of English would seem to indicate he is not transporting; she is.

Mr. CHABOT. Mr. Speaker, if the gentleman would yield again, since I have answered it four times, I would like to read the bill. The bill clearly says, "Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than 1 year, or both."

Mr. NADLER. Reclaiming my time, I can read the bill, too.

Mr. CHABOT. I would suggest that the gentleman do that.

Mr. NADLER. Mr. Speaker, reclaiming my time, my point is, whoever knowingly transports. If the person who is getting the abortion is doing the driving, she is transporting. She is not subject to this bill. The person sitting next to her is not transporting her, under the plain English language.

I have read the definitions in the bill. There are definitions in this bill of other terms, but not of the term "transport." The plain English meaning is that if she is driving, no one is transporting her. She is transporting herself. So what this bill does is criminalize someone going with her, depending on who is at the steering wheel.

Now, I do not think that was the intent of the law, of the bill, but I think it is the clear meaning of the bill. I think it is just one more instance of how sloppily drafted, of necessity, this bill has to be because of the nature of it.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Ms. ROS-LEHTINEN), the principal author of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, when asked, should a person be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge, 85 percent of Americans answered no in a recent poll conducted by Basalice and Associates. Whether pro-choice or pro-life, Americans agree that an abortion can leave

behind physical, emotional, spiritual, and psychological consequences.

Yet, advocates of the abortion industry continue to think that in the name of *Roe v. Wade*, parents need not be involved in a female's decisions, regardless of the fact that she may be a 12- or 13-year-old vulnerable, frightened, and confused young girl.

Where is the outrage on mass-marketed Yellow Pages advertisements such as the one right here to my side, which clearly solicits business from young, confused girls, shouting out "no parental consent"? These are from the Yellow Pages.

Why is it that some of our opponents are instead outraged by cigarette ads which some say target minors? Do opponents of this bill not believe that a child is not mature enough to choose not to smoke, but is mature enough to choose to have a potentially fatal, invasive surgical procedure?

The ads cry out, "Come over here. No parental consent." And it is a procedure, as we know, that has been linked to breast cancer, medical complications, and that has left many women barren for the rest of their lives. I call this hypocrisy.

It is parents who are aware of their daughter's medical history. They know the ways in which she may react to stressful situations, and they are best equipped to provide the necessary counseling and guidance. My bill, the Child Custody Protection Act, protects the inherent rights of parents, and upholds and enforces existing State laws without creating a parental Federal consent or notification mandate.

If parents have the right to decide a child's curfew and the right to grant permission for a date, they should certainly be enabled to exercise their inherent rights when making a life-impacting decision about a serious, complicated, and potentially life-threatening procedure. It defies common sense to remove parents from any medical decisions concerning their children, but especially one that has lifelong consequences, such as an abortion.

I urge my colleagues to give parents the right to protect and care for their own children. Let us enable children to receive the guidance they need and deserve. I urge my colleagues to vote for passage of H.R. 476, the Child Custody Protection Act.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue.

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

Mr. Speaker, the previous speaker, the gentlewoman from Florida, showed us the horrible example of a perfectly legal ad in the Yellow Pages offering perfectly legal services in a State where it is legal to do so, as if there were something terrible about that.

I do not think it is terrible, I think it is praiseworthy. The fact is, there are many young women under the age of 18, maybe 17, maybe 16, who cannot go to their parents; who desperately need

an abortion and cannot go to their parents for fear of violence or whatever. This ad says, "You can have help here." Nothing wrong with that.

Many young women justifiably feel they would be physically or emotionally abused if forced to disclose their pregnancies to their parents, unfortunately. Nearly one-third of minors who choose not to consult with their parents when contemplating an abortion have experienced violence in their family, or feared violence, or feared being forced to live at home.

We know of the case of Spring Adams, an Idaho teenager who was shot to death by her father, shot to death after he learned she was planning to terminate a pregnancy caused by his acts of incest with her. Do Members think she could have gone to him?

And we know that judges often will not grant permission to have an abortion because of their own personal opinions. One study found that a number of judges in Massachusetts either refused to handle abortion petitions, or focus inappropriately, inappropriately under the law, on the morality of abortion, which is none of their business to determine, except for themselves, because their duty is to exercise the judicial bypass guaranteed by the law of that State.

The American Medical Association has noted that because the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of their pregnancies. The desire to maintain secrecy against the parental notification and consent laws has been one of the leading reasons for illegal abortion deaths, since 1973. That is what we are dealing with here, young women who are so fearful of telling their parents, for whatever reason, that they would rather have a coat hanger abortion and have died as a result.

When the Subcommittee on the Constitution held hearings on this bill, we heard from an Episcopal priest, the Reverend Katherine Ragsdale, the vicar of St. David's Episcopal Church, who discussed the actual case of a 15-year-old girl who had been raped and had become pregnant. She could not go to her father, who would throw her out of the house, and she had no other family to turn to. Of course, if she did, this legislation would place those other relatives in legal jeopardy if they helped her.

Though they did not cross State lines, the Reverend Ragsdale drove the young woman to an abortion clinic, rather than allowing her to travel several hours alone by bus to and from the procedure. This is an act of kindness, not a criminal act. Reverend Ragsdale movingly described the pastoral counseling she provided to the young woman during the drive. This bill would make criminals of clergy providing this sort of pastoral care and guidance.

Reverend Ragsdale's observations at the subcommittee are worth repeating:

"Mr. Chairman, you talked about all the reasons it is important for a girl to have parental involvement before a medical procedure, and you are absolutely right. If I thought that this bill would accomplish parental involvement, if I thought it would eliminate the kind of pain Ms. Roberts spoke about, this panel would be even more unbalanced than it is, because I would be on the other side.

"But it won't do that. This bill is not about resolving problems, this bill is about punishing people. While I understand that even the best of us have punitive impulses from time to time, we have no business codifying them in law. They are venal. They are beneath the dignity of any member of the human family."

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Child Custody Protection Act is such a needed and necessary step because it closes a destructive loophole in parents' rights to protect their children from that lasting physical, psychological, and spiritual consequence that is caused from abortion.

As things stand today, the abortion industry actually uses "No parental consent required" as a marketing tool within neighboring States that empower parents to protect their children from abortions by requiring their prior approval. That is not just wrong, it is immoral.

The CCPA simply makes the act of transporting a minor across the State line for the purpose of performing an abortion a Federal offense. It places parents back in charge of their children, and it issues a warning to those who would actually insert themselves between parents and their daughters to encourage the single most horrendous and emotionally devastating mistake that young women are tragically permitted to make.

We know well that parents are in the best position as observers to counsel and advise their own daughters. The CCPA places those parents back in charge by closing a secret loophole. That loophole facilitates the anonymous destruction of innocent life, and it creates the lasting trauma that haunts every young girl who ends her baby's life.

I just beg the Members to vote yes on this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding time to me. I thank him for his voice, and I am saddened that we have this debate. The reason is because I believe my colleagues on both sides of the aisle are

concerned about family and children and relationships.

I know, Mr. Speaker, that it is difficult for me to convince many of my colleagues on my view of the ninth amendment of the Constitution and the right to privacy and choice. I am an advocate of choice, but as I say that, I am an advocate of life. I encourage, in instances of the private decisions of a woman, that that woman has the right to make a choice with respect to her body between herself, her family members, and her spiritual leader.

This is a somewhat different debate. This legislation is called "the Child Custody Protection Act." It is a constitutional debate, because privacy is still an element, it is still an element of States' rights. It is interesting that my colleagues can come to the floor in one instance and promote up the value and the high virtues of States' rights, but at the very same time, we had a debate some few years ago in the same subcommittee on attacking various desegregation busing orders in various States, where we were trying as a Congress, the Republican majority, to eliminate those busing plans.

We have over and over again gone over legislation to deal with the rights of Oregon citizens who have themselves voted over and over again that they wish to make a decision, a personal decision, on their right to die.

I call that, if you will, the conflict of values and the conflict of standards in this House: What is good for the goose is not good for the gander. My way or the highway is the mentality of those who would ask us to not have legislation like this that would be sufficiently and openly bipartisan.

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How do I say that? Many amendments were offered to suggest that teenagers who have come upon difficult times might find the need to consult with others other than a parent who would have been accused of incest or rape or that there might be instances of health issues that would be necessary for this particular teenager, possibly 16 or 17 years old, to consult with someone else.

The Republican majority had a closed rule and then again we come to the floor without giving this legislation a chance that it could have had with a bipartisan approach.

Let me cite for my colleagues, Mr. Speaker, possibly a startling number. More than 75 percent of minors under 16 years old already involved one or both parents in their decision to have an abortion.

It is really the obligation of Congress to confront a crisis. I know that we have differences on this question of choice. I will never get some of my good friends and colleagues to agree with me on this issue, and let me make it clear that I know that they fall on both sides of the aisle, but if we had worked on this legislation for the good of the child, to protect the child

against rape and the incest that comes from a parental situation sometimes, if we had looked at the numbers and noted that more than 75 percent of a child already goes to that comforting parent but yet there are a percentage of those who do not. There are a percentage of those who do not know how to travel through the judicial system so they cannot use judicial bypass.

This legislation unfortunately, with all of its good intentions, will cause some damage, some danger and God forbid, loss of life to some young person who needs to have the guidance other than those parents, maybe a drug-addicted parent, maybe a parent suffering from their own ills and devils.

I would ask my colleagues to send this bill back ultimately so that we can reach a bipartisan approach. I would ask them to assess this on constitutional grounds and to realize that we cannot have a double standard. Today's State rights, tomorrow my rights.

Mr. Speaker, I stand in strong opposition to H.R. 476, the "Child Custody Protection Act" (CCPA) because it criminalizes any good faith attempt by a caring adult to assist a young woman in obtaining abortion services across state lines.

CCPA is simply another effort to undermine the right of choice for a young woman by imposing dangerous and unnecessary restrictions to abortion services.

This bill punishes adolescents by making it more difficult for them to safely access constitutionally protected abortion services. CCPA does not protect young women nor will it strengthen family ties. Rather, it will punish and endanger those women who cannot discuss unwanted pregnancy with parents by forcing them to travel to another state alone, seek an unsafe illegal abortion, attempt to self-abort, or carry an unwanted pregnancy to term.

This bill would make it more difficult for minors living in states with parental notification or consent laws to obtain an abortion by making it a federal crime to transport minors across state lines. More than 75 percent of minors under 16 years old already involve one or both parents in their decision to have an abortion.

In those cases where a young woman cannot involve her parents in the decision, there are others who would help by offering physical and emotional support during a time of crisis, confusion and emotional pain. A minor should be able to turn to a relative, close friend, and even clergy members for assistance.

Supporters of this bill claim that judicial bypass, a procedure which permits teenagers to appear before a judge to request a waiver of the parental involvement requirement, is a preferred alternative. However, many teens do not make use of it because they do not know how to navigate the legal system.

Many teens are embarrassed and are afraid that an unsympathetic or hostile judge might refuse to grant the waiver. Also, the confidentiality of the teen is compromised if the bypass hearing requires use of the parents' names. In small towns, confidentiality may be further compromised if the judge knows the teen or her family.

There are various reasons why a young woman could not go to her parents for guid-

ance. Some family situations are not conducive to open communication and some situations are violent. For young women who need to turn to someone other than a parent, this law creates severe hardships.

The need to travel across state lines may be necessary in states where abortion services are not readily available. This bill would unduly burden access to abortion for young women who travel across state lines to obtain such services and who choose not to involve their parents.

In 1973, the U.S. Supreme Court, in *Roe v. Wade*, recognized a constitutional right to choose whether or not to have an abortion. The Court reaffirmed the right to choose in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, holding that restrictions on this right are unconstitutional if they impose an "undue burden" on a woman's access to abortion. The right extends to both minors and adults, but the Court has permitted individual states to restrict the ability of young women to obtain abortions within that states' borders. Allowing a state's laws to extend beyond its borders runs completely contrary to the state sovereignty principles on which this country is founded.

It is unfortunate because family members such as grandparents and siblings should not be jailed for assisting a scared grandchild or younger sister in a time of need. Young women should be encouraged to involve an adult in any decision to terminate a pregnancy.

This bill would isolate young women from trusted adults by placing criminal sanctions on providing basic comfort and advice. Abortion is a highly personal and private decision that should be made by a woman and her doctor, without interference from the government. I urge my colleagues to please vote against this dangerous bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time.

Mr. Speaker, imagine a father who loves his daughter, pretty little 15-year-old girl, all the boys are crazy about her and so is daddy, but she has got a special boyfriend and daddy knows those two little ones are going to get into trouble. So in order to make sure that his daughter is safe, daddy piles the little 15-year-old boy that lives down the block about four blocks and piles him in a car and takes him to Arkansas to get a vasectomy. That way they could have safe sex, they could be politically correct, and they could be as active as they wanted to, and we would not have to bother their parents with any restraint or teaching or instruction or whatever. Daddy would just take care of it with a simple little harmless surgical procedure.

Who in this body would not be outraged? How far would that father get before the cops would nab him after that deal? How much crying and moaning before the hardship inflicted on that poor child boy would we hear from this body here?

I have got another friend who is a daddy. I love daddies. Daddies love their kids so much. I have got a friend who has got a 15-year-old son and he has got a 14-year-old girl for a beautiful little girl, but she has got bad need of dental work. Her parents do not get her dental work.

This papa loads that little girl up in the car and drives her to Oklahoma and see an orthodontist, pulls out her wisdom teeth, does other surgeries on her mouth. Who in this room is going to condone that? Is that acceptable? What right does that father have to take somebody else's child from Texas to Oklahoma to have her teeth pulled?

My colleagues would be outraged. My colleagues would bring the force of law on that person, but here we have people in this body, people in this body, so-called enlightened people, who believe in safe sex. Safe sex being a child does not get a serious disease or does not get pregnant. How about all the emotional stress, how about all the emotional trauma and so forth?

People in this body say, hey, here is the deal, we have got a 14-year-old son. He has got a 13-year-old girlfriend, they get reckless, they get careless, they get pregnant, just take that little girl, pile her in a car, take her to Arkansas for an abortion, and we will protect a person's right to take somebody else's child across the State line for a medical procedure that endangers her life and steals the life of an innocent baby. We will protect the person who does it. What kind of heinous law would we have? This is no, as we say in Texas, this is no thinkin' thing.

The most precious moment in any family's life, you get married and fall in love, you love one another and you get married and you some day come back from the hospital and you have got this very precious little bundle of joy in your hands and you look down on that little darling baby and you say this is my baby. All my life it will be me. I will pour my tears over this child. I will pour my heart into this child. I will say my prayers over this child. I will teach this child. I will hold this child. I will console this child. I will protect this child. If something goes wrong, my heart will break.

We would dare to leave any avenue in law that would allow somebody else to take that child across a State line for a life threatening surgical procedure that even if it inflicts no physical harm on the child will leave that child emotionally scarred for a lifetime? We would dare to leave that avenue for exploitation open?

I must say this, if my colleagues would vote no on this bill, then they are either without heart or without children.

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

I have heart, I have children, or at least one child, and I will almost certainly vote no on this bill, and the gentleman has no right to cast aspersions on my motives or anybody else.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, this bill prohibits anyone from transporting a minor across State lines in order to obtain an abortion if the notification and parental consent laws have not been complied with.

There is nothing in the bill that prohibits a minor from crossing State lines herself to get the abortion. Nothing in the bill that would prohibit a parent to cross State lines with the minor and evade a State requirement that both parents be notified or consent. There is no prohibition so long as they go themselves and no one else transports them. This prohibits someone from accompanying the minor.

One of the things that we mentioned before was the amendment about taxicab drivers. If a taxicab driver knows that the minor is going to get an abortion and has not ascertained that the parental consent laws have been complied with, that taxicab driver is exposed to liability, both civil and criminal. So if the prosecutor is not going to prosecute the cab driver, the parent can sue the cab driver for damages.

This bill does not have a health exception and, therefore, has constitutional problems. The Supreme Court has frequently said that there has to be a health exception in any abortion legislation.

Finally, Mr. Speaker, I think we ought to strongly consider the precedents that we are setting. The possibility that we are prohibiting crossing State lines to do something which is legal in the State someone is going to

Virginia prohibits casino gambling. We could, under this idea, prohibit people from crossing the State line, leaving Virginia to go to Las Vegas or Atlantic City to participate in something that is illegal in Virginia. Some States have lottery tickets. Others do not. Are we going to prohibit people leaving the State to go buy a lottery ticket in another State? Virginia used to prohibit shopping on Sunday. I suppose under this legislation we prohibit taking somebody across State lines to go shopping on Sunday if we still had those laws.

The idea that we are going to prohibit someone crossing State lines to do something that is legal in that State is a situation that I think we ought to seriously consider and reject. This bill will do nothing to limit minors crossing State lines to obtain an abortion. The minor can go by herself to obtain the abortion. All this bill does is prohibits anyone from accompanying them.

This bill does nothing to advance public safety, does nothing to reduce the abortions, and I think was counterproductive in that if the child is going to get an abortion and will get the abortion, it makes sense for them to be accompanied.

I would hope that we would reject the legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman

from Indiana (Mr. HOSTETTLER), a member of the committee.

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

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Wisconsin, the distinguished chairman of the committee, for yielding me the time.

Mr. Speaker, I rise today to urge passage of this common sense legislation. I am disappointed that we even need to debate a bill that is designed to prevent people from circumventing State laws in order to abort a baby carried by a minor.

I do not think most of our constituents consider parental involvement in their children's lives a radical notion. I do not think most Americans consider parents to be the enemy of their children. I do think most parents desire to support and love their children through the most difficult circumstances they may face.

Under current law, any person in the world can take a pregnant girl into his car, drive her to another State and coerce her to get an abortion, all without her parents' knowledge or consent. That is a frightening and unacceptable scenario.

Why do we treat abortion differently than we do any other medical procedure? If, for example, a minor was taken across State lines to receive an appendectomy without parental consent, she would be turned back, and for the purpose of the gentleman from New York, the Fugitive Slave Act already applies to appendectomies.

If a school counselor or second cousin took a minor in for a tonsillectomy without the permission of the child's parents, they would be turned away. Once again, the Fugitive Slave Act, using as an analogy, already applies to tonsillectomies.

A schoolteacher cannot even take children to the local museum without their parents' permission, and yes, the Fugitive Slave Act already applies to museum field trips.

Opponents of this bill argue that an adult, even if he is a rapist or a child molester, should be allowed to transport a girl miles from her home, across State lines for the invasive surgical operation known as abortion. Since the Supreme Court created a right to an abortion out of thin air 29 years ago, our children have been susceptible to ideological predators who care more about their proabortion agenda than they do about frightened vulnerable girls.

The gentleman brought up the testimony of the vicar from Massachusetts, and I would like to return to that testimony. It has been discussed here that the people that are involved in this procedure are confidantes of the individual. According to the testimony of the one witness supplied by the minority, in her own words, she said this:

"I didn't know the girl. I knew her school nurse. The nurse had called me a few days earlier to see if I knew

where she might find money to give the girl for bus fare to and cab fare home from the hospital. I was stunned. A 15-year-old girl was going to have to get up at the crack of dawn and take multiple buses to the hospital alone. The nurse shared my concern but explained that the girl had no one to turn to. She feared for her safety if her father found out, and there was no other relative close enough to help."

The vicar never testified that the father would have run her out of the house as the gentleman from New York earlier spoke. It was up to the nurse and the child who was under duress at this time to come up with this excuse, and the vicar used that opportunity to pray on the child's weakness and to move ahead with this.

Mr. Speaker, I ask my colleagues to remember that parents should ultimately be given this opportunity to have a decision in their child's most critical time in her life, should that ever happen.

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

Mr. Speaker, the gentleman makes a nonsensical point. In that case, if the vicar had not traveled with the young woman, she would have traveled alone and gotten the abortion. That would have been preferable? In this case, the school nurse called in the vicar because the young woman had told her that she feared for her life or that she would run away from home if she had, that she could not under any circumstances, would not under any circumstances tell her parents but she would get the abortion.

So she called in the vicar, the vicar spoke with her, counseled her, and rather than let her go alone, helped her. This is not praying on the young woman. This is giving pastoral guidance and helping her.

Mr. Speaker, we are told that this bill is somehow constitutional, but the Supreme Court has clearly and consistently held that States cannot prohibit the lawful out of State conduct of their citizens if its lawful out of State nor may they impose criminal sanctions on this behavior as this bill does.

The court reaffirmed its principles in its landmark right to travel decision Saenz versus Roe. In its decision, the court held that even with congressional approval, California's attempt to impose on recently arrived residents the welfare laws of their former States of residence was an unconstitutional penalty upon their rights to interstate travel.

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The decision also reaffirmed that the constitutional right to travel under the privileges and immunity clause of Article IV of the Constitution provides a similar type of protection to a non-resident who enters a State with the intent eventually to return to her home State. This principle applies to minor's rights to seek an abortion on nondiscriminatory terms as well as through welfare benefits.

In Saenz, the court specifically referred to Doe v. Bolton, the companion case to Roe v. Wade, which established the right to abortion which held that under Article IV of the Constitution, a State may not restrict the ability of visiting nonresidents to obtain abortions on the same terms and conditions under which they are made available to lawful State residents. "The Privileges and Immunities Clause, Constitutional Article IV, section 2, protects persons who enter a State seeking the medical services that are available there." It is also clear that such protections will flow to minors given that Planned Parenthood v. Danforth, a 1976 decision, held that pregnant minors have a constitutional right to choose whether to terminate a pregnancy.

Mr. Speaker, it is clear this bill is unconstitutional as well as unwarranted as well as cruel.

SEPTEMBER 5, 2001.

To: United States House of Representatives Committee on the Judiciary, Subcommittee on the Constitution

From: Laurence H. Tribe, Tyler Professor of Constitutional Law, Harvard University  
Peter J. Rubin, Associate Professor of Law, Georgetown University

Re: H.R. 476 and Constitutional Principles of Federalism

#### INTRODUCTION

We have been asked to submit our assessment of whether H.R. 476, now pending before the House, is consistent with constitutional principles of federalism. It is our considered view that the proposed statute violates those principles, principles that are fundamental to our constitutional order. That statute violates the rights of states to enact and enforce their own laws governing conduct within their territorial boundaries, and the rights of the residents of each of the United States and of the District of Columbia to travel to and from any state of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court in its recent landmark decision in Saenz v. Roe, 526 U.S. 489 (1999). We have therefore concluded that the proposed law would, if enacted, violate the Constitution of the United States.

H.R. 476 would provide criminal and civil penalties, including imprisonment for up to one year, for any person who knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion. . . [if] an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law in the State where the individual resides.

H.R. 476, §2 (a) (proposed 18 U.S.C. §2431(a)(1) and (2)). In other words, this law makes it a federal crime to assist a pregnant minor to obtain a lawful abortion. The criminal penalties kick in if the abortion the young woman seeks would be performed in a state other than her state of residence, and in accord with the less restrictive laws of that state, unless she complies with the more severe restrictions her home state imposes upon abortions performed upon minors within its territorial limits. The law contains no exceptions for situations where the young woman's home state purports to disclaim any such extraterritorial effect for its parental consultation rules, or where it is a pregnant young woman's close friend, or her aunt or grandmother, or a member of the

clergy, who accompanies her "across a State line" on this frightening journey, even where she would have obtained the abortion anyway, whether lawfully in another state after a more perilous trip alone, or illegally (and less safely) in her home state because she is too frightened to seek a judicial bypass or too terrified of physical abuse to notify a parent or legal guardian who may, indeed, be the cause of her pregnancy. It does not exempt health care providers, including doctors, from possible criminal or civil penalties. Nor does it uniformly apply home-state laws on pregnant minors who obtain out-of-state abortions. The law applies only where the young woman seeks to go from a state with a more restrictive regime into a state with a less restrictive one.

This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home states strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go (unless they are willing to go alone). Such a law violates the basic premises upon which our federal system is constructed, and therefore violates the Constitution of the United States.

#### ANALYSIS

The essence of federalism is that the several states have not only different physical territories and different topographies but also different political and legal regimes. Crossing the border into another state, which every citizen has a right to do, may perhaps not permit the traveler to escape all tax or other fiscal or recordkeeping duties owed to the state as a condition of remaining a resident and thus a citizen of that state, but necessarily permits the traveler temporarily to shed her home state's regime of laws regulating primary conduct in favor of the legal regime of the state she has chosen to visit. Whether cast in terms of the destination state's authority to enact laws effective throughout its domain without having to make exceptions for travelers from other states, or cast in terms of the individual's right to travel—which would almost certainly be deterred and would in any event be rendered virtually meaningless if the traveler could not shake the conduct-constraining laws of her home state—the proposition that a state may not project its laws into other states by following its citizens there is bedrock in our federal system.

One need reflect only briefly on what rejecting that proposition would mean in order to understand how axiomatic it is to the structure of federalism. Suppose that your home state or Congress could lock you into the legal regime of your home state as you travel across the country. This would mean that the speed limits, marriage regulations, restrictions on adoption, rules about assisted suicide, firearms regulations, and all other controls over behavior enacted by the state you sought to leave behind, either temporarily or permanently, would in fact follow you into all 49 of the other states as you traveled the length and breadth of the nation in search of more hospitable "rules of the road." If your search was for a more favorable legal environment in which to make your home, you might as well just look up the laws of distant states on the internet rather than roaming about in a futile effort at sampling them, since you will not actually experience those laws by traveling there. And if your search was for a less hostile legal environment in which to attend college or spend a summer vacation or obtain a medical procedure, you might as well skip even the internet, since the theoretically less hostile laws of other jurisdictions will mean nothing to you so long as your state of residence remains unchanged.

Unless the right to travel interstate means nothing more than the right to change the scenery, opting for the open fields of Kansas or the mountains of Colorado or the beaches of Florida but all the while living under the legal regime of whichever state you call home, telling you that the laws governing your behavior will remain constant as you cross from one state into another and then another is tantamount to telling you that you may in truth be compelled to remain at home—although you may, of course, engage in a simulacrum of interstate travel, with an experience much like that of the visitor to a virtual reality arcade who is strapped into special equipment that provides the look and feel of alternative physical environments—from sea to shining sea—but that does not alter the political and legal environment one iota. And, of course, if home-state legislation, or congressional legislation, may saddle the home state's citizens with that state's abortion regulation regime, then it may saddle them with their home state's adoption and marriage regimes as well, and with piece after piece of the home state's legal fabric until the home state's citizens are all safely and tightly wrapped in the straitjacket of the home state's entire legal regime. There are no constitutional scissors that can cut this process short, no principled metric that can supply a stopping point. The principle underlying H.R. 476 is nothing less, therefore, than the principle that individuals may indeed be tightly bound by the legal regimes of their home states even as they traverse the nation by traveling to other states with very different regimes of law. It follows, therefore, that—unless the right to engage in interstate travel that is so central to our federal system is indeed only a right to change the surrounding scenery—H.R. 476 rests on a principle that obliterates that right completely.

It is irrelevant to the federalism analysis that the proposed federal statute does not literally prohibit the minor herself from obtaining an out-of-state abortion without complying with the parental consent or notification laws of her home state, criminalizing instead only the conduct of assisting such a young woman by transporting her across state lines. The manifest and indeed avowed purpose of the statute is to prevent the pregnant minor from crossing state lines to obtain an abortion that is lawful in her state of destination whenever it would have violated her home state's law to obtain an abortion there because the pregnant woman has not fully complied with her home state's requirements for parental consent or notification. The means used to achieve this end do not alter the constitutional calculus. Prohibiting assistance in crossing state lines in the manner of this proposed statute suffers the same infirmity with respect to our federal structure as would a direct ban on traveling across state lines to obtain an abortion that complies with all the laws of the state where it is performed without first complying also with the laws that would apply to obtaining an abortion in one's home state.

The federalism principle we have described operates routinely in our national life. Indeed, it is so commonplace it is taken for granted. Thus, for example, neither Virginia nor Congress could prohibit residents of Virginia, where casino gambling is illegal, from traveling interstate to gamble in a casino in Nevada. (Indeed, the economy of Nevada essentially depends upon this aspect of federalism for its continued vitality.) People who like to hunt cannot be prohibited from traveling to states where hunting is legal in order to avail themselves of those pro-hunting laws just because such hunting may be illegal in their home state. And citizens of every state must be free, for example, to

read and watch material, even constitutionally unprotected material, in New York City the distribution of which might be unlawful in their own states, but which New York has chosen not to forbid. To call interstate travel for such purposes an "evasion" or "circumvention" of one's home-state laws—as H.R. 476 purports to do, see H.R. 476, §2(a) (heading of the proposed 18 U.S.C. §2431) ("Transportation of minors in circumvention of certain laws relating to abortion")—is to misunderstand the basic premise of federalism: one is entitled to avoid those laws by traveling interstate. Doing so amounts to neither evasion nor circumvention.

Put simply, you may not be compelled to abandon your citizenship in your home state as a condition of voting with your feet for the legal and political regime of whatever other state you wish to visit. The fact that you intend to return home cannot undercut your right, while in another state, to be governed by its rules of primary conduct rather than by the rules of primary conduct of the state from which you came and to which you will return. When in Rome, perhaps you will not do as the Romans do, but you are entitled—if this figurative Rome is within the United States—to be governed as the Romans are. If something is lawful for one of them to do, it must be lawful for you as well. The fact that each state is free, notwithstanding Article IV, to make certain benefits available on a preferential basis to its own citizens does not mean that a state's criminal laws may be replaced with stricter ones for the visiting citizen from another state, whether by that state's own choice or by virtue of the law of the visitor's state or by virtue of a congressional enactment. To be sure, a state need not treat the travels of its citizens to other states as suddenly lifting otherwise applicable restrictions when they return home. Thus, a state that bans the possession of gambling equipment, of specific kinds of weapons, of liquor, or of obscene material may certainly enforce such bans against anyone who would bring the contraband items into the jurisdiction, including its own residents returning from a gambling state, a hunting state, a drinking state, or a state that chooses not to outlaw obscenity. But that is a far cry from projecting one state's restrictive gambling, firearms, alcohol, or obscenity laws into another state whenever citizens of the first state venture there.

Thus states cannot prohibit the lawful out-of-state conduct of their citizens, nor may they impose criminal-law-backed burdens—as H.R. 476 would do—upon those lawfully engaged in business or other activity within their sister states. Indeed, this principle is so fundamental that it runs through the Supreme Court's jurisprudence in cases that are nominally about provisions and rights as diverse as the Commerce Clause, the Due Process Clause, and the right to travel, which is itself derived from several distinct constitutional sources. See, e.g., *Healy v. Beer Institute*, 491 U.S. 324, 336 n. 13 (1989) (Commerce Clause decision quoting *Edgar v. Mite Corp.*, 457 U.S. 624, 643 (1982) (plurality opinion), which in turn quoted the Court's Due Process decision in *Shaffer v. Heitner*, 433 U.S. 186, (1977)) ("The limits on a State's power to enact substantive legislation are similar to the limits on the jurisdiction of state courts. In either case, 'any attempt "directly" to assert extraterritorial jurisdiction over persons or property would offend sister States and exceed the inherent limit of the State's power.'").

The Supreme Court recently reaffirmed this fundamental principle in its landmark right to travel decision, *Saenz v. Roe*, 526 U.S. 489 (1999). There the Court held that,

even with congressional approval, the State of California was powerless to carve out an exception to its otherwise-applicable legal regime by providing recently-arrived residents with only the welfare benefits that they would have been entitled to receive under the laws of their former states of residence. This attempt to saddle these interstate travelers with the laws of their former home states—even if only the welfare laws, laws that would operate far less directly and less powerfully than would a special criminal-law restriction on primary conduct—was held to impose an unconstitutional penalty upon their right to interstate travel, which, the Court held, is guaranteed them by the Privileges or Immunities Clause of the Fourteenth Amendment. See *Saenz*, 526 U.S. at 503-504.

Although *Saenz* concerned new residents of a state, the decision also reaffirmed that the constitutional right to travel under the Privileges and Immunities Clause of Article IV, Section 2, provides a similar type of protection to a non-resident who enters a state not to settle, but with an intent eventually to return to her home state:

[B]y virtue of a person's state citizenship, a citizen of one State who travels in other States, intending to return home at the end of his journey, is entitled to enjoy the "Privileges and Immunities of Citizens in the several States" that he visits. This provision removes "from the citizens of each State the disabilities of alienage in the other States." *Paul v. Virginia*, 8 Wall. 168, 180 (1869). It provides important protections for nonresidents who enter a State whether to obtain employment *Hicklin v. Orbeck*, 437 U.S. 518 (1978), to procure medical services, *Doe v. Bolton*, 410 U.S. 179, 200 (1973), or even to engage in commercial shrimp fishing, *Toomer v. Witsell*, 334 U.S. 385 (1948).

*Saenz*, 526 U.S. at 501-502 (footnotes and parenthetical omitted).

Indeed, *Doe v. Bolton*, 410 U.S. 179 (1973), which was decided over a quarter century ago, and to which the *Saenz* court referred, specifically held that, under Article IV of the Constitution, a state may not restrict the ability of visiting non-residents to obtain abortions on the same terms and conditions under which they are made available by law to state residents. "[T]he Privileges and Immunities Clause, Const. Art. IV, §2, protects persons . . . who enter [a state] seeking the medical services that are available there." *Id.* at 200.

Thus, in terms of protection from being hobbled by the laws of one's home state wherever one travels, nothing turns on whether the interstate traveler intends to remain permanently in her destination state, or to return to her state of origin. Combined with the Court's holding that, like the states, Congress may not contravene the principles of federalism that are sometimes described under the "right to travel" label, *Saenz* reinforces the conclusion, if it were not clear before, that even if enacted by Congress, a law like H.R. 476 that attempts by reference to state's own laws to control that state's resident's out-of-state conduct on pains of criminal punishment, whether of that resident or of whoever might assist her to travel interstate, would violate the federal Constitution. See also *Shapiro v. Thompson*, 394 U.S. 618, 629-630 (1969) (invalidating an Act of Congress mandating a durational residency requirement for recently-arrived District of Columbia residents seeking to obtain welfare assistance).

In 1999, this Committee heard testimony from Professor Lino Graglia of the University of Texas School of Law. An opponent of constitutional abortion rights, he candidly conceded that the proposed law would "make

it . . . more dangerous for young women to exercise their constitutional right to obtain a safe and legal abortion." Testimony of Lino A. Graglia on H.R. 1218 before the Constitution Subcommittee of the Committee on the Judiciary, U.S. House of Representatives, May 27, 1999 at 1. He also concluded, however, that "the Act furthers the principle of federalism to the extent that it reinforces or makes effective the very small amount of policymaking authority on the abortion issue that the Supreme Court, an arm of the national government, has permitted to remain with the States." *Id.* at 2. He testified that he supported the bill because he would support "anything Congress can do to move control of the issue back into the hands of the States." *Id.* at 1.

Of course, as the description of H.R. 476 we have given above demonstrates, that proposed statute would do nothing to move "back" into the hands of the states any of the control over abortion that was precluded by *Roe v. Wade*, 410 U.S. 113 (1973), and its progeny. The several states already have their own distinctive regimes for regulating the provision of abortion services to pregnant minors, regimes that are permitted under the Supreme Court's abortion rulings. That, indeed, is the very premise of this proposed law. But, rather than respecting federalism by permitting each state's law to operate within its own sphere, the proposed federal statute would contravene that essential principle of federalism by saddling the abortion-seeking young woman with the restrictive law of her home state wherever she may travel within the United States unless she travels unaided. Indeed, it would add insult to this federalism injury by imposing its regime regardless of the wishes of her home state, whose legislature might recoil from the prospect of transforming its parental notification laws, enacted ostensibly to encourage the provision of loving support and advice to distraught young women, into an obstacle to the most desperate of these young women, compelling them in the moment of their greatest despair to choose between, on the one hand, telling someone close to them of their situation and perhaps exposing this loved one to criminal punishment, and, on the other, going to the back alleys or on an unaccompanied trip to another, possibly distant state. This federal statute would therefore violate rather than reinforce basic constitutional principles of federalism.

The fact that the proposed law applies only to those assisting the interstate travel of minors seeking abortions may make the federalism-based constitutional infirmity somewhat less obvious—while at the same time rendering the law more vulnerable to constitutional challenge because of the danger in which it will place the class of frightened, perhaps desperate young women least able to travel safely on their own. The importance of protecting the relationship between parents and their minor children cannot be gainsaid. But in the end, the fact that the proposed statute involves the interstate travel only of minors does not alter our conclusion.

No less than the right to end a pregnancy, the constitutional right to travel interstate and to take advantage of the laws of other states exists even for those citizens who are not yet eighteen. "Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights." *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 74 (1976). Nonetheless, the Court has held that, in furtherance of the minors' best interests, government may in some circumstances have more leeway to regulate

where minors are concerned. Thus, whereas a law that sought, for example, to burden adult women with their home state's constitutionally acceptable waiting periods for abortion (or with their home state's constitutionally permissible medical regulations that may make abortion more costly) even when they traveled out of state to avoid those waiting periods (or other regulations) would obviously be unconstitutional, it might be argued that a law like the proposed one, which seeks to force a young woman to comply with her home state's parental consent laws regardless of her circumstances, is, because of its focus on minors, somehow saved from constitutional invalidity.

It is not, for at least two reasons. First, the importance of the constitutional right in question for the pregnant minor too desperate even to seek judicial approval for abortion in her home state—either because of its futility there, or because of her terror at a judicial proceeding held to discuss her pregnancy and personal circumstances—means that government's power to burden that choice is severely restricted. As Justice Powell wrote over two decades ago:

The pregnant minor's options are much different from those facing a minor in other situations, such as deciding whether to marry . . . A pregnant adolescent . . . cannot preserve for long the possibility of aborting, which effectively expires in a matter of weeks from the onset of pregnancy.

Moreover, the potentially severe detriment facing a pregnant woman is not mitigated by her minority. Indeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally burdensome for a minor. In addition, the fact of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible.

*Bellotti v. Baird* (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

Second, the fact that the penalties on travel out of state by minors who do not first seek parental consent or judicial bypass are triggered only by intent to obtain a lawful abortion and only if the minor's home state has more stringent "minor protection" provisions in the form of parental involvement rules than the state of destination, renders any protection-of-minors exception to the basic rule of federalism unavailable.

To begin with, the proposed law, unlike one that evenhandedly defers to each state's determination of what will best protect the emotional health and physical safety of its pregnant minors who seek to terminate their pregnancies, simply defers to states with strict parental control laws and subordinates the interests of states that have decided that legally-mandated consent or notification is not a sound means of protecting pregnant minors. The law does not purport to impose a uniform nationwide requirement that all pregnant young women should be subject to the abortion laws of their home states and only those abortion laws wherever they may travel. Thus, under H.R. 476, a pregnant minor whose parents believe that it would be both destructive and profoundly disrespectful to their mature, sexually active daughter to require her by law to obtain their consent before having an abortion, and who live in a state whose laws reflect that view, would, despite the judgment expressed in the laws of her home state, still be required to obtain parental consent should she seek an abortion

in a neighboring state with a stricter parental involvement law—something she might do, for example, because that is where the nearest abortion provider is located. This substantively slanted way in which H.R. 476 would operate fatally undermines any argument that might otherwise be available that principles of federalism must give way because this law seeks to ensure that the health and safety of pregnant minors are protected in the way their home states have decided would be best.

In addition, the proposed law, again unlike one protecting parental involvement generally, selectively targets one form of control: control with respect to the constitutionally protected procedure of terminating a pregnancy before viability. The proposed law does not do a thing for parental control if the minor is being assisted into another state (or, where the relevant regulation is local, into another city or county) for the purpose of obtaining a tattoo, or endoscopic surgery to correct a foot problem, or laser surgery for an eye defect. The law is activated only when the medical procedure being obtained in another state is the termination of a pregnancy. It is as though Congress proposed to assist parents in controlling their children when, and only when, those children wish to buy constitutionally protected but sexually explicit books about methods of birth control and abortion in states where the sale of such books to these minors is entirely lawful.

The basic constitutional principle that such laws overlook is that the greater power does not necessarily include the lesser. Thus, for example, even though so-called "fighting words" may be banned altogether despite the First Amendment, it is unconstitutional, the Supreme Court held in 1992, for government selectively to ban those fighting words that are racist or anti-semitic in character. See *R.A.V. v. City of St. Paul*, 505 U.S. 377, 391–392 (1992). To take another example, Congress could not make it a crime to assist a minor who has had an abortion in the past to cross a state line in order to obtain a lawful form of cosmetic surgery elsewhere if that minor has not complied with her state's valid parental involvement law for such surgery. Even though Congress might enact a broader law that would cover all the minors in the class described, it could not enact a law aimed only at those who have had abortions. Such a law would impermissibly single out abortion for special burdens. The proposed law does so as well. Thus, even if a law that were properly drawn to protect minors could constitutionally displace one of the basic rules of federalism, the proposed statute can not.

Lastly, in oral testimony given in 1999 before the Subcommittee on the Constitution, Professor John Harrison of the University of Virginia, while conceding that ordinarily a law such as this, which purported to impose upon an individual her home state's laws in order to prevent her from engaging in lawful conduct in one of the other states, would be constitutionally "doubtful," argued that the constitutionality of this law is resolved by the fact that it relates to "domestic relations," a sphere in which, according to Professor Harrison, "the state with the primary jurisdiction over the rights and responsibilities of parties to the domestic relations is the state of residence . . . and not the state where the conduct" at issue occurs. See transcript of the Hearing of the Constitution Subcommittee of the House Judiciary Committee on the Child Custody Protection Act, May 27, 1999.

This "domestic relations exception" to principles of federalism described by Professor Harrison, however, does not exist, at least not in any context relevant to the constitutionality of H.R. 476. To be sure, acting

pursuant to Article IV, §1, Congress has prescribed special state obligations to accord full faith and credit to judgments in the domestic relations context—for example, to child custody determinations and child support orders. 28 U.S.C. §§1738A, 1738B. These provisions also establish choice of law principles governing modification of domestic relations orders. In addition, in a controversial provision whose constitutionality is open to question, Congress has said that states are not required to accord full faith and credit to same-sex marriages. *Id.* at §1738C.

But the special measures adopted by Congress in the domestic relations context can provide no justification for H.R. 476. There is a world of difference between provisions like §§1738A and 1738B, which prescribe the full faith and credit to which state judicial decrees and judgments are entitled, and proposed H.R. 476, which in effect gives states statutes extraterritorial operation—by purporting to impose criminal liability for interstate travel undertaken to engage in conduct lawful within the territorial jurisdiction of the state in which the conduct is to occur, based solely upon the laws in effect in the state of residence of the individual who seeks to travel to a state where she can engage in that conduct lawfully.

The Supreme Court has always differentiated “the credit owed to laws (legislative measures and common laws) and to judgments.” *Baker v. General Motors Corp.*, 522 U.S. 222, 232 (1998). For example, while a state may not decline on public policy grounds to give full faith and credit to a judicial judgment from another state, see, e.g., *Fauntleroy v. Lum*, 210 U.S. 230, 237 (1908), a forum state has always been free to consider its own public policies in declining to follow the legislative enactments of other states. See *Nevada v. Hall*, 440 U.S. 410, 421–24 (1979). In short, under the Full Faith and Credit Clause, a state has never been compelled “to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.” *Pacific Employers Ins. Co. v. Industrial Accident Comm’n.*, 306 U.S. 493, 501 (1939). In fact, the Full Faith and Credit Clause was meant to prevent “parochial entrenchment on the interests of other States.” *Thomas v. Washington Gas Light Co.*, 448 U.S. 261, 272 (1980) (plurality opinion). A state is under no obligation to enforce another state’s statute with which it disagrees.

But H.R. 476 would run afoul of that principle. It imposes the restrictive laws of a woman’s home state wherever she travels, in derogation of the usual rules regarding choice of law and full faith and credit.

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

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

Mr. SMITH of New Jersey. Mr. Speaker, imagine as a parent the shock and profound sorrow upon learning after the fact that some adult stranger deliberately kept the parents out of the decision-making process and took an underage girl for a secret abortion in another State. Imagine the feelings of helplessness, hopelessness, and violation that you would feel when your extremely vulnerable daughter, perhaps confused, frightened and even numb, was whisked away to an abortion mill by a stranger to pursue the violent death of her baby.

Her baby, your grandchild, dead in a sneaky scheme deliberately contrived to deceive the parent about what was

really going on, perhaps scarred for life by the unpardonable intervention of the adult stranger who acted as a parental surrogate. If there are complications, severe bleeding, perforated uterus, emotional or psychological aftermath, do not expect any help from the stranger; but of course a parent would be there to help, to love and to nurture and to heal. It is both a parental moral duty and legal duty, but it is really out of deep love. A parent would sacrifice their own life for their daughter and be there; the stranger would not.

It would not take very long to ask, Mr. Speaker, did the meddling stranger tell her that abortion has significant physical and emotional consequences? Did the stranger inform her that it might increase her risk of breast cancer?

A 1994 study by cancer researcher Janet Daling of the Fred Hutchinson Cancer Research Center indicated if a girl under the age of 18 has an abortion, the risk of breast cancer increases by 150 percent. If she or any member of her family has any history of breast cancer, that first abortion means that her risk of breast cancer skyrockets to 270 percent. Dr. Daling’s National Cancer Institute-funded study comports with more than two dozen similar studies showing the abortion-breast cancer link.

Mr. Speaker, we can take it to the bank: neither the stranger nor the abortionist himself informed her of this long-term, deleterious consequence.

Mr. Speaker, it is tragic beyond words that the abortion rights movement not only promotes mutilations, dismemberment and chemical poisoning of children by abortions, they further destroy the family by invading the sacred space between parents and their teenage daughters. The so-called choice to mutilate, dismember and chemically poison little children is unconscionable. Currently even a 14-year-old, often with the assist from a stranger, has an unfettered and secret right in many States to have her baby destroyed in a horrific procedure. I urge my colleagues to wake up. Abortion is violence against children. Enabling a stranger to facilitate a minor’s secret abortion only adds abuse to abuse.

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

Mr. Speaker, the gentleman states his views of abortion. There are clearly differing views. We are not going to settle them in this debate today. He thinks it is a cruel procedure. Some of us think it is a procedure which in many cases is unavoidable. But in any event, the Supreme Court of the United States says it is the right of a woman to choose if she wishes, and she should be counseled as to the consequences and so forth; but it is her choice.

But this bill before us has nothing to do with that, except for the fact it is simply another step in the attempt to in any way possible reduce abortions in

any way possible to hamstring the exercise of the constitutional right of women to choose within the limits of what the Supreme Court has said.

The real interest in this bill is not to protect young women who may be helped by a grandfather or a brother or a sister or a clergy person in doing something which she is determined to do. In the case we talked about before, she would have done it anyway; but at least she had someone to help her along and give her counseling and hold her hand. The intent of this bill is to try to stop her from having an abortion because the people in this House have determined that they are right and she is wrong and she should not be able to have an abortion.

Forgetting that question, the real question in this bill is: Can the Congress of the United States say to a young woman, she is the property of the State in which she lives, and she must carry around on her back the law which it enacted which tells her that she cannot do something even if she goes to another State where she can do it?

The plain meaning of the Constitution, and the Supreme Court has reaffirmed that, is that Congress cannot do that. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Act, because South Carolina should not be entitled to tell an escaped slave in New York, although New York does not permanent slavery, South Carolina’s laws do, and we are going to extend our law here and drag the slave back and force the slave into our laws of slavery.

Mr. Speaker, Congress cannot do the same thing. Congress cannot say to a young woman that we are going to force her to obey the law of her own State, we are going to criminalize someone who attempts to help do something that is perfectly legal in New York or some other State because it is not legal where she came from; and I cited the Supreme Court decisions before, which are recent Supreme Court decisions.

We cannot look at the interstate commerce clause. Women are not objects of commerce. I hope the majority is not telling us that women are objects of commerce under the meaning of the interstate commerce clause, that Congress can regulate interstate commerce. Women are citizens of the United States and people, not subjects of commerce. We said in the Norris-LaGuardia Act that labor is not to be considered a commodity in Congress, nor should women be, nor will the Supreme Court support that, nor is this bill constitutional.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise of course in support of H.R. 476, the Child

Custody Protection Act. Unfortunately, in May of 2000, Florida's parental notification laws were challenged in circuit court and a permanent injunction was granted. So we in Florida are very much involved with this debate. To give amnesty to those who manipulate State laws by crossing into States without parental notification laws, in my opinion the people who support this bill, it is irresponsible and a misguided use of the law.

When we talk about this law, we are talking about safety here. To leave parents out of such a serious decision for the child with potentially long-term medical, emotional and psychological consequences is to jeopardize the health of the child. So when we talk about the Fugitive Slave Act or we talk about commerce, we are missing the point. We are talking about safety.

To leave parents out of this decision for minors, in my opinion, is irresponsible. Some seem to suggest that most parents are not being reasonable but their primary concern is their teenaged daughter. One study has shown that up to two-thirds of the school-aged mothers were impregnated by adult males. These men could be prosecuted under State statutory rape laws, giving them a strong incentive to pressure the young woman to agree to an abortion without involving her parents.

Let us put this into perspective. A child must have parental consent to be given an aspirin. Should the child want to go on a field trip, parental consent is required. Play in the school band, parental consent. Cosmetic ear piercing, that requires parental consent. Why? Because they are concerned about safety for fear that the girl may contract dangerous infections.

Here we have advertising to minors that they can cross State lines, but surely the gentleman from New York would not support advertising of cigarettes to minors to allow them to smoke, so this kind of advertising should be prohibited; and obviously we should prohibit allowing young minors to go across State lines.

Parents know what is best for their daughters' medical condition and can best help their daughters in times of need. I ask my colleagues to support this bill and pass it.

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

Mr. Speaker, cigarettes are harmful to one's health and may kill one. They are certainly much more harmful than marijuana or some of the other drugs which are prohibited by law; and maybe cigarettes ought to be prohibited by law, and certainly that kind of advertising should be prohibited by law.

Abortions are not in the same category. Abortions will not kill the woman. They are not generally harmful to her health. In fact, the statistics are that it is more dangerous to carry a pregnancy to term than it is to have an abortion because a larger percent-

age of women die from complications of child birth than from complications from abortion. I am certainly not arguing for abortions for that reason, but I am saying that we cannot say that abortions are life threatening, although demagogues do say that.

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

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

Mr. STEARNS. But the gentleman would agree that advertising to minors to allow them to go across State lines for an abortion is wrong?

Mr. NADLER. Mr. Speaker, I would not agree that it is wrong. An abortion is a legal medical service, and in some States it is legal to do without parental consent. And there are some young women, some young women, who fear for their lives if they have to tell their parents, and cannot tell their parents, and desperately need an abortion, and will get the abortion by coat hanger at this risk to their life. It is better in that case to know that they can get a safe abortion in a safe medical procedure across State lines rather than resorting to the coat hangers.

Mr. Speaker, many speakers on the other side have talked about people who prey on young women, who have an ideological desire to promote abortions. I do not know of anybody who has an ideological desire to promote abortions. I know of people who have ideological desires to let women have abortions if they want to. I do not know of anybody who desires to promote abortions as a good thing, in and of themselves.

Putting aside, we are talking about evil people who will prey upon young women and take them across State lines for the reason of getting an abortion for some nefarious motive.

□ 1245

If that is the true purpose of this bill, I would want to know, on their time, why the majority would not permit amendments on the floor to exempt the grandparent or the sibling, the brother or sister. What are they afraid of? Are they afraid that the logic of that amendment is so strong even for people who might support this bill that it might pass? Why would they not even permit amendments in committee? Why was it so necessary to call a halt by moving the previous question before Members had returned to the committee from a vote on the floor? What are they afraid of, a little logic and common sense?

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in support of the Child Custody Protection Act, a common-sense piece of legislation that would prohibit unscrupulous third parties from taking minors across State lines for abortions to circumvent parental

consent and parent notification laws. Mothers have previously testified before State legislatures and Congress about the horror of finding out that their young daughters had obtained secret abortions and of having to pick up the pieces of the emotional and physical consequences. As a mother of two, it is very disconcerting to me to know that the parent-child relationship could be undermined in such a manner.

As pointed out earlier, studies have shown that most school-age mothers are impregnated by adult men, with the median age of the father being 22 years old. Thus, many of the third parties taking minors across State lines are older boyfriends who obviously have a very personal interest in the young girl obtaining an abortion and in keeping it secret from her parents.

Congress must ensure that State laws designed to protect the integrity and sanctity of the parent-child relationship are not undermined. I consequently urge my colleagues to support passage of this legislation.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume. I would simply point out that in such cases, those people, those males, can be prosecuted for statutory rape, and probably should be. This bill does not add or detract anything from them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding.

I would like to expand on his point, just to reinforce a point that I think is being lost in this debate. I indicated that Congress usually rises to the occasion to respond when there is a crisis, when we find that the law is being violated and being ignored, the laws of particular States who may have these laws regarding parental consent.

I also noted that we probably will not get our friends and colleagues all to agree with us on the question of choice, but I have already said that more than 75 percent of minors under 16 already involve one or both parents in the decision to have an abortion. What about the individual, however, that is living on their own, that has been raped by a close family member, whose parent may be in some condition that they are not able to give counsel?

And we now are intruding upon the right to travel, the constitutional right of choice on this particular minor who cannot consult with a loving grandmother, a loving spiritual leader, a loving sibling who can provide such assistance to them. It is clear in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, holding that restrictions on this right are unconstitutional if they impose an undue burden on a woman's access to abortion. And the right extends to both minors and adults.

It is also clear in the constitutional decisions of the Supreme Court that there are rights that minors have and

though we recognize the validity and the stand of parents, I too am a parent and would hope that I am always in a position to counsel with my two children, encourage that. But we are also trying to save lives and avoid the very example that my colleagues were speaking to, boyfriends taking them across State lines if that is the case, when these amendments dealing with special friends, special relatives in a relative position were not allowed.

And so we have a situation where, as I said, it is a double standard on States rights. We now want to intrude our Federal process on States that do not have these laws and, therefore, we are violating constitutional rights of minors which do exist. I think we are going too far with 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 Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, one of my commitments as a Member of Congress is to protect the rights of the traditional family. The family is the building block of society and parents must have the ability to know where their children are going and be able to protect them.

I am a proud cosponsor of this bill. It prohibits transporting an individual under the age of 18 across State lines to obtain an abortion. It is wrong that a child can legally be taken across State lines without parents' or guardian's knowledge for an abortion. A medical procedure of this magnitude with such serious implications for physical health of the girl and moral and emotional fabric of the entire family must be a family decision. Young girls today are exposed to many forces but the forces that should have the most strength in their lives, both morally and legally, should be their parents, not the government and not strangers.

I have seen the phone book ads marketing out-of-state abortions and safe abortions to minors. It is truly sickening to think that my daughters may grow up to one day be told by the abortion industry that abortions are as easy to receive and as safe as taking candy. I have heard the doomsday tales of children afraid to tell their parents they are pregnant but nothing could possibly be scarier for these young girls than having someone they barely know escort them to a place they have never been to have major surgery that ends a life.

Opponents of this bill are saying a parent can know where their child is except when she is receiving an abortion. That makes no sense whatsoever. Whose child is it, anyway?

By passing the Child Custody Protection Act, Congress will take a clear stand against the notion that the U.S. Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion even when State law specifically re-

quires the involvement of a parent or judge in the daughter's abortion decision.

I strongly urge my colleagues to support this bill.

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

Mr. Speaker, the imagery used by speakers in favor of this bill, indeed the language of the bill itself prohibiting someone from transporting a minor across State lines, evokes the image of a helpless young child being dragged against her will or being taken to another State. The fact is that a young woman old enough to get pregnant is in her teens, with a very few exceptions, and in this situation, one would hope that she would ask her parents' permission, and I am sure the daughter of the previous speaker would, and that the decision would be made between the two of them. But I do not think a woman of 16 or 17 years old, who is pregnant, who for whatever reason, because she was made pregnant by her father or her stepfather, because she is terrified, for whatever reason cannot, refuses to tell them, and gets her, even a boyfriend or a clergy person or her brother or sister, a grandmother, that is not an exploitative thing. They are helping her. She would probably or might very well do it herself, alone. Even the wording of the bill "transport." Someone sitting and holding her hand as she drives the car is not transporting her. They are giving her moral help in a difficult procedure.

People may not like abortions. They may think it is a terrible thing. They are entitled to their opinions. But a young woman may be terrified of giving birth. She may be terrified of the responsibility of a child. She may have her reasons and the Supreme Court says the Constitution gives her the absolute right to choose. This bill simply tries to make that right to choose impractical insofar as possible and therefore it is not only unconstitutional, it is wrong. This bill would criminalize the acts of persons who might be exploitative, but it would also criminalize the acts of people who are simply trying to be helpful and supportive of a young woman in distress, and that is wrong.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, by passing the Child Custody Protection Act today, Congress will take a clear stand against the bizarre notion that somehow the United States Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion, even when a State law specifically requires the involvement of a parent or judge in the daughter's abortion decision.

It is amazing to me that a child cannot get aspirin from a school nurse without parental consent but can cross State lines to get an abortion without

the consent of their parents. There are school counselors who set up out-of-state abortions for minor students to hide this life-changing decision from the girls' parents. There are even sexual predators who would take their victims across State lines to destroy evidence through an abortion in a State without parental notice laws.

Mr. Speaker, as the father of two young daughters, I cannot understand how anyone can defend the right of an adult to take a child across State lines to have an abortion without the parents knowing. To me when that happens, both of the victims are children. When governments undermine families, it tears at the very fabric of our culture and supports a culture of death rather than a culture of life.

This bill closes a loophole that skirts State laws requiring parental notification. Twenty-seven States, including South Dakota, recognize the value and need for parental consent when a minor is seeking to obtain an abortion, and another 16 States require parental notification.

Mr. Speaker, there are many injustices in the world, but can you put yourself in the position of a parent who sends her young daughter to school and later in the day finds that a stranger has taken your 13-year-old daughter into another State to have an abortion? This is currently legal in the United States and that is why we need to pass the Child Custody Protection Act to stop it.

Mr. Speaker, as a strong supporter of the sanctity of human life and parental rights, I am proud to vote for this legislation and I urge my colleagues to do the same.

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

The protestations of people on the other side about strangers transporting minors across State lines would be somewhat better heard if they had not refused amendments to exempt non-strangers.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. I want to thank the gentleman from New York for yielding this time even though we happen to be viewing this legislation differently.

Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act, and would like to thank the gentleman from Florida (Ms. ROSLEHTINEN) for her tireless efforts to bring this important legislative effort to the floor for consideration.

In light of all that has happened recently, our Nation has had a growing concern about the moral fabric of our society. We have felt an increasing need to do everything that we can to protect our children as they are our most precious resource. We must provide them with a safe environment so they can thrive as they move into adulthood.

One of life's harsh realities is that some young women become pregnant

at too early an age. H.R. 476 does not terminate a person's right to an abortion but does provide important protections for young children who become pregnant. H.R. 476 will make it illegal for any person to transport a minor across State lines in order to circumvent State laws to obtain an abortion without first consulting a parent or judge. It will make it a Federal crime if an individual knowingly evades the laws of their State to seek an abortion for any mother 17 years of age or younger. It is most often an older male who preys on a young girl, impregnates her, and then takes her illegally across State lines to have an abortion without the knowledge and consent of her parents.

We should all find this manipulative behavior disgusting and disheartening. Not only is this a crime for an older male to be sexually active with a young girl, but it can be dangerous for that child to receive an abortion. Only a parent knows their child's health history, including allergies to medication. A parent should be informed and the older male should be prosecuted.

Laws in an increasing number of States, now numbering more than 23, including my home State of Michigan, require parental notification or consent by at least one parent or authorization by a judge before an abortion can be performed. This legislation will not mandate parental consent in the States which do not currently have parental consent laws but will protect those in States which do require parental consent.

Many of my colleagues are concerned that this bill will prohibit young girls from confiding in a close family member or friend if they feel they cannot talk to their parents. That is absolutely wrong. There is a provision in H.R. 476 which will allow a judge to relieve the parental notification requirement in certain circumstances.

I urge my colleagues to support H.R. 476, which will support the rights of States to protect the relationship between parents and children and ensure the safety of young girls who are in unfortunate circumstances.

□ 1300

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

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me time and commend his leadership and that of the gentlewoman from Florida for her visionary leadership on this legislation. I do rise today in support of the Child Custody Protection Act.

Today, Mr. Speaker, the House will determine who it serves. I am a pro-life Member of this institution, but I would offer respectfully today that this is not a debate about the right to have an abortion. It is about the right to be a parent. And we will decide today in the Congress whether or not we will serve the beleaguered parents of the United

States of America, of whom I am proudly one, or whether we will serve the interests of the abortion lobby.

As a father of two daughters I can tell you, we live in a society today where parents are expected to be actively involved in the lives of our children. When a child commits a crime, the first question we hear is, why were the parents not aware? We are bombarded with antidrug advertisements commanding parents to ask their children questions, no matter how intrusive, to know where they were and when they were there. But for some inexplicable reason today we are debating whether parents should have the right to know if their daughter is considering an abortion, a decision that even pro-life and pro-abortion opponents agree will have lifelong consequences.

Mr. Speaker, this is even more outrageous when you consider that my children cannot even attend a field trip at school or even take an aspirin without my or my wife's consent. Are we willing to stand here today and say that the life and death decision that we debate pales in comparison to taking an aspirin?

Last week, Mr. Speaker, I took my children, two of them, one daughter and one son, to get braces. In addition to the extraordinary ordeal and the wires and the pain and the anxiety, we spent about an hour filling out consent forms for this 5- and 6-year procedure. Why in the world would we not have parental consent for even a more extraordinary procedure, invasive, that is an abortion?

Mr. Speaker, I urge all of my colleagues to choose life, cast a vote in favor of parental rights, and support the Child Custody Protection Act.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, there really are, I suppose, in summation, two things to say about this bill: one is that parental consent bills in general, although the providence of the States, in our opinion, are very ill-advised, because although we all would wish that young women who are pregnant and are contemplating an abortion would consult with their parents, and certainly most do and should, there are those situations where a young woman feels she cannot, where she is afraid of the violent reaction the parent might have, where a parent may have been abusive to her, where the pregnancy may be the result of rape or incest on the part of the parent, and we should recognize reality and understand that a parental consent and notification bill in no circumstances makes no sense, and it is certainly not in the best interests of the young woman; but that is a matter for the State legislatures.

The second thing to say about this bill is that none of that, none of the question of the validity or the intelligence or the desirability of a parental consent and notification bill, is before

us. Those are State legislative decisions, and quite a few legislatures have passed those decisions, have passed such bills; and others have refused to do so.

The bill before us has nothing to do with that. The bill before us has to do with trying to criminalize someone who accompanies a young woman from one State to another, knowing that she is going to get an abortion legally in that State.

The proponents of this bill are trying to use the power of the Federal Government to impose the laws of one State in the jurisdiction of the other State.

The proponents of this bill are trying to place on the back of a young woman from one State the burden of the law of that State, to carry it around wherever she goes, to another State where the law is different. We do not have the constitutional power to do that. In a Federal system we do not have the right to do that.

I referred earlier to the Fugitive Slave Act because it was the last major attempt in this country to do that, where some of the Southern States said if a slave flees or goes to a State which does not recognize slavery, that person still is a slave, despite the laws of that State, and the Federal Government will enable the State to exercise its long arm and bring him back to bondage in the State that allows slavery.

Here this bill says that the Federal Government will use its jurisdiction to try to prevent a young woman from doing a perfectly legal act, because the State she came from does not regard it as a legal act; to force that young woman to carry the burden of the law she disagrees with from her home State to another State. This bill is unconstitutional for that reason and obnoxious for that reason.

This bill also would send grandmothers and ministers to jail, grandmothers and ministers who know the situation, who judge that the young woman cannot, as she judges, go to the parent, because they know there has been a rape, they know there has been incest, or they know there is family violence involved, they know the situation of the family.

In plenty of families it is perfectly fine to have parental consent. But by drawing a bill that says all families, no matter what, you are plainly putting many young women at risk of injury or death. But, again, that is a State legislative matter. What this bill says is that ministers and grandmothers and brothers and sisters of a young woman whose life would be at risk perhaps, they cannot help her when she needs help on penalty of going to jail. This bill will not bring families together; but it may, in such circumstances, tear them apart.

On all these grounds, Mr. Speaker, I say, let the States make these decisions, as they are allowed to do under the Constitution. Let us not butt in the Federal Government, as we are not permitted to do under the Constitution,

and as good judgment should indicate we should not do in any event.

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

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

Mr. Speaker, listening to the gentleman from New York the last hour and a half, he seems to be making two points. One is that this bill requires that the parental involvement laws of a minor's State of residence carry along with the minor if they are brought across the State line into a jurisdiction that does not have a parental involvement law, and that this is some new notion in American jurisprudence and in our history of Federalism.

Well, the gentleman from New York, he and I carry the burden of our respective State income taxes with us to the work that we do here; and as most people know, New York and Wisconsin's State income taxes are quite high, and we have to pay those State income taxes as residents and as representatives of the States for the work that we do at our Nation's Capital.

The other thing is that it is somehow cruel and unconstitutional to force the involvement of parents where the parental involvement acts have been held constitutional by the Federal courts.

Now, a constitutional parental involvement act is not cruel; it is loving. It is not unconstitutional, because the courts have already said it is not unconstitutional. So to merely cross the State line for the purpose of evading a constitutional parental involvement act is not unconstitutional in and of itself, because Congress has got the exclusive right to regulate interstate commerce under the United States Constitution.

For all these reasons, this is a good bill. The House should pass this bill today, like it has done in the two previous Congresses.

Mr. BALDWIN. Mr. Speaker, this bill would make the tragic situation of teen pregnancy even worse.

I believe that adolescents should be encouraged to seek their parent's advice when facing difficult circumstances. And when young people do go to their parents in trying times, most often their parents offer love, support, direction and compassion. Most young women do turn to their parents—even when faced with something as emotional and private as pregnancy. Even in States without "parental consent" laws, the majority of pregnant teenagers do tell their parents.

Unfortunately, though, there are times when a pregnant teenager cannot go to her parents. This is precisely the time when they most need the involvement of a trusted adult. But, under this bill, if an adult assists a young woman by traveling with her across states lines to seek an abortion, the adult becomes a criminal. It does not matter if the adult is her sister, brother, grandmother, or minister—they would still be criminals in the eyes of federal prosecutors. In my home State of Wisconsin, we take into account the fact that young people sometimes cannot turn to a parent and must turn to other trusted adults in trying

times—in Wisconsin young women may obtain consent from grandparents, adult siblings, or another "trusted adult."

Crossing State lines to obtain an abortion is not uncommon. Women usually seek care in the medical facility that is closest to their home, but, due to lack of facilities in many areas, the closest facility may be across a State border. In Wisconsin, 93 percent of counties do not have an abortion provider, so the nearest facility for women in these counties may be in Minnesota or Illinois. Congress has not made it illegal to cross state lines to buy guns, or gamble, or participate in any other legal activity, why should we make an exception here?

What if the teenager has been subject to physical or sexual abuse by one of her parents? What if the pregnancy is the result of incest? There is no exception in this bill for minors who have experienced physical or sexual abuse in their home. Nor is there an exception for a young woman who might be subject to grave physical abuse if she confided to her parent or parents.

Mr. Speaker, we all want children to confide in their parents, we all want a society with strong families. But let us not forget those children in our society who are victims of incest or physical abuse. Let us encourage them to reach out to an adult rather than deal with a crisis pregnancy alone.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 476, the Child Custody Protection Act. This bill would make it a federal crime for a person, other than a parent, to transport a minor across state lines for an abortion unless the minor had already fulfilled the requirements of her home state's parental involvement law. This bill would deny teenagers facing unintended pregnancies the assistance of trusted adults, endanger their health, and violate their constitutional rights. This flawed legislation is dangerous to young women and should in fact be called the "Teen Endangerment Act."

Minor women who seek abortions come from a wide variety of religious, cultural, socioeconomic, geographic, and family backgrounds, and seek abortions for an equally wide variety of reasons. In 86 percent of counties nationwide for example, the closest abortion provider is across state lines.

Data shows that the majority, 61 percent, of minors willingly involve their parents in their decision to have an abortion. Many that do not wish to involve their parents make that decision because of a history of physical abuse, incest, or the lack of support from their parents. Parental involvement laws cannot and do not open lines for healthy, open family communication where none exist, and they can put a minor in danger of physical violence. When a young woman does not have the ability to involve a parent, public policies and medical professionals should encourage her to involve a trusted adult, such as a grandparent. Instead of giving young women this alternative, this bill does the exact opposite. If passed into law, it would create havoc by potentially allowing grandma to be prosecuted and jailed for traveling across state lines to obtain needed reproductive health services for her granddaughter.

While proponents of this bill will argue the alternative to parental consent is a judicial bypass, this simply is not an option for many teenagers. Many judges never grant bypass

petitions, and many teenagers have well-grounded fears of being recognized in a local courthouse and/or of revealing their personal intimate details in a potentially intimidating legal process. Moreover, many states with parental involvement laws do not provide a procedure for ruling on a minor's right to an out-of-state abortion. Besides, in many states judicial bypasses are available only in theory and not in practice.

Rather than tell their parents, some teenagers resort to unsafe, illegal, "back alley" abortions or try to perform the abortion themselves. In doing so, they risk serious injury and death, or in some cases, criminal charges.

In my home state of California, a minor who wishes to obtain an abortion may do so without any legal requirements that she involve her parents or that she seek a court order exempting her from forced parental involvement requirements. This bill will override California's law for some minors obtaining abortions in California by requiring enforcement of other states' laws within California's borders. States such as California are most likely to be visited by minors in need of abortions. These states will bear the burden of having their medical personnel and clinic staff subject to potential liability from a number of complex provisions regarding conspiracy, accomplice and accessory liability.

While this bill raises many obvious concerns, it also tramples on some of the most basic principles of federalism and state sovereignty. A core principle of American federalism is that laws of a state apply only within the state's boundaries. This bill would require some people to carry their own state's laws with them when traveling within the United States. Allowing a state's law to extend beyond its borders runs completely contrary to the state sovereignty principles on which this country is founded. Gambling for example is allowed in Nevada, but not California. If Congress enacts this legislation, it would be similar to making it a federal crime to spend a vacation in Las Vegas.

Abortion should be made less necessary, not more difficult and dangerous. A comprehensive approach to promoting adolescent reproductive health and reducing teen pregnancy should require comprehensive sexuality and abstinence education as well as access to contraception and family planning services. I urge my colleagues to oppose this legislation.

Ms. WATERS. Mr. Speaker, I rise in opposition to this closed rule on H.R. 476, the misnamed Child Custody Protection Act. By rejecting all amendments, the Rules Committee has shut out Members from debate on important amendments.

I had offered an amendment in Judiciary Committee, and again to the Rules Committee, that would carve out an exception to the prohibitions of H.R. 476. Under my amendment, those prohibitions would not apply in cases where the minor child's pregnancy was caused by sexual contact with a parent, step-parent, custodian, or household or family member. This closed rule, however, makes it impossible for any Member to vote on this valuable amendment.

Sadly, some pregnancies result from unwanted sexual contact. Adding to that horror is the fact that many families are unable or unwilling to deal with the realities of the situation. A mother may choose not to believe that the

child's father or step-father could have done such a horrible thing. She may even share the child's confidences with the very person who committed the deed—thus potentially putting the child at greater risk.

Let me tell you about the tragic case of Spring Adams, a 13-year old sixth grader from Idaho. She was impregnated by her father's acts of incest. When he learned that she was planning to terminate a pregnancy caused by those acts, he shot her to death.

My amendment to H.R. 476 addresses this problem. When the child in such a situation turns instead to a grandparent, adult sibling, boyfriend, or religious leader, we should let her do so. And we should let them help her. Otherwise, we will find young girls, impregnated by relatives on household members, seeking to deal with it in any way they can—whether they do so by traveling alone to another state for the procedure, or take care of it through a self-induced or illegal, back-alley abortion.

Unfortunately, the closed rule we have before us means that none of my colleagues can address this problem with H.R. 476. Instead, these children, who have been victims of incest or nonconsensual sex with a household member, will be forced to confide their pregnancy to the person who violated them. We should not demand that of the child.

I urge a rejection of this rule that blocks valuable amendments from an overly harsh bill. Vote "no" on the rule.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act.

Twenty-seven states, including my home state of Nebraska, have laws requiring that a parent receive notification or give consent before their young daughter can have an abortion. These laws are designed to honor the rights of parents and protect young girls from being sexually exploited or injured. Unfortunately, they are often circumvented by the widespread practice of taking young girls across state lines to receive an abortion, a practice which is utilized by sexual predators.

In one example, a 12 year-old girl was taken to an out-of-state abortion clinic by the mother of the man who had raped and impregnated her. This young girl's mother learned what had happened only when her daughter returned home with severe pain and bleeding that required medical attention. H.R. 476 would help prevent such terrible situations by making it a Federal crime to dodge a parental involvement law by transporting a minor to an out-of-state abortion provider.

If a teenage girl needs permission to take an aspirin at school, her parents should certainly be notified about her receiving a potentially-harmful medical procedure. Loving guidance and support from parents is also crucial for young women facing the difficult situation of having a child out of wedlock. Even the abortion provider Planned Parenthood acknowledges on its website that, and I quote, "Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with an unwanted pregnancy. Few would deny that such guidance ideally should come from the teenager's parents."

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 476 to protect the rights of parents, to protect the rights of states, and most importantly, to protect young girls from sexual predators.

Mr. WELDON of Florida. Mr. Speaker, I rise today to give my support to H.R. 476, the Child Custody Protection Act, of which I am a cosponsor. This important legislation protects our daughters from being transported across state lines to be subjected to abortion, an invasive medical procedure, without the consent of their parents. Thirty-six states have parental consent laws in place to ensure that young teenaged girls do not undergo an abortion without their parent's consent. As a medical doctor I understand the physical and emotional ramifications of abortion. If parental consent is required for a child to receive an aspirin in school or to take a field trip, how much more critical is parental consent for an abortion?

Moms and Dads should play a critical role in these kinds of decisions. It is simply not acceptable for third parties with their own agenda and interests to circumvent the role of parents, particularly when the state of residence has reinforced these rights for parents. All too often third parties such as sexual predators and abortion providers take advantage of these girls for their own purposes, and the parents are left to deal with the consequences. When the long-term repercussions such as medical complications and depression set in, old boyfriends and abortion companies are not there for the child, instead the parents are left to suffer as they watch their daughters suffer.

Last September Eileen Roberts whose daughter was a victim of a non-parent assisted abortion, testified before the House Judiciary Committee about the horrors of this practice. She stated:

I am horrified that our daughters are being dumped on our driveways after they are seized from our care, made to skip school, lie and deceive their parents to be transported across State lines whether that distance be two miles or 100 miles. Where are these strangers when the emotional and physical repercussions occur? They are kidnapping another young adolescent girl and transporting her for another secret abortion, and thus the malicious activity occurs over and over. When will this activity stop? When will those responsible for these secret abortions be held accountable for the financial costs of emotional and physical follow-up care from a disastrous legal abortion?

I am reminded of the many young adolescent teens, especially Dawn from New York, whose parents were notified in time to make funeral arrangements after their daughter's legal abortion. Mrs. Ruth Ravenell and her husband were awarded \$1.3 million dollars by the State of New York for the wrongful death of their 13-year-old daughter. Mrs. Ravenell, shared with me and the Senate Education and Health Committee in Richmond, VA that she sat in the hospital before her daughter died, with her hand over her mouth to help keep herself from screaming.

Eileen Roberts, whose daughter was encouraged by her boyfriend, with the assistance of an adult friend, to obtain a secret abortion without telling her parents. Eileen's daughter suffered from depression, medical complications, and severe pelvic inflammatory disease which caused the family terrible pain and suffering and cost \$27,000 in medical bills.

Mr. Speaker, we must take action to protect our children from these attacks on the family. We must protect girls from being coerced to have an abortion without even their parents' knowledge. Children should not be transported across state lines for major medical proce-

dures with the express intent to circumvent the laws and parental involvement. H.R. 476 will preserve the right of parents and will protect our children.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the bill.

The legislation we are considering today would prohibit anyone—including a step-parent, grandparent, or religious counselor—from accompanying a young woman across State lines for an abortion.

This is a dangerous, misguided bill that isolates our daughters and puts them at grave risk. Under this legislation, young women who feel they cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without help from any responsible adult. Some will seek dangerous back-alley abortions close to home. Others will travel to unfamiliar places seeking abortions by themselves.

Thankfully, most young women—more than 75 percent of minors under age 16—involve their parents in the decision to seek an abortion. That's the good news. And as a mother and a grandmother, I hope—as we all hope—that every child can go to her parents for advice and support.

But not every child is so lucky. Not every child has loving parents. Some have parents who are abusive or simply absent. Now, I believe that those young women who cannot go to their parents should be encouraged to involve another responsible adult—a grandmother, an aunt, a rabbi or minister—in what can be a very difficult decision.

Already, more than half of all young women who do not involve a parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve another adult relative. That's a good thing. We should encourage the involvement of responsible adults in this decision—be it a step-parent, aunt or uncle, religious minister or counselor—not criminalize that involvement. Unfortunately, this bill will impose criminal penalties on adults—like grandmothers who come to the aid of their granddaughters.

I am a grandmother of six—and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As much as we might wish otherwise, family communication and open and honest parent-child relationships cannot be legislated. When a young woman cannot turn to her parents, she should certainly be able to turn to her grandmother or a favorite aunt for help. Unfortunately, this legislation tells young women who cannot tell their parents: don't tell anyone else.

Parental consent law do not force young women to involve their parents in an hour of need. We know that it can do just the opposite. Indiana's parental consent law drove Becky Bell away from the arms of her parents and straight into the back alley. Parental consent laws don't protect our daughters—but they can kill them. They don't bring families together—but they can tear them apart. And so I ask, why can't we do more to bring families together, and to keep our people safe?

I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to teach teenagers to be abstinent and responsible. And we need a comprehensive approach to keeping teenagers safe and healthy. We do not need a bill that isolates teenagers and puts them at risk. I urge my colleagues to vote no on this legislation.

Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortion and protecting parental rights), today the Congress could potentially move our nation one step closer to a national police state by further expanding the list of federal crimes and usurping power from the states to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance 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 carried out by a centralized government. Who, after all, wants to be amongst those members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across state lines for ignoble purposes.

As an obstetrician of more than thirty years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this "medical" procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the states. In the name of protecting states' rights, this bill usurps states' rights by creating yet another federal crime.

Our federal government is, constitutionally, a government of limited powers, Article one, Section eight, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issues, 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 tenth 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.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 476. H.R. 476 amends title 18, United States Code, to prohibit taking minors across State line to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some

states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes 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 the 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.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress' tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a federal police force is 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 state autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate federal law, or an "adequate" federal law improperly interpreted by the Supreme Court, preempts states' rights to adequately address

public health concerns. *Roe v. Wade* should serve as a sad reminder of the danger of making matters worse in all states by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the federal government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to the point where it reads "It's ten o'clock; does the federal government know where your children are." Further socializing and burden-shifting of the responsibilities of parenthood upon the federal government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, H.R. 476.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support a common-sense bill to empower parents and protect children. The Child Custody Protection Act is first, last and always about the youngest and most vulnerable members of our society.

Girls under the age of eighteen should be protected from people who set out to break a state's law—especially when the decision is one that can never be reversed.

States have wisely enacted parental consent and notification laws to ensure mothers and fathers are fully involved in their children's lives. Just as they have control whether or not to permit an aspirin to be dispensed to their son or daughter in school, the parent-child relationship must not be undermined on the subject of abortion.

There is an abundance of evidence from the Yellow Pages to prove abortion clinics advertise to minor girls. "No parental consent needed" caters to the out-of-state girl who is often scared and confused. Children should not have their parents' counsel replaced by the phone book.

I commend the sponsors and supporters of this legislation—both Democrat and Republican—and urge passage of the bill.

Ms. BROWN of Florida. Mr. Speaker, I rise today in strong opposition to this bill. While the other side likes to call this bill the Child Custody Protection Act, I have named it the Rapist and Incest Perpetrator Protection Act. This bill does not protect girls and their families. This bill protects the rights of those who rape and molest young girls by forcing these vulnerable girls to gain permission from the very person who has committed this awful crime to exercise her constitutionally protected right.

The fact is that over 60 percent of parents now are already involved in this important decision of their daughters' lives. But if a parent is the perpetrator of a crime against these girls, and she turns to a grandparent or a teacher or a religious leader for help, that grandparent or religious leader can be dragged off to jail for doing what is right.

Under this bill, if a man from my state of Florida helped his younger sister across state lines to Georgia because she feared telling her abusive parents or because the clinic in Georgia was actually closer and more convenient, this older brother could be charged with a felony. Not only that, but anyone who knew that he helped her could be charged as a co-conspirator. The receptionist at the clinic who gave directions from Florida could be charged. The person performing the intake interview or counseling who knew of her Florida address would be charged. If they spent the night at an aunt's house in Georgia, that aunt could also be thrown in jail.

This is wrong. This bill is wrong. The government cannot mandate healthy and open family communications where it does not already exist. If passed into law, this bill will cause many young women to face very important decisions alone, without any help. I urge Members to vote overwhelmingly against this bill.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Child Custody Protection Act. This parental rights legislation prohibits the transportation of a minor across state lines to obtain an abortion if the requirements of a law in the state where the individual resides requiring parental involvement in a minor's abortion decision are not met before the abortion is performed. Twenty-seven states require parental consent or notification of minors seeking to abort their babies. It is a shame that as we are working to promote parental involvement, their rights are being actively circumvented.

News reports and published studies reveal that large numbers of minors are crossing state lines to obtain abortions, and many of these cases involve adults rather than parents transporting the minors. This is especially worrisome when the pregnancy is a result of statutory rape. Not only are our daughters being preyed upon by older men, but they are further psychologically damaged by having to obtain an abortion without even the support of their parents. A California study found that two-thirds of the girls were impregnated by adult, postschool fathers with a median age of 22. It is estimated that 58 percent of the time girls seek an abortion without parental knowledge, they are accompanied by their boyfriend. Even those of you who support the supposed "choice" to abort babies cannot be in favor of the intimidation of teenage girls by older males.

The Child Custody Protection Act is not a federally parental involvement law; it merely ensures that state laws are not evaded through interstate activity. It does not encroach upon state powers, but reinforces them. Pennsylvania is one of the states with parental notification requirements. The Pennsylvania appeals court noted, "although a parent's right to make decisions for her child is tempered in the instance of abortion, at least in Pennsylvania that parent has the legitimate expectation that procedural safeguards designed to protect the minor will be observed." Parents in Pennsylvania and 27 other states need our help to guaranteeing that these laws are upheld.

Parental rights protect not only parents but minors as well. We have all read numerous studies indicating the benefits of parental involvement in a child's education. Parental involvement and guidance in life is even more

critical. Pregnancy is a life changing experience, especially for teenagers, and we should not further distance them from their parents at a time when they need as much support and love as they can get. We cannot allow parental rights to be bypassed. I encourage my colleagues to join me in support of the Child Custody Protection Act.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed that today we will vote on H.R. 476, the so-called "Child Custody Protection Act." This anti-choice bill would dangerously criminalize help from relatives and close friends who assist young women struggling with the most difficult personal challenges.

I wish that every child was in a loving family that they could turn to first. The facts are, however, that many young women do not have that type of relationship with their parents and in too many cases we have seen the actual problem caused by abusive close family members.

People who would deny women reproductive choice have altered their tactics to chip away at women's reproductive freedoms; this is one of the most insidious examples. This bill would limit the choices for the most desperate women and is part of an overall anti-choice strategy that I reject.

Draconian measures like H.R. 476 often have unintended consequences that can lead to desperate actions with dire consequences for the mental health and physical well-being of our nation's young women.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to H.R. 476, the Child Custody Protection Act because the bill is unconstitutional, dangerous, anti-family, and incredibly broad.

1. The bill is blatantly unconstitutional in at least three respects:

First, the bill violates minors' due process rights by increasing their risk of physical harm. This violates the principles of *Carey v. Population Services*, where the Supreme Court held that a state may not seek to deter sexual activity by "increasing the hazards attendant on it."

Second, H.R. 476 contains an inadequate exception to protect women's lives, and it does not have any exception to protect a woman's health—in clear violation of *Planned Parenthood v. Casey*.

Finally, the bill violates the Privileges and Immunities Clause by denying citizens the right to travel freely and enjoy the legal rights of citizens of other states. In violation of these principles of federalism, the bill saddles a young woman with the laws of her home state no matter where she travels in the country.

2. The bill is also dangerous because it takes away from young women safe alternatives to parental involvement—such as turning to close relatives, close family friends, and religious counselors—and replaces them with life-endangering ones, such as hitchhiking, self-induced, or back-alley abortions. If you don't believe me, ask Becky Bell's family. She died from a back alley abortion as a result of Indiana's parental consent law when she was afraid of confiding in her family.

The bill will inevitably lead to increased family violence. We know that one-third of teenagers who do not tell their parents about a pregnancy have already been the victim of family violence. We also know that the incidence of family violence only escalates when a teenage daughter becomes pregnant. This bill will only exacerbate those problems.

3. In addition, the bill is anti-family because it will turn family members into criminals. In a state that requires the consent of both parents, a single parent who takes a child across state lines would be subject to criminal charges, even if the other parent was estranged or their whereabouts were unknown. Grandparents would also be subject to prosecution, even if they were the child's primary caregiver.

4. Finally, the legislation is incredibly broad. Supporters of this bill claim to be targeting predatory individuals that force and coerce a minor into obtaining an abortion. However, the net cast by this bill is far broader and far more problematic. Under the legislation, anyone simply transporting minor could be jailed for up to a year or fined or both. Any bus driver or taxi driver unaware that the young woman has not engaged a formal parental involvement process could conceivably be sent to jail under this prohibition. The same applies to emergency medical personnel who may be aware they are taking a minor across state lines to obtain an abortion, but would have no choice if a medical emergency were occurring.

What we have is yet another shortsighted effort to politicize a tragic family dilemma that does nothing to respond to the underlying problem of teen pregnancies or dysfunctional families.

I urge the Members to vote "no" on this simple-minded, dangerous, and misguided legislation.

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

The SPEAKER pro tempore (Mr. LINDER). All time for debate has expired.

Pursuant to House Resolution 388, the bill is considered read for amendment, and the previous question is ordered on the bill.

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.

MOTION TO RECOMMIT OFFERED BY  
MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. JACKSON-LEE of Texas. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill H.R. 476 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 4, after line 7, insert the following:  
"(3) The prohibitions of this section do not apply with respect to conduct by an adult sibling, a grandparent, or a minister, rabbi, pastor, priest, or other religious leader of the minor.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes in support of her motion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was just listening to a discussion that reminded me that we have come repeatedly to the floor to discuss this issue, and I do not intend by this motion to recommit any of the debate that has preceded us to diminish the consciousness and the sense of dedication and commitment that our colleagues have when they come to the floor of the House; but I believe that it is extremely important that this Congress, this House, reach to their higher angels, and understand that there are people who suffer every day, whose lives may be different from those of us who have spoken today.

I have heard women in this debate mention their family members, their children and the relationships they have. I have a 22-year-old daughter and 16-year-old son, and we work very hard to keep the lines of communication open, being there for them. If they were talked to by someone else, they might say on some things I want to not speak to parents who are loving and nurturing, of which my husband and myself believe that we try to be. I could not give you a response. I know what we try to do as a family.

But even in the instance where we try, what about the reality of life? What the majority is doing today, Mr. Speaker, is ignoring their own proposition, which says we have a responsibility to protect a child from someone who may be putting his interest ahead of the child's at a most vulnerable time. Those are words by the majority leadership. Yet this bill does that. It takes the political and moral views of the majority and imposes them on young women who may not feel the same way.

This motion to recommit says this. This is a motion to recommit that no one should oppose, and that is that the prohibitions of this section do not apply with respect to the conduct by an adult sibling, a loving sister or brother, a loving grandparent, a minister, rabbi, pastor, priest or other religious leader of a minor.

Mr. Speaker, life is real; and I do not know if many of you are aware of lives that young people live. Thirteen-year-old Anita lives with her grandmother, Joy, who she calls Momma. After noticing that Anita had become withdrawn and observing changes in her sleeping and eating patterns, Grandma Joy, Momma, suspected that Anita was pregnant.

At first Anita denied she could be pregnant. Joy finally got Anita to open up, and Anita revealed, Mr. Speaker, that she had been raped. Anita could not stop crying, shaking and vomiting as she told Joy the story; and she told Joy that she did not want to have a baby, because Anita was 13 years old.

Anita was raped. Anita was not engaging in frivolous sex. She was raped.

Fortunately, Joy and Anita do not live in a State with parental consent, because Anita's mother is a drug addict, Mr. Speaker. She is part of America's society, but she is not a mother who is able to counsel with this young girl.

Had Joy and this mother lived in another State, this young girl, who had already been so traumatized by rape, would have further been harmed by parental involvement, but even more so harmed by this Federal law that would keep Momma, Momma, who this little girl lives with, from taking her to a place of safe haven, where they might have consulted with their religious leader, and little Anita to be able to rebuild this young girl's life. Raped.

This bill does not answer the health of the child. This bill does not confront the reality of American life, where children live in homes where there is no parent. This bill does not confront the constitutional rights of children and choice and the right to privacy.

This motion to recommit, Mr. Speaker, is a fair motion. How can anyone in this body vote against a grandparent, a loving adult sibling, a minister, a rabbi or pastor or priest or religious leader who would guide and consult with the family? These are the very same rights and privileges that we give to all who claim to live in the bounty of this land.

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This is tragic. It is well known that young people live alone as well, like the one I mentioned, April, the single mother, 16 years old, of a 2-year-old child and whose stepfather abused her and, therefore, no relationship with the natural mother.

We are denying the privileges of a familial situation, and I would ask my colleagues who value this legislation as family values, where is your heart to match the family values? Where is it reasoned that you would deny that grandmother and that adult sibling and that ministerial or that religious leader from helping to protect the constitutional rights that exist?

Mr. Speaker, I ask my colleagues to instruct by a motion to recommit this bill to go back and be able to emphasize family values for real, with a heart.

Mr. Speaker, I am very disappointed. Here we are, adult legislators who raise families and promote family unity. But yet this bill before us alienates young adolescents from their families and people that care about them.

H.R. 476, the Child Custody Protection Act, would criminalize anyone transporting a minor across state lines if this circumvents the state's parental involvement laws.

While I strongly oppose this bill, I offered amendments in Committee that would have at least given a young woman the support of a family member or clergy person during this time. Except that the Democrats were not allowed to offer any amendments to soften the effects of this family-destructing bill. Amendments were the only chance for this bill to assure that the young woman who decides to get an abortion, for whatever reason, has the support of a loving family member or re-

spected member of the clergy. She should not do it alone when she can't. The Majority said that "very often, parents are the only ones that know their child's psychological and medical history. Not consulting with parents can lead to health and safety risks." On the contrary, this bill is detrimental to young women's health.

First of all, legal abortions, particularly early in pregnancy, are very safe—safer than carrying a pregnancy to term. Secondly, studies demonstrate that minors are capable of making competent medical decisions without parental involvement. Further, states that do not permit minors to consent to abortion do permit them to consent to childbirth. If the true purpose of this bill is to protect children rather than to impose another obstacle on young women's right to choose, this anomalous result would be resolved here today.

The Majority continues by saying, "We have a responsibility to protect a child from someone who may be putting his interest ahead of the child's, at a most vulnerable time." This is what this bill does. It takes the political and moral views of the Majority and imposes them on young women who may not feel the same way. If we are concerned about promoting healthy family communication and family values, we will not accomplish that with this bill. Many young women who feel they cannot seek the counsel of their parents turn to other trusted family members when they face a crisis pregnancy. As a matter of fact, one study found that 93% of minors who did not involve a parent were accompanied by someone else in the reproductive health facility.

This bill would criminalize the conduct of a grandmother who helps her granddaughter in time of need. Aunts, uncles, and other trusted family members would face imprisonment if they accompany a young relative across state lines without complying with her home state's parental involvement law. This bill would isolate young women from supportive and protective family members rather than uniting families.

If my colleagues on the other side of the aisle really believe in family unity and cared about their health, then they would have been amenable to the amendments that we attempted to make in order.

That is why I am offering this motion to recommit. Our ultimate goal is to provide access to health care that is in the best interest of the adolescent. This bill prohibits that. My motion is to send this back to the House Judiciary Committee and report back exempting adult siblings, a grandparent, or a religious leader who helps a young woman in this situation. These are adults who care for adolescents and would offer assistance when confiding in their parents is not feasible. My colleagues on the other side say that this bill protects minors who cannot tell their parents because minors can appear before judges and bypass any parental involvement law. Judicial bypass procedures often pose formidable obstacles to young women facing crisis pregnancies. Some anti-choice judges routinely deny minors' petitions.

For example, a judge in Toledo, Ohio, denied permission to a 17-year-old woman—an 'A' student who planned to attend college and who testified that she was not financially or emotionally prepared for motherhood at the same time. The judge stated that the young woman had "not had enough hard knocks in her life."

Mr. Speaker, if we really care about the health and well-being of our young citizens, then we must send this bill back.

Mr. CHABOT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, these individuals that are referred to in this motion to recommit, siblings and grandparents and religious leaders, ministers, that sort of thing, do not have the authority now to authorize any medical procedures for a minor child or to council or guide that child as she makes important medical decisions. So why should the fundamental rights of parents to consult and advise their pregnant daughters be thrown aside, only in the context of abortion?

The purpose of this bill is to ensure that the rights of parents to be involved in their daughter's abortion decision is not interfered with. Judicial bypass procedures contained in all parental notice and consent statutes allow a pregnant minor in some circumstances to obtain an abortion without having notified or gained the consent of her parent or legal guardian in cases of sexual abuse or incest and those types of things, for example. Those who want to add these exemptions have a fundamental problem with the underlying State laws that only provide parents a right to consent to or receive notice of this procedure. The inclusion of these individuals is a matter for each individual legislature to decide, not Congress.

The purpose of H.R. 476 is to enforce State laws as they are. If extended family members or religious leaders are truly interested in the best interests of the pregnant young girl, they will encourage and support her as she takes the difficult step to either inform her parents or guardian about her pregnancy, or to pursue a judicial bypass. It is certainly not in the best interests of a pregnant young girl for anyone, including a religious leader or extended family member, to assist her in evading the laws of her home State and secretly transporting her miles away from those who love her most in order to undergo a potentially dangerous procedure that carries with it serious medical consequences, serious long-term consequences.

Parents are in the best position to make decisions about their minor children. Parents have their children, they love their children, they nurture their children, they care for them. They are in the best position, not anybody else.

For these reasons and others, I urge my colleagues to vote against this motion to recommit.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong opposition to this motion.

I would remind my colleagues that this motion offered by the gentleman from Texas (Ms. JACKSON-LEE) is essentially the same as the one that was offered back in 1999, and it was defeated by this body 164 to 268. This mo-

tion again seeks to cut out the parent. And the parent, as the gentleman from Ohio (Mr. CHABOT) just pointed out—not the religious leader, not some grandparent, not a sibling that happens to be an adult—is the legal guardian. If there is a problem, if there is some kind of injury that results as a result of that abortion, who is responsible? It is not going to be the brother or the sister. It is certainly not going to be the grandparent. It will be the parent. We should not cut the parent out of parental involvement by refusing them consent or knowledge about an abortion.

Mr. Speaker, this legislation has been very carefully crafted by the gentleman from Florida (Ms. ROSLEHTINEN) and members of the Committee on the Judiciary. This is a killer motion, and I hope it will be defeated.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of the motion to instruct conferees on the issue of payment limitations which the distinguished gentleman from Michigan (Mr. SMITH) has offered.

It is clear that strong payment limitation language would improve the integrity of the farm program payments and help to retain public support for these programs essential to rural areas. Making this change will also help prevent the overwhelming consolidation of farms that has resulted in a decrease in small- and medium-sized family farm operations. The savings achieved from this provision could then be directed to other worthwhile agricultural programs.

A survey conducted by 27 land grant universities found that 81 percent of the agricultural producers across the country supported placing limits on support payments thereby directing dollars to where they are actually intended. Furthermore, a 2001 General Accounting Office report found that in recent years, more than 80 percent of farm payments were made to large- and medium-size farms. In 1999, for instance, 7 percent of the nation's farms—those with gross agricultural sales of \$250,000 or more—received about 45 percent of the payments. With Congress facing so many spending priorities, we must demonstrate to our constituents that we are using taxpayers' money more efficiently.

It is important to note that this motion to instruct expresses support for redirecting these funds to agricultural research and conservation. Our choice is clear—we can continue to funnel millions of dollars to some of the wealthiest farms or we can make an investment in the future of agriculture which will benefit all producers and all Americans.

Mr. Speaker, this Member strongly supports the motion to instruct and encourages his colleagues to vote for it.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. JACKSON-LEE of Texas. 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage, followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 15, as follows:

[Roll No. 96]  
YEAS—173

|             |                |               |
|-------------|----------------|---------------|
| Abercrombie | Gilman         | Moore         |
| Ackerman    | Gonzalez       | Moran (VA)    |
| Allen       | Green (TX)     | Morella       |
| Andrews     | Greenwood      | Nadler        |
| Baca        | Gutierrez      | Napolitano    |
| Baird       | Harman         | Neal          |
| Baldacci    | Hilliard       | Olver         |
| Baldwin     | Hinches        | Owens         |
| Barrett     | Hinojosa       | Pallone       |
| Bass        | Hoeffel        | Pascarell     |
| Becerra     | Holt           | Pastor        |
| Bentsen     | Honda          | Payne         |
| Berkley     | Hoolley        | Pelosi        |
| Berman      | Houghton       | Price (NC)    |
| Biggert     | Hoyer          | Rangel        |
| Bishop      | Inslee         | Rivers        |
| Blagojevich | Israel         | Rodriguez     |
| Blumenauer  | Jackson (IL)   | Rothman       |
| Boehrlert   | Jackson-Lee    | Roybal-Allard |
| Bonior      | (TX)           | Rush          |
| Boswell     | Jefferson      | Sabo          |
| Boucher     | Johnson (CT)   | Sanchez       |
| Brady (PA)  | Johnson, E. B. | Sanders       |
| Brown (FL)  | Kaptur         | Sandlin       |
| Brown (OH)  | Kennedy (RI)   | Sawyer        |
| Capps       | Kilpatrick     | Schakowsky    |
| Capuano     | Kind (WI)      | Schiff        |
| Cardin      | Kucinich       | Scott         |
| Carson (IN) | LaFalce        | Serrano       |
| Carson (OK) | Lampson        | Shays         |
| Castle      | Langevin       | Sherman       |
| Clay        | Lantos         | Simmons       |
| Clayton     | Larsen (WA)    | Slaughter     |
| Condit      | Larson (CT)    | Smith (WA)    |
| Conyers     | Lee            | Solis         |
| Coyne       | Levin          | Spratt        |
| Crowley     | Lewis (GA)     | Stark         |
| Cummings    | Lofgren        | Strickland    |
| Davis (CA)  | Lowey          | Sweeney       |
| Davis (IL)  | Luther         | Tauscher      |
| DeFazio     | Lynch          | Thompson (CA) |
| DeGette     | Maloney (CT)   | Thompson (MS) |
| Delahunt    | Maloney (NY)   | Thurman       |
| DeLauro     | Markey         | Tierney       |
| Deutsch     | Matheson       | Towns         |
| Dicks       | Matsui         | Udall (CO)    |
| Doggett     | McCarthy (MO)  | Udall (NM)    |
| Dooley      | McCarthy (NY)  | Velazquez     |
| Engel       | McCollum       | Visclosky     |
| Eshoo       | McDermott      | Waters        |
| Etheridge   | McGovern       | Watson (CA)   |
| Evans       | McKinney       | Waxman        |
| Farr        | Meehan         | Weiner        |
| Fattah      | Meek (FL)      | Wexler        |
| Filner      | Meeks (NY)     | Woolsey       |
| Ford        | Menendez       | Wu            |
| Frank       | Millender-     | Wynn          |
| Frost       | McDonald       |               |
| Gephardt    | Mink           |               |

NAYS—246

|           |            |           |
|-----------|------------|-----------|
| Aderholt  | Boehner    | Calvert   |
| Akin      | Bonilla    | Camp      |
| Armey     | Bono       | Cannon    |
| Bachus    | Boozman    | Cantor    |
| Baker     | Borski     | Capito    |
| Ballenger | Boyd       | Chabot    |
| Barcia    | Brady (TX) | Chambliss |
| Barr      | Brown (SC) | Coble     |
| Barton    | Bryant     | Collins   |
| Bereuter  | Burr       | Combest   |
| Berry     | Burton     | Cooksey   |
| Bilirakis | Buyer      | Costello  |
| Blunt     | Callahan   | Cox       |

Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis (FL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook

Jenkins  
John  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
Kildee  
King (NY)  
Kingston  
Kirk  
Klecza  
Knollenberg  
Kolbe  
LaHood  
Latham  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Manzullo  
Mascara  
McCrery  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Mica  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Mollohan  
Moran (KS)  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Putnam  
Quinn

Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Roukema  
Royce  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Stearns  
Stenholm  
Stump  
Stupak  
Sullivan  
Sununu  
Tancredo  
Tanner  
Tauzin  
Terry  
Thomas  
Thune  
Tiahrt  
Tiberi  
Toomey  
Turner  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)

## NOT VOTING—15

Bartlett  
Clement  
Clyburn  
Dingell  
Hastings (FL)

Jones (OH)  
LaTourette  
Miller, George  
Pryce (OH)  
Ryan (WI)

Taylor (MS)  
Taylor (NC)  
Thornberry  
Traficant  
Watt (NC)

## □ 1344

Messrs. KILDEE, RAHALL, ORTIZ, McNULTY, BILIRAKIS and STUPAK changed their vote from “yea” to “nay.”

Mr. GILMAN, Ms. SANCHEZ, and Messrs. GREENWOOD, SHAYS, and FORD changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. LANGEVIN. Mr. Speaker, my vote was recorded incorrectly on the motion to recommit on H.R. 476. My vote would be a “no” on the motion to recommit.

The SPEAKER pro tempore (Mr. LIN- DER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:

[Roll No. 97]

## AYES—260

Aderholt  
Akin  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Bartlett  
Barton  
Bereuter  
Berry  
Bilirakis  
Bishop  
Blunt  
Boehner  
Bonilla  
Bonior  
Bono  
Boozman  
Borski  
Boswell  
Boyd  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carson (OK)  
Chabot  
Chambliss  
Coble  
Collins  
Combust  
Cooksey  
Cottrell  
Cox  
Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis (FL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Doolittle  
Doyle  
Dreier  
Duncan  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Etheridge  
Everett  
Ferguson  
Flake  
Fletcher  
Forbes  
Ford  
Fossella  
Frelinghuysen  
Gallegly  
Ganske  
Gekas

Gibbons  
Gilchrest  
Gillmor  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hobson  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Rahall  
Ramstad  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Sandin  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Spratt  
Stearns  
Stenholm  
Strickland  
Stump

Miller, Dan  
Miller, Gary  
Miller, Jeff  
Mollohan  
Moran (KS)  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pascrell  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Sandin  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Spratt  
Stearns  
Stenholm  
Strickland  
Stump

Stupak  
Sullivan  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas

Thune  
Tiahrt  
Tiberi  
Toomey  
Turner  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)

## NOES—161

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barrett  
Bass  
Becerra  
Bentsen  
Berkley  
Berman  
Biggart  
Blagojevich  
Blumenauer  
Boehler  
Boucher  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Castle  
Clay  
Clayton  
Condit  
Conyers  
Coyne  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Doggett  
Dooley  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Filner  
Foley  
Frank  
Frost  
Gephardt  
Gilman

Gonzalez  
Green (TX)  
Greenwood  
Gutierrez  
Harman  
Hilliard  
Hinchee  
Hinojosa  
Hoeffel  
Holt  
Honda  
Hoolley  
Houghton  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (CT)  
Johnson, E. B.  
Kaptur  
Kennedy (RI)  
Kind (WI)  
Kirk  
Lampson  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowe  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinney  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Miller  
Mink  
Moore

Moran (VA)  
Morella  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pastor  
Paul  
Payne  
Pelosi  
Price (NC)  
Rangel  
Rivers  
Rodriguez  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Shays  
Sherman  
Simmons  
Slaughter  
Smith (WA)  
Solis  
Stark  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Velazquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOT VOTING—13

Barcia  
Callahan  
Clement  
Clyburn  
Dingell

Dunn  
Hastings (FL)  
Jones (OH)  
LaTourette  
Pryce (OH)

Thornberry  
Traficant  
Watts (OK)

## □ 1354

So the bill was passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 97, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. WATTS of Oklahoma. Mr. Speaker, my vote was not recorded on the Child Custody Protection Act, vote No. 97. I ask that the RECORD reflect that had my vote been recorded, I would have voted “aye.”

Mr. BARCIA, Mr. Speaker, due to an unavoidable conflict I was unable to cast a vote on rollcall No. 97, question: on passage of H.R. 476, the Child Custody Protection Act. I ask that the RECORD reflect that if I were able to cast my vote it would have been “aye.”

Ms. KILPATRICK. Mr. Speaker, I inadvertently voted "yea" on final passage of the Child Custody Protection Act (rollcall vote 97) when I meant to vote "no." Please let the RECORD reflect my true intention and note this statement in the appropriate place in the CONGRESSIONAL RECORD.

THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 51, not voting 22, as follows:

[Roll No. 98]

AYES—361

|             |               |                |
|-------------|---------------|----------------|
| Ackerman    | Coyne         | Green (WI)     |
| Akin        | Cramer        | Grucci         |
| Allen       | Crenshaw      | Gutierrez      |
| Andrews     | Crowley       | Hall (OH)      |
| Armye       | Cubin         | Hall (TX)      |
| Baca        | Culberson     | Hansen         |
| Bachus      | Cummings      | Harman         |
| Baker       | Cunningham    | Hart           |
| Baldacci    | Davis (CA)    | Hastings (WA)  |
| Baldwin     | Davis (FL)    | Hayes          |
| Barcia      | Davis (IL)    | Hayworth       |
| Barr        | Davis, Jo Ann | Herger         |
| Barrett     | Davis, Tom    | Hill           |
| Bartlett    | Deal          | Hilleary       |
| Barton      | DeGette       | Hinchee        |
| Bass        | DeLauro       | Hinojosa       |
| Becerra     | DeMint        | Hobson         |
| Bentsen     | Deutsch       | Hoefel         |
| Bereuter    | Diaz-Balart   | Hoekstra       |
| Berkley     | Dicks         | Holden         |
| Berman      | Dooley        | Holt           |
| Berry       | Doolittle     | Honda          |
| Biggert     | Doyle         | Hooley         |
| Bilirakis   | Dreier        | Horn           |
| Bishop      | Duncan        | Hostettler     |
| Blumenauer  | Dunn          | Houghton       |
| Blunt       | Edwards       | Hoyer          |
| Boehlert    | Ehlers        | Hulshof        |
| Boehner     | Ehrlich       | Hunter         |
| Bonilla     | Emerson       | Hyde           |
| Bono        | Engel         | Inslee         |
| Boozman     | Eshoo         | Isakson        |
| Boswell     | Etheridge     | Israel         |
| Boucher     | Evans         | Issa           |
| Boyd        | Everett       | Istook         |
| Brady (TX)  | Farr          | Jackson (IL)   |
| Brown (OH)  | Fattah        | Jefferson      |
| Brown (SC)  | Ferguson      | Jenkins        |
| Bryant      | Flake         | John           |
| Burr        | Fletcher      | Johnson (CT)   |
| Burton      | Foley         | Johnson (IL)   |
| Buyer       | Forbes        | Johnson, E. B. |
| Callahan    | Ford          | Johnson, Sam   |
| Calvert     | Frank         | Jones (NC)     |
| Camp        | Frost         | Kanjorski      |
| Cannon      | Galleghy      | Kaptur         |
| Cantor      | Ganske        | Keller         |
| Capito      | Gekas         | Kelly          |
| Capps       | Gephardt      | Kennedy (RI)   |
| Cardin      | Gibbons       | Kerns          |
| Carson (IN) | Gilchrest     | Kildee         |
| Castle      | Gillmor       | Kilpatrick     |
| Chabot      | Gilman        | Kind (WI)      |
| Chambliss   | Gonzalez      | King (NY)      |
| Clay        | Goode         | Kingston       |
| Coble       | Goodlatte     | Kirk           |
| Collins     | Gordon        | Kleczka        |
| Combest     | Goss          | Knollenberg    |
| Conyers     | Graham        | Kolbe          |
| Cooksey     | Granger       | LaFalce        |
| Cox         | Graves        | LaHood         |

|                    |               |              |
|--------------------|---------------|--------------|
| Lampson            | Ose           | Sherwood     |
| Langevin           | Otter         | Shimkus      |
| Lantos             | Owens         | Shows        |
| Larson (CT)        | Oxley         | Shuster      |
| Latham             | Pascarell     | Simmons      |
| Leach              | Pastor        | Simpson      |
| Lee                | Paul          | Skeen        |
| Levin              | Payne         | Skelton      |
| Lewis (CA)         | Pelosi        | Slaughter    |
| Lewis (KY)         | Pence         | Smith (NJ)   |
| Linder             | Peterson (PA) | Smith (TX)   |
| Lipinski           | Petri         | Smith (WA)   |
| Lofgren            | Phelps        | Snyder       |
| Lowe               | Pickering     | Souder       |
| Lucas (KY)         | Pitts         | Spratt       |
| Lucas (OK)         | Platts        | Stark        |
| Luther             | Pombo         | Stearns      |
| Lynch              | Pomeroy       | Stenholm     |
| Maloney (CT)       | Portman       | Stump        |
| Maloney (NY)       | Price (NC)    | Sullivan     |
| Manzullo           | Putnam        | Sununu       |
| Markey             | Quinn         | Tancredo     |
| Mascara            | Radanovich    | Tanner       |
| Matheson           | Rahall        | Tauscher     |
| Matsui             | Ramstad       | Tauzin       |
| McCarthy (MO)      | Rangel        | Taylor (NC)  |
| McCarthy (NY)      | Regula        | Terry        |
| McCollum           | Rehberg       | Thune        |
| McCrary            | Reyes         | Thurman      |
| McGovern           | Reynolds      | Tiahrt       |
| McHugh             | Riley         | Tiberi       |
| McInnis            | Rivers        | Tierney      |
| McIntyre           | Rodriguez     | Toomey       |
| McKeon             | Roemer        | Towns        |
| McKinney           | Rogers (KY)   | Turner       |
| Meehan             | Rogers (MI)   | Upton        |
| Meeks (NY)         | Rohrabacher   | Velazquez    |
| Mica               | Ros-Lehtinen  | Vitter       |
| Millender-McDonald | Ross          | Walden       |
| Miller, Dan        | Rothman       | Walsh        |
| Miller, Gary       | Roukema       | Wamp         |
| Miller, Jeff       | Roybal-Allard | Waters       |
| Mink               | Royce         | Watkins (OK) |
| Mollohan           | Ryan (WI)     | Watson (CA)  |
| Moran (KS)         | Ryun (KS)     | Watt (NC)    |
| Moran (VA)         | Sanchez       | Watts (OK)   |
| Morella            | Sanders       | Waxman       |
| Murtha             | Sandlin       | Weiner       |
| Myrick             | Sawyer        | Weldon (FL)  |
| Nadler             | Saxton        | Weldon (PA)  |
| Napolitano         | Schiff        | Wexler       |
| Neal               | Schrock       | Whitfield    |
| Ney                | Scott         | Wilson (NM)  |
| Northup            | Sensenbrenner | Wilson (SC)  |
| Norwood            | Serrano       | Wolf         |
| Nussle             | Sessions      | Woolsey      |
| Obey               | Shadegg       | Wynn         |
| Ortiz              | Shaw          | Young (AK)   |
| Osborne            | Sha's         | Young (FL)   |
|                    | Sherman       |              |

NOES—51

|             |                |               |
|-------------|----------------|---------------|
| Aderholt    | Hefley         | Peterson (MN) |
| Baird       | Hilliard       | Sabo          |
| Blagojevich | Jackson-Lee    | Schaffer      |
| Bonior      | (TX)           | Schakowsky    |
| Borski      | Kennedy (MN)   | Strickland    |
| Brady (PA)  | Kucinich       | Stupak        |
| Brown (FL)  | Larsen (WA)    | Sweeney       |
| Capuano     | Lewis (GA)     | Taylor (MS)   |
| Condit      | LoBiondo       | Thompson (CA) |
| Costello    | McDermott      | Thompson (MS) |
| Crane       | McNulty        | Udall (CO)    |
| DeFazio     | Meek (FL)      | Udall (NM)    |
| Delahunt    | Menendez       | Visclosky     |
| English     | Miller, George | Weller        |
| Filner      | Moore          | Wicker        |
| Fossella    | Oberstar       | Wu            |
| Green (TX)  | Olver          |               |
| Gutknecht   | Pallone        |               |

NOT VOTING—22

|             |               |            |
|-------------|---------------|------------|
| Abercrombie | Doggett       | Rush       |
| Ballenger   | Frelinghuysen | Smith (MI) |
| Carson (OK) | Greenwood     | Solis      |
| Clayton     | Hastings (FL) | Thomas     |
| Clement     | Jones (OH)    | Thornberry |
| Clyburn     | LaTourette    | Trafficant |
| DeLay       | Nethercutt    |            |
| Dingell     | Pryce (OH)    |            |

□ 1402

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1403

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646 tomorrow.

The form of the motion is as follows:

Mr. DOOLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed:

(1) to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba.

PERMISSION FOR SPEAKER TO POSTPONE FURTHER CONSIDERATION OF MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that during consideration of the motion to instruct offered by the gentleman from Michigan (Mr. SMITH), the Chair may postpone further consideration of the motion to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from Arkansas (Mr. BERRY) will be recognized for 30 minutes each.

The Chair will also announce that at 2:45 we will conclude temporarily the business of the House. So if we are not finished, we will come back to it.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to yield

half of my time to the gentleman from Michigan (Mr. BONIOR) for purposes of control.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are talking about this afternoon is should we have payment limitations on farm subsidy programs. We have a situation in law now that allows a loophole so there are no payment limitations in terms of price support programs. Just to be somewhat specific, we have loan deficiency payments, we have marketing loans, and there are limits on those marketing loans and those LDPs, loan deficiency payments.

However, once that maximum is reached, there is a loophole. There is an end run that can be achieved by farmers, and that is through the non-recourse loan where they can either forfeit the nonrecourse loan where they give the government possession of that particular crop and they keep the money. The money they keep is exactly the same subsidy benefit as they would have achieved through a marketing loan or a loan deficiency payment.

So what we have ended up with is many farmers getting millions of dollars in payments, and let me say why I think this is so important that we have some limit on these payments. This is doing farmers ill-will throughout the United States. We have had a lot of publicity on these millionaire farmers getting all of this money from government subsidy programs. We have had all of this publicity on landowners getting subsidy payments, sometimes in the millions of dollars; and not only does that affect what happens to farm programs here at the Federal level, but it also affects the reaction of local municipalities when they are discussing property tax and State laws that might help farmers. There is a negative image because of the publicity and because of the fact that a lot of these huge landowners and megafarms are getting megabucks.

With that, Mr. Speaker, I would strongly suggest that we move ahead and unanimously support this motion to instruct that says we should go ahead with the Senate version of payment limitations in their part A of the bill, and that we should use some of that money for expanding agricultural research programs and increasing conservation programs.

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

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

Mr. Speaker, I particularly appreciate one more opportunity to come before this House and talk about the fabulous job that the American farm does every day and has done since the beginning of this great Nation. I am always

amazed and surprised at the people that some way or other have gotten the idea that the best way to keep the American farmer down on the farm is to starve him to death.

I hear people come to the floor and talk about millionaire farmers. I see these stories in the paper that talk about all of the payments that these farmers get, and I am intimately familiar with some of these situations. These stories are simply not true. They have payment limits imposed on them, and they comply with the payment limits. In the end what happens is under the current system the American farmer is the most productive, the most incredible production machine that there has ever been in the history of the world.

At the same time, for good reasons I am sure that the Members that are proposing that this amendment be accepted and that this instruction be made, they have good intentions. They mean well. They think that they are doing the right thing. They just simply do not understand what it takes to produce the food and fiber for this country, and a good portion of the rest of the world.

If our farmers are taking advantage of the farm programs as they exist today and as they have been proposed by the House of Representatives in the bill that we passed, if they are doing such a terrible job of taking advantage of the U.S. Government, why are they going broke every day? Why does every farmer in the First Congressional District feel like they are just about to lose everything they have? Why does no one want to get into the business? Why do the children not want to get into the business? The list of things that indicate that American agriculture is threatened and our ability to feed this Nation and to clothe this Nation without importing monstrous amounts of food and fiber, why is that threatened if things are going so well and these farmers are being so well taken care of by the government?

Another problem that I have with this motion to instruct, Mr. Speaker, is that it is an obvious attack on women. It would provide that a woman could only draw a small fraction of what a payment limit is, but a man can draw a lot more. Over four times as much. That is just simply unfair.

I cannot imagine that this House or this Congress would be willing to promote such an idea and take advantage of the great women that have worked right along with their husbands to build American agriculture into what it is today. That is something that I find absolutely offensive, and I cannot believe that we would disenfranchise one more time in this country the American woman that has worked so hard on the family farm.

It creates a situation where a family would be better off if a man and wife were divorced. It would put people in a position where they would have to make that decision. All of these things

are part of what is bad about this bill. I urge this House to think about it very carefully.

Mr. Speaker, we talk a lot today about national security. Over and over, every day we hear about national security on this House floor, in the Senate, from the White House. All of the media is full of national security issues. We all are very aware of the problem we have because we have to import too much oil from offshore.

We are in danger of creating that same situation if we allow this motion to instruct to become part of the farm bill. We are creating a situation where the American farmer simply could not have the safety net they need to stay in production in times like this when prices are low, the value of the dollar is so high that they are almost held out of the export market.

Mr. Speaker, I urge Members to vote "no" on this motion to instruct.

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

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for raising this important issue today. I appreciate his leadership on this, as well as those who worked very hard on this last fall: the gentleman from Wisconsin (Mr. KIND), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Maryland (Mr. GILCREST).

The problem with this farm bill is that it would reward the largest corporate farmers with \$120 billion in Federal handouts; yet it will provide less than a third of that for conservation.

Now, back in 1930, 70 percent of Federal support for agriculture went to conservation because we realized we were losing our topsoil and our prime agricultural land. Today's threats are no less real than when there were dust storms. The threats today of overdevelopment and sprawl are real. In Michigan, we continue to lose 68 square miles of prime agricultural land every year. That is the size of two townships in our State. We are going to lose our agricultural base at this rate. Large unchecked combine animal feeding operations in the southwestern part of our State are raising serious environmental health and safety concerns. Sediment from agriculture is a major source of pathogens and other contaminants in our drinking water.

All we have to do is remember what happened a few years ago in Milwaukee, Wisconsin, where pathogens got into the drinking water; 104 people died in Milwaukee, Wisconsin, as a result of that. The system that we live in in the Great Lakes cannot take it; but it is not too late to turn this around.

We can keep our family farmers in business and protect our water and our wildlife habitat and our environment. Voting for this motion to instruct will begin shifting our priorities and getting us moving in the right direction

again. Our motion will take some of the funds from commodity payments and funnel them into conservation programs and research.

If we take this simple step, we could help smaller family farmers keep their land in farming, and we can protect our environment at the same time. We need to put more money into farm land preservation programs. This will help States protect farm lands from overdevelopment. We need to provide financial incentives to finance purchasing development rights so that farmers can afford to keep their lands in agricultural production and not sell off to developers. We need to put funding into the wetlands reserve program to protect wildlife habitat, and ensure that wetlands are there to filter bacteria and pollutants long before they enter our lakes and rivers.

□ 1415

Mr. Speaker, they are the natural barriers of filtration. They are the filtration. We cannot build anything better than what nature gives us. It is in our own economic interest to encourage farmers to set aside these wetlands.

We need to put funding into the environmental quality incentive programs that help us protect our water quality from nitrates and pathogens. In our State, we use 250,000 tons of nitrate a year that run off our farms, into our waters, and cause algae and seaweeds to grow at such a rapid rate that it chokes off our canals, our lakes and our streams. And then we have the problem of pollution and trapping of sewage in our lakes and streams causing closings of businesses. We know the cycle there. Pathogens like cryptosporidium pose a human health risk and even can cause death, as I have mentioned in Milwaukee. So this is very serious stuff.

Providing farmers incentives to reduce their use of nitrates and use alternatives to pesticides are commonsense steps that we can take to protect our water quality and to protect our health. If we do not take these steps, Mr. Speaker, we are going to pay for them later. We will not have enough farmland to grow enough food to feed our population. We will have to increase costs for roads and sewers and police and fire protection in areas where growth and development occur. Our urban cores will continue to lose population and the tax base leading to an inability to fund adequate services.

You can see all of this happening and all of this coming. All you have got to do is open your eyes and look around and see all the big box department stores, the strip malls and the golf courses in our part of the State.

My wife and I did a walk around our district a few years ago. We were out in the country. I have a lot of agriculture in my district, Mr. Speaker, as does the gentleman from Michigan (Mr. SMITH). We stopped by a farmer working in the field just to chat with him. He was eat-

ing his lunch. He had an orange in his hand. He took that orange, he had his hand around it, and he said, "See where my thumbnail is around this orange? That's what's left of our prime agricultural land on the planet today." We are losing it an alarming rate. We have got to get back to the conservation, to deal with the basic levels of conservation in order to preserve it for tomorrow.

I want to thank my colleague the gentleman from Michigan (Mr. SMITH) for introducing this motion to instruct. It is a very important motion. The Senate has acted, I think, quite well and honestly in moving in this direction. The House needs to do the same.

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

Mr. SMITH of Michigan. Mr. Speaker, I yield myself 35 seconds.

Let me react to the agricultural leader from Arkansas, that the people that are offering this amendment do not understand farm programs, and I would just suggest, I have been a farmer all my life, a director of the Michigan Farm Bureau. I understand farm programs. To respond to your question why are farmers going broke, it is because Federal agricultural programs encourage more production, and that more production comes from the largest farmers. This amendment helps the smaller farmer. It limits the amount of subsidies that can go to those huge megafarms.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

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

Mr. GANSKE. Mr. Speaker, I speak on behalf of the motion to instruct conferees on the section of the farm bill dealing with payment limitations. I commend the objectives of the Grassley amendment in the Senate and I believe we should encourage Members of the House serving on the farm bill conference to accept the language as it was adopted in the Senate version.

The Grassley amendment would place a cap of \$275,000 on the amount that could be received in Federal farm support payments in a year. This is in contrast to the House bill and the Senate bill as it was introduced. Both pieces of legislation would have actually increased the cap from the current level of \$460,000.

During the previous House debate on the farm bill, I did not support an amendment which dealt with only one aspect of the problem and which would have left the increase in the cap to \$550,000 intact. I believe, however, that the comprehensive approach of the Grassley amendment is a more balanced and fair way to address the growing problem.

I have on many occasions commended Chairman COMBEST and Ranking Member STENHOLM for the civil and nonpartisan fashion in which they have conducted their approach to the House farm bill. That has been in sharp con-

trast to the sometimes bitter process in the other body. However, in this instance, the Grassley amendment was passed with a bipartisan coalition of 66 Senators. I believe the provision would be a positive addition to the final farm bill product and in the best interests of Iowa farmers.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I agree wholeheartedly with the gentleman from Michigan that there should be some reform of payment limitations. I do not think anyone disagrees with that. However, I do rise to oppose the motion.

I would like to point out to the gentleman from Michigan that the House version of the farm bill does increase conservation payments by 80 percent. EQIP, which addresses primarily clean water, clean air standards, is increased by 600 percent, from \$200 million to \$1.2 billion. Also, research is substantially increased, both versions, the House and the Senate. So I believe that those issues are being addressed.

What I would like to point out is that the House Committee on Agriculture went through a 2-year process in formulating this farm bill. They had 47 hearings all around the country. It was a bipartisan bill. It was passed by a large majority on the House floor, 291-120. The other body, I think, has worked hard but primarily has done a bill within the last couple of months. It has been somewhat of a rushed process, I think most people would agree, and so therefore I am a little bit reluctant to accept the other body's version without careful thought, without making sure we have really understood fully what the circumstances are and what the repercussions might be.

Currently the conferees are working hard. It is a complex issue. I am confident they will reform the payment limitation process. I would like to see them given the opportunity to work through the process. I think this is very important.

The Environmental Working Group and their Web site that oppose the payments that farmers have received I think has led to a great deal of misunderstanding throughout the country. We have seen editorials, we see public opinion and all of these things that seem to be very much against commodity payments. However, I would like to point out that the payments that are posted on those websites do not constitute profit. People see a \$500,000 payment and they assume that the person receives a \$500,000 profit. Many people that I know who are receiving fairly large payments are still operating in the red. In my area of the country, almost every farmer will tell you that without farm payments, they would go under very quickly. Bankers will tell you that. It is not just farmers. So it is important that this is something that we understand the nature of it. The Web site has been very

divisive. We lost 1,000 farmers in the State of Nebraska last year. So if it was such a windfall, it certainly would not reflect in that type of a figure, of 1,000 farmers in a relatively small State populationwise.

I would like to just amplify what the gentleman from Arkansas mentioned earlier, which I think a lot of people do not think about. In the European Union, the average payment to farmers is \$300 per acre. I have been to Brazil recently. Many people have who are interested in agriculture. You can buy very good agricultural land, equivalent to what we would pay \$3,000 an acre for, for \$100 to \$500 an acre. The labor cost over there is 50 cents an hour on the average. And so we are asking our farmers to compete with the European Union where the subsidy is \$300 per acre, we are asking them to compete with Brazil where the cost of land is very low, they can produce two crops, the topsoil is 50 feet deep and they have no labor cost and no environmental cost. So I am saying that the \$38 an acre that we have been paying our farmers is not badly spent.

The last thing I would mention was, I think, in some congruence with what the gentleman from Arkansas was mentioning. That is, that about 15 or 20 years ago, we found that we could buy petroleum from OPEC for \$10 a barrel. And so we were glad to oblige them. As a result, we have shipped our petroleum industry overseas. We quit exploring, we shut down much of our production, many of our refineries, and so now we find ourselves all of a sudden almost 60 percent dependent on foreign oil. We are in a situation where everyone realizes that all we have to do is light the tinderbox in the Middle East and we have got a real problem. We can do the same thing to agriculture. We can do it very easily. We can say we are going to just forget about these commodity payments, they are evil, they are large, only rich guys get them. Most of the people that I know are not rich people that are receiving these.

And so I am not arguing that we do not need reform. I agree totally that we do. I am just saying, let us take this thing and think it through. Let it go through the process and let us not just automatically accept the other body's view of what needs to happen because I have great confidence in the conferees that we have working at it right now.

Mr. SMITH of Michigan. Mr. Speaker, I would like to welcome to our Chamber Senator GRASSLEY. He is the sponsor of the Grassley-Dorgan amendment.

Mr. Speaker, I ask unanimous consent that his statement be inserted into the RECORD at this point in the testimony.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman should not refer to the presence of a Senator. House rules do not provide for a Senator's statement to be inserted in the RECORD except as authorized by clause 1 of rule XVII.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the statement be inserted under my name.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, with us is Senator CHUCK GRASSLEY of Iowa, one of the sponsors of the Senate payment limitation amendment. These are his comments during debate on the Senate bill amendments for payment limits to the largest farms.

Mr. President, I stand before you today to offer one the most important amendments for the family farmer we have ever considered. There have been a number of important amendments already considered during the farm bill debate, and a couple have been adopted, but if we are truly sincere about improving this farm bill for the family farmer we have a golden opportunity in front of us right now.

The farm bill reported by the Senate Agriculture Committee fails to adequately target assistance to family farmers and will disproportionately benefit our nation's largest farms. In fact, this farm bill unnecessarily increases the payment limitations established in the Freedom to Farm Act which allowed an individual to receive nearly a half million dollars through subsidy payments.

Moreover, the Committee bill fails to address the use of generic commodity certificates which allow farmers to circumvent payment limitations. In recent years, we have heard news reports about large corporate farms receiving millions of dollars in payments through the use of generic certificates. Generic certificates do not benefit family farmers but allow the largest farmers to receive unlimited payments.

I am pleased to join my colleagues, Senators Dorgan, Johnson, Hagel, Lugar, Fitzgerald, Ensign, Durbin, and Wellstone in support of this amendment to establish reasonable payment limitations. Our amendment would more effectively target the assistance provided by this legislation to small and medium-sized family farms.

Senator Dorgan and I have worked together to make this amendment what it is right now. Without Senator Dorgan's efforts we would not have the broad, bi-partisan coalition supporting this amendment we currently enjoy. I know how hard Senator Dorgan has worked in his own caucus to generate support for this vital issue and how crucial his input was in the drafting process and I appreciate his efforts.

With that said, let's talk about the specifics of the amendment. Our amendment would limit direct and counter-cyclical payments to \$75,000. It would limit gains from marketing loans and LDPs to \$150,000, and generic certificates would be included in this limit. The amendment would also establish a combined payment limitation of \$275,000 for a husband and wife.

Americans recognize the importance of the family farmer to our nation and the need to provide an adequate safety net for family farmers. In recent years however, assistance to farmers has come under increasing scrutiny. Critics of farm payments have argued that large corporate farms reap most of the benefits of these payments. This amendment will fix that problem.

In addition, we will apply the savings provided by this limitation against other significant problems our producers currently face plus agriculture research, crop insurance, Beginning Farmer Loans, and food stamps. In fact, we put a large share of the savings in the Food Stamp Program.

This amendment would increase Food Stamp spending by \$810 million over ten

years. The amendment would improve the current proposal to increase and improve the standard deduction, help provide more assistance to families that pay large portions of their income on rent and utilities and make it easier for more people to participate in food stamp employment and training program by lifting the cap on transportation reimbursements.

Senator Dorgan and I have chosen to spend a significant portion of the savings in this amendment on Food Stamp programs. We feel strongly that these dollars are well spent. For instance, we are trying to help low-income families by not making them choose between eating or paying the heat bill.

I know that this issue is very important for my colleagues from the Northeast, but this is an issue that all senators from seasonally cold weather areas should be concerned. Many low-income families spend large portions of their income on shelter expenses. As families struggle to pay for their housing, they will face problems paying for food, which can have an adverse effect on family members, health and children's development.

My amendment would eventually eliminate the arbitrary cap set on the shelter deduction which currently has the effect of treating some money that a family must spend on housing costs as available to meet its food needs. There isn't anyone that can say that we are not doing the right thing by fixing this problem. Even if the rest of this amendment wasn't as popular as it is, my colleagues should support it because of the inclusion of this provision.

We will also extend eligibility for Loan Deficiency Payments (LDP) to farmers who produce a contract commodity on a farm not covered by a Production Flexibility Contract (PFCC). The Agricultural Risk Protection Act of 2000, which we passed into law last year, furnished LDPs to farmers who produced a 2000 crop contract commodity on a farm not covered by a PFC.

In Iowa there are 6200 farms that do not participate in the farm program. Non-participating farms are classified as farms not enrolled in 1996 at the beginning of the program, or farms that changed hands during the farm bill that were not properly re-enrolled.

Not all of the 6200 non-participating farms will choose to use and benefit from an LDP, but for the family farmers in Iowa who are not in the program, guaranteeing close to \$1.78 on corn and \$5.26 on soybeans is significant assistance.

With the record low prices Iowa producers have experienced recently, I think that the federal government should do everything it can to keep producers on the farm. This by no means solves all their problems, but it helps and it's something we should have done for these individuals on a permanent basis when we provided a one-year opportunity for participation in the LDP program last year.

In addition, we extend eligibility for LDPs to farmers who have lost beneficial interest in their commodity. We previously passed a similar one-year extension in the Agricultural Risk Protection Act. This is only meant to extend this opportunity until the 1996 farm bill comes to an end.

I would like to commend Senate Roberts for his leadership on this issue. In June, he introduced stand-alone legislation to address this issue and has clearly been the leading advocate on this issue in the Congress.

Mr. President, I will conclude my remarks by stating again that I feel strongly the Agriculture Committee bill fails to effectively address the issue of payment limitations. Therefore, I urge my colleagues to support this amendment which will help to restore

public respectability for federal farm assistance by targeting this assistance to those who need it the most.

This amendment has been endorsed by 35 groups. That list includes the California Institute for Rural Studies, California Sustainable Agriculture Working Group, Center for Rural Affairs, Church Women United (NYS), Community Alliance with Family Farmers (CA), Community Food Security Coalition, Environmental Working Group, Evangelical Lutheran Church in America, Illinois Stewardship Alliance and the Kansas Rural Center.

Land Stewardship Project (based in Minnesota), Michael Fields Agricultural Institute (WI), Michigan Agricultural Stewardship Association, Michigan Integrated Food and Farming Systems, Minnesota Project, National Family Farm Coalition, National Farmers Union, National Grange, National Campaign for Sustainable Agriculture and the National Catholic Rural Life Conference.

NOFA—NY, North Dakota Council of Churches (Rural Life Committee), Northern Plains Sustainable Agriculture Society, Ohio Citizen Action, Ohio Ecological Farm and Food Association, Rural Advancement Foundation International (USA), Rural Coalition, Rural Roots (ID), Sustainable Agriculture Coalition and the Union of Concerned Scientists.

United Methodist Church (General Board of Church and Society), Washington Sustainable Food and Farming Network, Washington Tilth Producers, Western Sustainable Agriculture Working Group, Center on Budget and Policy Priorities, America's Second Harvest, Food Research and Action Center and Bread for the World.

This is no time to be making backroom deals or playing games. This is going to be our one shot at this issue and we all know it. Look at what we have already accomplished on the Feingold/Grassley amendment limiting mandatory arbitration and the Johnson/Grassley amendment banning packer ownership. Senators Feingold and Johnson knew those were important issues to family farmers and helped me to offer amendments in a bipartisan fashion.

It's time to do the right thing again, support payment limitations and support the family farmer. Help Senator Dorgan and I restore integrity to the programs, reduce pressure on rents and land prices, dampen overproduction, raise farm income, and help maintain family farms and the culture that surrounds our rural communities. In addition, we will be funding additional nutrition crop insurance research and development, and ag.

Mr. BONIOR. Mr. Speaker, I also would like to welcome the distinguished gentleman from Iowa whom I had occasion to serve with in this body and appreciate all his good works.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak on this motion.

Mr. Speaker, it is hard to imagine anyplace outside of the Beltway where having a subsidy of \$275,000 limit is starving people to death. Yes, it is possible that people in this current system are involved with slowly spiraling down into greater and greater debt. Overproduction, my colleague from Michigan talked about that, where we are encouraging people to plant crops, overproduce, driving down the cost and leaving the problem either for the indi-

vidual to bear the burden or for the taxpayer. There is a better way.

There is the opportunity here with this motion to instruct for us to be able to deal with how we spend the money more wisely. There is no reason that we cannot help producers around the country do things that will make a difference to help them stay in business. It is expensive to be able to comply with water quality, to be able to change some agricultural practices. There are people that are being driven around the country into subdividing farms because of market pressures. We can have money for conservation payments, for purchase of development rights, to be able to help them stay in business.

The current system, with its lavish spending, is not stopping the loss of farms. We just heard in Nebraska, a thousand farms went out of the hands of family farmers. We are having a system now without the limitation that it drives the incentives toward larger and larger activities, more and more overproduction for a few commodities, and then in my State where there are row crops, where there are specialty crops that do not get the help, there are people that are literally bulldozing orchards because they cannot afford to maintain it. This is goofy.

We should go along with this motion to instruct to be able to have the support for the Senate efforts for conservation. Remember, on this floor earlier, my colleague from Wisconsin, there was a broad cross-section, the gentleman from Maryland (Mr. GILCHREST) and others, had a strong showing, there is a strong basis of support for increasing conservation payments, limiting commodity. It narrowly was defeated here. It was passed in the Senate. That is no justification for the conferees to dramatically cut back on conservation payments.

What we are going to face here as we continue to have celebrity farmers from Beverly Hills to Houston to Denver in the last 5 years got over a half billion dollars, we can crank down on that. We have the wherewithal to be able to limit payments to families. We do not have to be discriminating against one sex or the other. We can make sure that we are going to be able to have the help to the people who need it the most. But \$17.1 billion for conservation programs means that people are going to be lining up, they are not going to get the money that they want, we are still going to lose family farms, and the taxpayer will pay the bill.

Mr. SMITH of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time. It is interesting to hear this debate, to hear the other side say, "Well, nobody's getting payments over \$275,000. That's just a myth. That's just something we hear out there that's in the press. Nobody really does that."

If that is the case, then why oppose this motion? I commend the gentleman

for bringing it forward. In my view, we ought to get back to the Freedom to Farm Act of 1996. We ought to be moving in the other direction. That is my position. But this motion makes what I believe is an obscene farm bill just a little more palatable. I would urge support of it and encourage the other side, hey, if it is true that nobody is receiving these payments, that if Scottie Pippen who makes \$18 million a year posting up for the Portland Trail Blazers is not making another \$150,000 digging postholes apparently around his Arkansas farm, if that is not the case, then, hey, support the motion.

□ 1430

It is not going to hurt anybody. But if it is the case, then, by golly, we ought to put a stop to it. With that, I urge support for the motion.

Mr. BERRY. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Arizona.

This particular motion to instruct would actually help the Scottie Pippens of the world. It would add more money to that program.

I would also add at this particular time, I stand by my statement that the people that support this motion to instruct do not understand agriculture and the high-technology business that it is today. It will be a long time before anybody can positively change my mind on that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Arkansas for yielding me time.

Mr. Speaker, I rise today to oppose this motion to instruct. This same motion, as a resolution, was voted down by a vote of 238 to 187 simply under a different name. Here we go again.

Our farm families need a new farm bill. I am a member of the Committee on Agriculture. I come from a district in south Arkansas where agriculture is a huge part of our economy, and I can tell you that our farmers need a new farm bill. They do not need it today, they do not need it tomorrow, they needed it last year. And this body in this very Chamber approved a good farm bill last year. Now it is stuck in conference, gutted with amendments that will totally destroy farming in America and farming in Arkansas as we know it today.

We already have payment limits. And for the gentleman that mentioned we need to go back to the days of the Freedom to Farm bill, that is what we are living under now; and we have fewer farm families today than ever before.

It is pretty obvious to me that the majority of those who passed Freedom to Farm simply did not get it; they did not understand farming in rural America. In fact, it should have been renamed, Freedom to Fail, because that is exactly what has happened. We have lost many good farm families because

of that so-called Freedom to Farm bill passed back in 1996. It was so horrible, that is why we are here 1 year early trying to pass a new farm bill.

We already have payment limits. Our farm families are also small business owners, and they make decisions based on land, crops, equipment, loans, employees, based on the current payment limits, based on the farm bill. To change those rules for them will require many of them to file bankruptcy, laying off 10 or 12 employees.

I recently was at the annual Watson Fish Fry in Watson, Arkansas; and a gentleman came up to me, a grown man, with tears in his eyes, as he talked to me about how, just that morning, he had filed bankruptcy and laid off 10 employees, eight of whom had been working for him for over 20 years.

Mr. Speaker, we have a farm crisis in America.

I recently called another farm family to tell them I was sorry to learn that they were forced to sell; and when I reached the gentleman, guess where he was? He was at another farm family's auction, and that was the morning after the Senate amendment was put on the farm bill reducing payment limits. And guess what? Overnight the price of farm equipment at auctions dropped 35 percent.

I was not real good at math, and you do not have to be to understand this: our farm families used to get \$8.50 a bushel for rice. Today they are getting \$1.50. Cotton, it costs them 60 cents to grow it. If they are getting 30 cents today, they are doing good.

Our farmers do not want to be welfare farmers. They do not want to be insurance farmers. They simply need a basic safety net to help them survive when market prices are down and when our government does crazy things like imposing sanctions and embargoes on them.

The sanctions and embargoes against Cuba, that happened the year I was born, 40 years ago. Cuba is still getting rice. They are just not getting it from Arkansas farmers; they are not getting it from American farmers. They are getting it from China. They want to buy our rice. They can get it in 4 days as opposed to a month.

Our government does have a duty and an obligation and a responsibility to these farm families to assist them when market prices are down, when we are using them as a weapon. We have a strong defense in this country, and we need to make it stronger. We have watched what the military might of this country can do in Afghanistan and around the world. When we want to punish someone, let us help them using our military, but let us stop turning our farm families and their crops into a weapon.

The issue of payment limits, let me tell you that if you take a look it and you hear the talk that, well, we need to reduce payment limits so we will quit overproducing, I cannot believe that

anyone would think that we are overproducing in a world where people go to bed every single night hungry. People are starving to death.

We need fair trade. We need to remove sanctions and embargoes. We need to open up these markets. If we do that, we will not be overproducing; and if we do that, the prices will go back up at the market, and these farm families will not need our help. But as long as we stand in their way of doing what they do best, and that is feed America and feed much of the world, then, yes, they need our help, they need a new farm bill. They do not need this motion to instruct.

Mr. BONIOR. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who has been a great leader on this issue.

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

Mr. KIND. Mr. Speaker, I thank my friend from Michigan for yielding me this time and the leadership he has shown on this issue, as well as my friend, the gentleman from Michigan (Mr. SMITH), for the courage to bring this motion forward.

I along with Representatives BOEHLERT, DINGELL and GILCHREST, helped assemble a coalition last fall, Mr. Speaker, a bipartisan coalition, an urban-suburban-rural coalition, offering to do basically what this motion to instruct suggests, and that is taking a look at the current subsidy program, the income support program that exists in this country, and seeing if there was a way of moving some of the subsidy payments from the biggest of the big producers in this country, the upper 2 percent, over 97 percent of the farmers in this country would not have been affected by the conservation title amendment that many of us offered last fall, and see if we can move some of these limited, precious resources into other areas to benefit all family farmers in all regions of the country.

It did pull up a little bit short. We had 200 votes. Nevertheless, I think it was a strong showing of the need for this type of new approach in agriculture policy.

This motion today is about developing a sensible and sustainable farm policy for all of our family farmers, but also for our communities. This motion is not about attacking family farmers. This motion is not about attacking the women in this country. It is about good economic policy, because right now we are operating under a perverse economic farm policy, one that pays more money to big producers based on how many acres they plant and how much they produce in a certain category of crops.

This distorts the marketplace. This encourages production, not based on market price and what the market can bear, but, rather, based on the government paycheck. And we are seeing this across the country throughout all of our districts.

I still have roughly 10,500 family farms in my congressional district alone in the State of Wisconsin. We have roughly 60,000 family farms in Wisconsin. This motion to instruct would affect 14 farms in my State; and yet, because of the way the farm bills in the past have been produced, where 90 percent of farm bill funding goes to a few producers, producing the, quote-unquote, "right commodity crop," it distorts the marketplace. It encourages overproduction and oversupply, and then a plummeting of commodity prices as we have seen over the last few years, and then either farmers having to file bankruptcy and forced out of business, or for there to be farm relief bills, multi-billion farm relief bills coming before Congress every year to do something about it.

I would submit that a farm policy that only provides income support payment to just 30 percent of the farmers and misses 70 percent of the rest of the producers we have in this country is no safety net at all.

This motion really gets to the fairness issue of what we can do with the limited resources we can devote to help our farmers in this country, but in a fair and equitable manner, so all of our family farms in all regions of the country can participate.

A great State like California, the largest agriculture-producing State in the Nation, and if it was a separate country would be one of the top producing countries in the world in agriculture, gets 3 cents on the dollar because they are not producing the right crop in California.

What would this motion to instruct do? It would take the savings between the 275,000 cap, as we are recommending, from the \$550,000 that passed out of the House, and apply those resources in voluntary and incentive-based conservation programs so we can not only provide economic assistance to family farmers who want to participate, but also encourage better watershed management, quality drinking supplies and the protection of wildlife and fish habitat.

Anyone who does not think that sound, sustainable conservation practices should not be a major part of farm policy in the 21st century has not been looking at the type of issues I have seen in regards to quality water issues, which is going to be one of the predominant issues facing this Nation in the next 100 years. There is a way for us to be able to assist in that great endeavor, in that great challenge that we all face.

The other part of the motion would devote resources to important agriculture research programs so we can talk about value added and creating wealth within the agriculture industry, rather than the proposed 40 percent cut in agriculture research spending that is currently being proposed in the conference committee.

So, again, I commend my friend, the gentleman from Michigan (Mr. SMITH);

my friend, the gentleman from Michigan (Mr. BONIOR), for offering this motion to instruct; and I would recommend to my colleagues to support this motion and send a message to the conferees that this is the direction we need to move in in farm policy in our Nation.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the gentleman from Michigan (Mr. SMITH) has 9½ minutes remaining, the gentleman from Michigan (Mr. BONIOR) has 2 minutes remaining, and the gentleman from Arkansas (Mr. BERRY) has 14½ minutes remaining; and that pursuant to the previous order of the House of today, further proceedings on this motion are postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1711

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HART) at 5 o'clock and 11 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 580, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-412) on the resolution (H. Res. 390) providing for consideration of the Senate amendment to the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. BACA. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct the conferees on H.R. 2646. The form of the motion is as follows:

Mr. BACA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2646, an Act to provide for continuation of agricultural programs through fiscal year 2011, be instructed to agree to provisions contained in section 452 of the Senate

amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. The pending business is the further consideration of the motion to instruct conferees on the bill, H.R. 2646, offered by the gentleman from Michigan (Mr. SMITH).

The Clerk will rereport the motion.

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Michigan (Mr. SMITH) had 9½ minutes remaining; the gentleman from Arkansas (Mr. BERRY) had 14½ minutes remaining; and the gentleman from Michigan (Mr. BONIOR) had 2 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that the time of the gentleman from Michigan (Mr. BONIOR) be returned to my time to be yielded to the gentleman from New York (Mr. HINCHEY) upon his arrival.

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

There was no objection.

□ 1715

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Just to review from where we were an hour ago, I think it should be made clear to all of our colleagues and the American public that the purpose of subsidies since the beginning, since back in the 1930s when we tried to make sure that the agricultural industry was going to survive, the purpose has been to protect family farmers. Unfortunately, over the years, we have had programs that made it tough for any farmer to survive, because part of the farm policy in this country has been to encourage a little more production than what we need.

The effect of that increased production a little over and above the current market demand meant that prices tended to stay down. So there was an attempt, of course, to keep those prices

somewhat low for consumers and what happened in the evolution and the pressures that were put on farms in the United States over these years was that the small farmer was backed up against the wall, the medium-sized farmer felt like if he added a few more acres, then he might be able to send his kids to the same music lessons and schools and have the same benefits as their country cousins, so that medium-sized farmer said, "Look, well, I'll buy some more land, I'll spend a couple of hours extra a day and try to make it."

What we have done is had programs that encouraged larger and larger farms. That is part of the reason that we have this motion to instruct today, is to give a little greater relative advantage to the smaller farms by, in effect, saying all of your production is going to be eligible for the price support payments that we have in farm programs.

Where the big, larger farms, the very big farms, we are saying, there is going to be a limit to how much of your commodity that you produce that is going to be eligible for this price protection. Therefore, it is going to have the effect on these larger farmers to think twice about what the market price is going to be if there is no support subsidy price.

The gentleman from Arkansas (Mr. BERRY) and I, we both want to have a situation where we expand markets, where we have better farm prices and hopefully the kind of farm prices that the support payments that are guaranteed in this farm bill will not even be applicable because that is what we are looking at, is better farm commodity prices to keep more farmers in business.

Unfortunately, today about 82 percent of all of our farm subsidies go to just 17 percent of the farms. By providing unlimited subsidies, we have encouraged huge corporate farm operations to get bigger and bigger, squeezing out family farmers. With this we have encouraged excess production that has tended to reduce prices paid to farmers.

That is why I think it is so important that we have some kind of price limit, that somehow, someday, someplace, whether it is a limit of \$275,000 as suggested by the Senate or maybe a half a million, but it is bad for farmers, it is bad for the support they get from the American people to have these exorbitant millions of dollars given to some of these megafarm operations.

Madam Speaker, I reserve the balance of my time.

Mr. BERRY. Madam Speaker, I yield myself such time as I may consume. Once again, I want to say how much I appreciate the opportunity to stand before this House and proclaim what a wonderful job and what an extraordinary thing the American farmer is. I know the gentleman from Michigan is a good fellow. I know he means well. He does not intend to hurt anyone. And I have great respect for him. Unfortunately, I would have to say that he just

simply does not understand the food production system in this country and as hard as I have tried to explain it, we still seem to be hung up on this issue.

Let me just tell you what would happen if this motion to instruct were honored by the conferees. We would resurrect the marriage penalty, something we did away with last year. A divorced couple would be eligible for \$175,000 more in government subsidies than a married couple. It discriminates against women. It disenfranchises women. Women would get one-fifth of what a man gets when they qualify for farm programs. There is nothing right about that. But one of the worst things it would do, and I cannot imagine that the people that wrote this really knew what they were doing when they wrote it, it would basically impose the death tax.

POINT OF ORDER

Mr. SMITH of Michigan. Point of order, Madam Speaker.

The SPEAKER pro tempore (Ms. HART). The gentleman will state his point of order.

Mr. SMITH of Michigan. Was that a derogatory remark towards the Senators that wrote this language in the farm bill and is that appropriate in the Chamber?

The SPEAKER pro tempore. Members are reminded not to make improper references to the Senate.

Mr. BERRY. Madam Speaker, if I may reclaim my time, I do not remember saying anything about the Senate.

But having dealt with that issue, it resurrects the death tax. In the First Congressional District of Arkansas, people work hard. They save their money. They try to accumulate a small farm. They are able to do that in some cases, and they have been able to do it in the past 60 to 70 years because we had a good, strong farm program. And they pass it on to their widow. That land takes care of that widow until she is gone from this earth. If this motion to instruct were honored by the conferees, we would lose that ability for the widow to benefit from farm programs, because they would not be eligible anymore the way this is written. That is the reason I question the way it was written.

It has been said over and over today that these farm programs cause overproduction. I would try to explain one more time the only reason we need to have farm programs and a safety net for our farmers in this country is to ensure the adequate production of food and fiber so that the American people do not have to depend on production offshore to get enough to eat. If this program is so bad, why do we not have a great accumulation?

We do not have overproduction today. I would also make the point to have enough to eat, you have to have too much, because there is no way to gauge accurately how much crop to plant so that you produce exactly so much that the American people have enough and that they have a reason-

ably priced food supply and a safe food supply.

What the people that support this motion to instruct do not understand is, if this were allowed to stand, if the conferees accepted this, it would be a dramatic move toward bad conservation, it would cause even more consolidation. The consolidation of American agriculture has not been driven by farm programs. It has been driven by technology. It just simply does not take as many people to produce a pound of food anymore than it did 50 years ago. That has changed. It takes a lot more equipment. It takes more expensive equipment. That is what is driving the consolidation of American agriculture.

We have heard people talk today about how bad conservation needs to be dealt with, and I agree with that. But the fact is poor folks have poor ways. When our farmers are nearly broke, they cannot take the necessary conservation measures that they would like to take and that they know they need to take in some cases.

They are forced to take bad short-cuts. They are forced to do things that they do not even want to do in an attempt to be an efficient producer. Over and over again, we have heard that these payment limits that have been talked about so much, and the fact is we have payment limits today. We have had payment limits since 1985. This is not something new. We have complied with those laws all along.

We will comply with whatever law is written and whatever the House and Senate come out with for a farm bill, out of the conference committee with. But the fact is, that has nothing to do with the size of the farms. What we are talking about here is penalizing the most efficient producers in the world, the people that are really, really good at what they do, we are talking about making it much more difficult for them.

We have to have a safety net, as I said, because it is a national security issue to have enough food supply within our own country. If we do not have a safety net in times like this when the value of the dollar is so high that it takes American producers out of the market through no fault of their own, it is not because of overproduction. It is because the value of the dollar is so high that you can go to Argentina or Brazil and buy half, again, as much product as you can in the U.S. for the same amount of money.

When our farmers are caught in that situation, they have to be protected. This is the only way we have of doing that. That is why we need a farm bill. That is why you have to have payment limits set at least high enough so that you can have an economically viable unit and so that that producer can be economically efficient enough to be the provider of the cheapest food and fiber supply in the history of the world.

I would also point out that if this motion to instruct conferees were

passed, it would ignore that there is a lot more to farming and to being a successful farmer and a successful producer than just sitting on a tractor. It would be denying benefits to farmers who may not labor but handle finances and risk management. It would create a situation where it would be very difficult for some of our producers because they do not spend all their time in the field. It would put in question almost any producer. I think one thing that has been missed by the upper Midwest is that the rules that this would put in place for many producers of corn and soybeans in the Midwest, especially the ones that use no-till technology, would not even qualify themselves if they were required to put in a thousand hours before they were eligible.

Many of those producers that this bill is intended to help very likely would not qualify under these rules. I think that they need to be studied much more carefully before we even think about adopting these.

There are many things that have been said that just simply are inaccurate. I would go back to my original statement. The people that support this motion to instruct simply do not understand the food and fiber production system in this country, and they certainly do not appreciate the incredible productivity of the American farmer.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume. Let me just say that a Senate that quite often is partisan in trying to come to agreement overwhelmingly supported this idea of some kind of a payment limitation. The gentleman from the other side of the aisle suggests that this kind of a limitation hurts a lot of the hard-working family farmers. Let me just report to you the following information that comes from the Congressional Research Service, prepared by Jasper Womach, Agricultural Policy Specialist. The report calculates how many acres of the different commodity crops would have to have been grown to reach the \$150,000 limit that we put in this suggestion of instructing conferees.

Allow me to go down through them. Wheat based on the price of wheat last year, you would have to exceed 60,000 acres of wheat. Corn, it would take over 27,000 acres of corn to get close to the \$150,000 limit. Soybeans, it would take over 5,000 acres of soybeans to get close to the \$150,000 limit.

□ 1730

Cotton, it would take 11,000 acres of cotton to reach the \$150,000 limit. Rice, it would take over 2,600 acres of rice to reach the \$150,000 limit.

Let me stress this: whether it is 27,000 acres of corn or whether it is 2,600 acres of rice, we are dealing with an average commercial farm operation in the United States of 460 acres. So I

think suggesting that this measure has a limit or cap on anyone except the very, very large farmer is not being fair in terms of communicating what this legislation does.

Let me just suggest that you may have heard from some of the big international commodity traders or farm groups in opposition to this idea; but make no mistake about it, they do not speak for the majority of farmers and ranchers in the United States. Here is how I would back up that statement.

Last year, 27 of the Nation's land grant colleges from all of the Nation's regions came together to poll their farmers and ranchers on their opinion of the farm bill. On the issue of farm payment caps there was enormous consensus, and that was, nationwide, 81 percent of the farmers and ranchers agreed that farm income support payments should be limited and targeted more to the small farms.

With that, Madam Speaker, I will reserve the balance of my time for a comment or reaction from the gentleman from Arkansas.

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

Madam Speaker, as I have already said repeatedly this afternoon, we already have limits. No one disagrees with that. I guess what we are having a problem agreeing on is what defines a small farmer.

I can tell you that when combines cost \$250,000 to farmers, when tractors cost anywhere from \$100,000 to \$250,000, when everything else that we use is in the same price range, it does not make any difference what a group of people that come together and declare that they think there needs to be a limit applied to some of these things, it does not matter whether they think there should be a limit or not. It becomes a matter of economic reality that we have to deal with those high prices of our production input. It does not matter where that takes place, whether it be in the upper Midwest, or in the mid-South, where I come from.

I would also make the point that the numbers that have just been put out here are just a part of the story. I do not think that the \$150,000 on loan deficiency payment has been in question. I think it has been in everybody's bill, and I certainly do not have any problem with it. But, as I said, that is only a small part of the story.

I would go back to what I said in the beginning a few minutes ago. To run the risk of disqualifying a widow that very likely is something over 70 years old and disenfranchising her just because she is not physically able anymore to manage her property and she is not going to be able to take advantage of the estate that her husband passed on to her, to run the risk of doing something like that I think is shameful; and I think it is terrible that that was put into this bill that way.

Now, the gentleman from Michigan has said that there is no question in his mind that everybody that was involved

in this knew what they were doing, and I will take him at his word. I would make the point that if you look at the entire bill, what this limit really does in California, a cotton farmer would hit the limit at 355 acres. In Georgia, a cotton farmer would hit the limit with 682 acres. So that is a considerable difference from the numbers from the CRS that were just put out a few minutes ago.

I also think that we cannot stress enough the fact that this particular motion to instruct and the amendment that it supports disenfranchises women. I have never understood, I still do not understand, I do not think I will ever understand, why we would treat women differently under a farm bill than we do men.

I can tell you that until the time when I came to Washington, D.C., my wife and I were full partners in my family farm. She was every bit as much responsible for any degree of success that we had. She worked just as hard as I did, and she was not entitled to anything.

Now, this bill corrects that a little bit, makes it so she is entitled to one-fifth of what I would be entitled to. But why would we want to intentionally disenfranchise women and create a situation where the widows in farm country that were left with a nice farm to help take care of them the rest of their days and have a decent standard of living would be disenfranchised to the point where they would lose the benefits that helped them have a decent standard of living? I just simply do not understand why we would want to do that.

I would also once again emphasize that the whole purpose of a farm bill and a safety net for our agriculture producers is to ensure that we have adequate production and processing capacity in this country, to be sure that we are able to feed ourselves for a reasonable portion of our disposable income. That is an incredibly important part of our national security.

Over and over and over again we stand on this floor and belabor the point that we have not taken care of business as far as our energy supply is concerned, and I hear them talk about overproduction and I hear them talking about big farmers taking advantage and big farmers getting too much.

We are talking about doing something in a farm bill that would severely damage the most incredibly successful production system that has ever existed in the history of the world. The United States farmer, the American farmer, has done the greatest job of producing a commodity of any industry that has ever existed, and very likely ever will exist; and we are talking about a system that has worked, a system that has served the American people so well. In my part of the country they have a saying, "If it ain't broke, don't fix it." Well, this ain't broke, and it does not need to be fixed.

I agree, there should be limits; but they should be set at a level where our

producers can have an economically viable unit, and where they can have the opportunity to be successful and to do so well what they do best.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Ms. HART). The gentleman from Michigan has 5 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I would like to correct the gentleman from Arkansas when he states that this proposal limits the participation of retired farmers or retired farmers' spouses or widows of retired farmers. The Senate proposal provides exemptions. For example, retired farmers and widows of farmers can have their labor and management requirements met by a relative. If you have additional sons or relatives on the farm, if they are actively participating, they are also eligible for the \$150,000.

I think we should remind everybody that up until the last 2 years, the limit on LDPs and marketing loans was \$75,000. The year before last, because prices were so low, we upped that to \$150,000. We are facing a situation now where when we passed this bill through the House, unfortunately, in the bill we passed through the House it was stated that there were limits on commodity loan payments, marketing loan payments.

Technically that is true, but it is not totally honest, as I pointed out, because there was a loophole, and the loophole was the ability of farmers to use certificates and forfeitures.

So they went and got a non-recourse loan. They were given the lending money. They gave title of that commodity to the government. Then, if they wanted the same benefits as a loan deficiency payment or a marketing loan, they simply kept the money and told the government to keep the commodity.

Moreover, this bill fails to address the use of generic commodity certificates that I think are so important, and that is why we are suggesting to this body that we look very closely at closing this loophole and not hoodwinking the individuals and people that might think there is some kind of a limit simply because there is a limit on part of that price support payment.

Farmers are going broke. We need help to the smaller family-sized farms. When I say smaller family-sized farms, maybe it is 1,000, 2,000, 5,000, 10,000 acres; but it is not the 80,000 acres, it is not the 100,000 acres, where land bearers have these lands, they have tenants, where they can divide up this money. That is why we have these press reports of these enormous amounts of millions of dollars that some of these farmers and farm operations were receiving, is because of that particular loophole.

Madam Speaker, in closing let me say that we often hear that farmers and ranchers are too independent to

grams that send out billions of dollars to the biggest farm entities? All this does is damage our ability to help people we originally intended to help, the small, average, medium-size farms, and even now the larger family-size operations.

Look back at the intent of our first farm bills. We have never intended to subsidize every single acre of every single bushel. We need to move back closer to having the marketplace be part of that decision on how much of what crop a producer produces. So to say to these giant farm operations that we are going to subsidize you at a level that is going to protect however many bushels or pounds that you produce of whatever commodity, then we encourage that additional production.

I say one of the effects of this kind of limitation is to have that big farmer think twice and look at the marketplace, look at the demand, and put some effort into expanding our international markets, expanding our ability to sell our products in foreign lands.

So I would ask, Madam Speaker, that we support this effort to have some kind of a limit on payments. I am so convinced, spending my life in agriculture and as a farmer, that if we continue to have this bad publicity of these huge million-dollar payments, I think we are going to, if you will, jeopardize the future of farm programs.

This bill also says let us make a greater effort in conservation and in agricultural research that can help all farmers.

Madam Speaker, I include the following for the RECORD.

The following table, prepared at your request, shows the number acres it would take to reach \$150,000 if LDPs were made based upon actual past marketing loan prices and season average farm prices.

ACRES NEEDED TO RECEIVE \$150,000 IN LDP BENEFITS BASED ON SEASON AVERAGE PRICES

| Commodity crop year    | Average yield (units/acre) | Marketing loan price (\$/unit) | Season ave. price (\$/unit) | Hypothetical LDP pmt. (\$/unit) | Acres for \$150,000 in LDPs (acres) |
|------------------------|----------------------------|--------------------------------|-----------------------------|---------------------------------|-------------------------------------|
| <b>Wheat (bu.):</b>    |                            |                                |                             |                                 |                                     |
| 2001/02 Forecast       | 40.2                       | \$2.58                         | \$2.80                      | -\$0.22                         | na                                  |
| 2000/01 Estimate       | 42.0                       | 2.58                           | 2.62                        | -0.04                           | na                                  |
| 1999/00                | 42.7                       | 2.58                           | 2.48                        | 0.10                            | 35,129                              |
| 1998/99                | 43.2                       | 2.58                           | 2.65                        | -0.07                           | na                                  |
| <b>Corn (bu.):</b>     |                            |                                |                             |                                 |                                     |
| 2001/02 Forecast       | 138.2                      | 1.89                           | 1.90                        | -0.01                           | na                                  |
| 2000/01 Estimate       | 136.9                      | 1.89                           | 1.85                        | 0.04                            | 27,392                              |
| 1999/00                | 133.8                      | 1.89                           | 1.82                        | 0.07                            | 16,015                              |
| 1998/99                | 134.4                      | 1.89                           | 1.94                        | -0.05                           | na                                  |
| <b>Sorghum (bu.):</b>  |                            |                                |                             |                                 |                                     |
| 2001/02 Forecast       | 59.9                       | 1.71                           | 1.85                        | -0.14                           | na                                  |
| 2000/01 Estimate       | 60.9                       | 1.71                           | 1.89                        | -0.18                           | na                                  |
| 1999/00                | 69.7                       | 1.74                           | 1.57                        | 0.17                            | 12,659                              |
| 1998/99                | 67.3                       | 1.74                           | 1.66                        | 0.08                            | 27,860                              |
| <b>Cotton (bu.):</b>   |                            |                                |                             |                                 |                                     |
| 2001/02 Forecast       | 706                        | 0.5192                         | 0.3140                      | 0.21                            | 1,035                               |
| 2000/01 Estimate       | 632                        | 0.5192                         | 0.4980                      | 0.02                            | 11,195                              |
| 1999/00                | 607                        | 0.5192                         | 0.4500                      | 0.07                            | 3,571                               |
| 1998/99                | 625                        | 0.5192                         | 0.6020                      | -0.08                           | na                                  |
| <b>Rice (cwt):</b>     |                            |                                |                             |                                 |                                     |
| 2001/02 Forecast       | 64.29                      | 6.50                           | 4.20                        | 2.30                            | 1,014                               |
| 2000/01 Estimate       | 62.81                      | 6.50                           | 5.61                        | 0.89                            | 2,683                               |
| 1999/00                | 58.66                      | 6.50                           | 5.93                        | 0.57                            | 4,486                               |
| 1998/99                | 56.63                      | 6.50                           | 8.89                        | -2.39                           | na                                  |
| <b>Soybeans (bu.):</b> |                            |                                |                             |                                 |                                     |
| 2001/02 Forecast       | 39.6                       | 5.26                           | 4.25                        | 1.01                            | 3,750                               |
| 2000/01 Estimate       | 39.6                       | 5.26                           | 4.54                        | 0.72                            | 5,261                               |
| 1999/00                | 36.6                       | 5.26                           | 4.63                        | 0.63                            | 6,505                               |

ACRES NEEDED TO RECEIVE \$150,000 IN LDP BENEFITS BASED ON SEASON AVERAGE PRICES—Continued

| Commodity crop year | Average yield (units/acre) | Marketing loan price (\$/unit) | Season ave. price (\$/unit) | Hypothetical LDP pmt. (\$/unit) | Acres for \$150,000 in LDPs (acres) |
|---------------------|----------------------------|--------------------------------|-----------------------------|---------------------------------|-------------------------------------|
| 1998/99             | 38.9                       | 5.26                           | 4.93                        | 0.33                            | 11,685                              |

The calculations in this table assume LDPs are made on the difference between the marketing loan price and season average price. In practice, farmers are able to choose the day to receive the LDP. Years where the season average price is above the marketing loan price, payments are not applicable. Estimated prices are from USDA, World Agricultural Supply and Demand Estimates, April 10, 2002. Forecast prices for 2001/02 are mid-points of forecast price ranges.

Senators Grassley and Dorgan want to help the family farmers! The fact is, so does the Senate. In a body that exhibits a lot of partisan disagreement, the amendment for payment limitations showed a large bi-partisan support! Quotes follow:

“When is enough enough? How long will the American public put up with programs that send out billions of dollars to the biggest farm entities?”—Senator Charles Grassley (R-IA)

“Many of the benefits provided through current ag programs are being funneled to large, non-family agriculture corporations while family farmers are being short-changed. That’s just plain wrong.”—Senator Byron Dorgan (D-ND)

“The amendment would remove the loopholes that allow a handful of large farmers to receive unlimited payments . . . without real payment limitation reform, we will continue to weaken the same farmers we claim we want to help.”—Senator Chuck Hagel (R-NE)

“This is a modest amendment. I stress ‘modest.’ . . . there were 98,835 recipients of farm subsidies in Indiana during [1996–2000]. There are 6, out of 98,000, who would be affected by this amendment”—Senator Richard Lugar (R-IN)

“I am very pleased that we were able to pass this important payment limitation amendment”—Senator Tom Daschle (D-SD)

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

BUSH ADMINISTRATION FOREIGN POLICY

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

Mr. FRANK. Mr. Speaker, it is becoming sadly clearer that the Bush ad-

ministration foreign policy consists of a successful military victory in Afghanistan, in a bipartisan fashion, with the military it inherited from Bill Clinton, but a series of muddles, mistakes, and errors elsewhere.

Most recently, we had the administration outrageously both incompetent and insensitive with regard to democratic values with regard to Venezuela. There was a coup in Venezuela against a president for whom I would not have voted and who I would wish would be voted out of office, but the notion that it is okay for America to disregard our supposed commitment to democratic values because we do not like the president who was elected is unfortunate, and it is even worse when it is done in such an incompetent fashion.

Our administration was congratulating the victors in this coup long after it became clear that the coup had not become successful. Someone said in the French revolution that something was not just a crime, but was a blunder. From the standpoint of defending democracy, the Bush administration in Venezuela managed to do both.

I include for the RECORD a very interesting article from the Washington Post of April 16, entitled “U.S. Seen as Weak Patron of Latin Democracy,” as well as a very good article on the same day, April 16, from the New York Times by Paul Krugman. They both document the extent to which we both fail to defend our values, and even do that in a wholly incompetent fashion.

The articles referred to are as follows:

[From the New York Times, Apr. 16, 2002]

LOSING LATIN AMERICAN

(By Paul Krugman)

Many people, myself included, would agree that Hugo Chávez is not the president Venezuela needs. He happens, however, to be the president Venezuela elected—freely, fairly and constitutionally. That’s why all the democratic nations of the Western Hemisphere, however much they may dislike Mr. Chávez, denounced last week’s attempted coup against him.

All the democratic nations, that is, except one.

Here’s how the BBC put it: “Far from condemning the ouster of a democratically elected president, U.S. officials blamed the crisis on Mr. Chávez himself,” and they were “clearly pleased with the result”—even though the new interim government proceeded to abolish the legislature, the judiciary and the Constitution. They were presumably less pleased when the coup attempt collapsed. The BBC again: “President Chávez’s comeback has . . . left Washington looking rather stupid.” The national security adviser, Condoleezza Rice, didn’t help that impression when, incredibly, she cautioned the restored president to “respect constitutional processes.”

Surely the worst thing about this episode is the betrayal of our democratic principles; “of the people, by the people, for the people” isn’t supposed to be followed by the words “as long as it suits U.S. interests.”

But even viewed as realpolitik, our benign attitude toward Venezuela's coup was remarkably foolish.

It is very much in our interest that Latin America break out of its traditional political cycle, in which crude populism alternated with military dictatorship. Everything that matters to the U.S.—trade, security drugs, you name it—will be better if we have stable neighbors.

But how can such stability be achieved? In the 1990's there seemed, finally, to be a formula; call it the new world order. Economic reform would end the temptations of populism; political reform would end the risk of dictatorship. And in the 1990's, on their own initiative but with encouragement from the United States, most Latin American nations did indeed embark on a dramatic process of reform both economic and political.

The actual results have been mixed. On the economic side, where hopes were initially highest, things have not gone too well. There are no economic miracles in Latin America, and there have been some notable disasters, Argentina's crisis being the latest. The best you can say is that some of the disaster victims, notably Mexico, seem to have recovered their balance (with a lot of help, one must say, from the Clinton administration) and moved onto a path of steady, but modest, economic growth.

Yet economic disasters have not destabilized the region. Mexico's crisis in 1995, Brazil's crisis in 1999, even Argentina's current crisis did not deliver those countries into the hands either of radicals or of strongmen. The reason is that the political side has gone better than anyone might have expected. Latin America has become a region of democracies—and these democracies seem remarkably robust.

So while the U.S. may have hoped for a new Latin stability based on vibrant prosperity, what it actually got was stability despite economic woes, thanks to democracy. Things could be a lot worse.

Which brings us to Venezuela. Mr. Chávez is a populist in the traditional mold, and his policies have been incompetent and erratic. Yet he was fairly elected, in a region that has come to understand the importance of democratic legitimacy. What did the United States hope to gain from his overthrow? True, he has spouted a lot of anti-American rhetoric, and been a nuisance to our diplomacy. But he is not a serious threat.

Yet there we were, reminding everyone of the bad old days when any would-be right-wing dictator could count on U.S. backing.

As it happens, we aligned ourselves with a peculiarly incompetent set of plotters. Mr. Chávez has alienated a broad spectrum of his people; the demonstrations that led to his brief overthrow began with a general strike by the country's unions. But the short-lived coup-installed government included representatives of big business and the wealthy—full stop. No wonder the coup collapsed.

But even if the coup had succeeded, our behavior would have been very stupid. We had a good thing going—a new hemispheric atmosphere of trust, based on shared democratic values. How could we so casually throw it away?

[From the Washington Post, Apr. 16, 2002]

U.S. SEEN AS WEAK PATRON OF LATIN DEMOCRACY

(By Karen DeYoung)

The Bush administration said yesterday that its policy toward the dizzying events in Venezuela had been fully in tune with the rest of the hemisphere, and that it will continue to work with its Latin American partners to preserve Venezuelan democracy and justice.

"We'll be guided by the Inter-American Democratic Charter," said State Department spokesman Philip Reeker, referring to the Organization of American States' seven-month-old agreement to condemn and investigate the overthrow of any democratically elected OAS member government and, if necessary, suspend the offender's membership.

But much of the rest of the hemisphere saw the administration's response to the last five days in Venezuela in a somewhat different light. In the view of a number of Latin American governments, they were the ones who rose to defend democracy, while the United States came limping along only when it became clear late Saturday that the Friday morning coup against Venezuelan President Hugo Chavez had only temporarily succeeded.

"The United States handled it badly, as is its wont," said a former Mexican official with close ties to the government of President Vicente Fox. U.S. policy, he said, is "multilateralism a la carte and democracy a la carte."

A senior administration official yesterday repeated denials of allegations by Chavez supporters that the United States had encouraged the coup, although he acknowledged that U.S. officials had met with a number of Chavez opponents. "They came here . . . to complain and to inform us and to tell us about the situation," he said. "We said we can't tell you to remove a president or not to remove a president . . . we did not wink, not even wink at anyone."

Few Latin American officials appeared to believe the United States was involved.

But they expressed a rueful lack of surprise at what they saw as the administration's failure, despite President Bush's frequent statements on the importance of hemispheric relations, to publicly oppose it once it happened.

Instead, diplomats concentrated on what the Latin Americans had done themselves, saying they were pleased that the OAS, a plodding, historically powerless body that has long been dominated by Washington, had actually managed to convene an emergency meeting on Saturday, adopt a strong resolution condemning both the coup and the violence that led up to it—apparently instigated by Chavez backers—and dispatch its secretary general on a fact-finding mission to Venezuela.

They were pleased that, despite their near-universal dislike of Chavez, a left-leaning populist who has irritated or worried most of them, they had defended democratic principles that have been so often violated in many of their own countries.

"It's an example of how it should work," said a diplomat who asked not to be named.

As recently as Friday, President Bush hailed the Democratic Charter in the White House's annual Pan-American Day proclamation, calling it an antidote to terror. The charter was approved by the 34 OAS member nations in Lima, Peru, on Sept. 11, the day of the terrorist attacks in New York and Washington. Secretary of State Colin L. Powell attended the gathering, but had to leave early to attend to more pressing matters in Washington.

The charter put more teeth in an earlier OAS democracy declaration signed in Santiago, Chile, in 1991. It was invoked on a number of occasions by President George H.W. Bush, and by President Bill Clinton, when unconstitutional actions threatened the governments of Peru, Paraguay, Guatemala and Ecuador over the last decade. The current Bush administration has referred to the documents as symbols of the democracy that now prevails in all but one nation in the hemisphere, Cuba.

Yet the first time elected governance was interrupted under Bush's watch, his adminis-

tration punted. Last Friday, South American presidents attending an unrelated meeting in Costa Rica broke off to sign a resolution condemning the apparent coup that had overthrown Chavez that morning and invoking the Inter-American Democratic Charter. As they were composing the document, White House spokesman Ari Fleischer was announcing in Washington that Chavez had provoked the crisis and resigned. "A transitional civilian government has been installed," Fleischer said. "This government has promised early elections." There was no mention of the Democratic Charter.

Most member countries have ambassadors at OAS headquarters here in addition to their envoys to the U.S. government. But while the OAS prepared Friday afternoon to convene an emergency meeting required under the charter, the Bush administration summoned all the hemisphere's bilateral ambassadors to a State Department briefing. According to several participants, Assistant Secretary Otto J. Reich told them the United States did not approve of coups and had not promoted this one, but that Chavez had it coming.

When the OAS meeting began Saturday morning, a Caracas businessman was occupying the presidential palace. Roger Noriega, the U.S. ambassador to the OAS, took the floor to chastise member states for being less concerned about Chavez's anti-democratic behavior over the past 24 months than events of the last 24 hours.

But as the day wore on, Venezuela's new president started taking some anti-democratic actions of his own, dissolving the National Assembly, shutting the Supreme Court and voiding the constitution. Chavez supporters flooded the streets.

"As it started to unravel," a diplomat said, "the United States became less and less eager to try to lead" the debate.

When Sunday morning found Chavez back in power in Caracas, Latin American governments hailed it as a victory for democracy. White House national security adviser Condoleezza Rice told NBC's "Meet the Press" viewers that she hoped Chavez had learned his lesson.

At the State Department, Reeker described the Venezuelan situation as "fluid," and said the administration was continuing to monitor it. The important thing, he said, "is the mission of the OAS. We want the OAS and the Democratic Charter that countries of the region signed up to play an important role in this process."

#### DOOLITTLE'S RAIDERS REUNION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WILSON of South Carolina. Mr. Speaker, this week marks the 60th anniversary of the famous Tokyo raid conducted by Doolittle's Raiders, highlighted by a reunion of this courageous contingent being held in Columbia, South Carolina. General Woody Randal and hundreds of dedicated volunteers have organized a week-long tribute to our Raider heroes.

The Raiders were assembled in the aftermath of Pearl Harbor, and trained at Columbia Army Airfield by the visionary General Jimmy Doolittle for their courageous service, which was crucial to raise America's shocked wartime spirits. The raid had profound

strategic consequences for America's ultimate victory.

South Carolina is especially proud of native son First Lieutenant William G. Farrow of Darlington. Lieutenant Darrow was one of eight members of Doolittle's Raiders who were captured by the Japanese. He endured 6 months of brutal torture and deprivation before being executed at age 25. Lieutenant Farrow's ultimate sacrifice will never be forgotten, and his influence continues with his authorship as a student at the University of South Carolina of "An American Creed for Victory."

As we honor Doolittle's Raiders for their courageous sacrifices for our Nation during World War II, it is my hope that Lieutenant Farrow's patriotic words will inspire all generations of Americans to serve their country with pride and honor.

The document referred to is as follows:

**Farrow's Creed**

After Raider Lieutenant William Farrow's execution on October 15, 1942, his mother found this list in a trunk belonging to him. President Franklin D. Roosevelt touted the list as an example to the Nation. It was printed in newspapers and church bulletins coast to coast.

MY FUTURE (LATER CALLED "AN AMERICAN'S CREED FOR VICTORY").

First, what are my weaknesses?

- (1) Lack of thoroughness and application.
- (2) Lack of curiosity.
- (3) Softness in driving myself.
- (4) Lack of constant diligence.
- (5) Lack of seriousness of purpose—sober thought.
- (6) Scatter-brained dashing here and there and not getting anything done—spur-of-the-moment stuff.
- (7) Letting situations confuse the truth in my mind.
- (8) Lack of self-confidence.
- (9) Letting people influence my decisions too much. I must weigh my decisions—then act.
- (10) Too much frivolity—not enough serious thought.

(1) Lack of clear-cut, decisive thinking.

Second, what must I do to develop myself?

- (1) Stay in glowing health—take a good, fast one-hour workout each day.
- (2) Search out current, past and future topics on aviation.
- (3) Work hard on each day's lessons—shoot for an "A."
- (4) Stay close to God—do His will and commandments. He is my friend and protector. Believe in Him—trust in His ways—not in my own confused understanding of the universe.
- (5) Do not waste energy or time in fruitless pursuits—learn to act from honest fundamental motives—simplicity in life leads to the fullest living. Order my life—in order, there is achievement, in aimlessness, there is retrogression.
- (6) Fear nothing—be it insanity, sickness, failure—always be upright—look the world in the eye.
- (7) Keep my mind always clean—allow no evil thoughts to destroy me. My mind is my very own, to think and use just as I do my arms. It was given to me by the Creator to use as I see fit, but to think wrong is to do wrong!
- (8) Concentrate! Choose the task to be done, and do it to the best of my ability.
- (9) Fear not for the future—build on each day as though the future for me is a cer-

tainty. If I die tomorrow, that is too bad, but I will have done today's work!

(10) Never be discouraged over anything! Turn failure into success.

□ 1745

**SPECIAL ORDERS**

The SPEAKER pro tempore (Ms. HART). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**SUPREME COURT RULING  
THREATENS OUR CHILDREN**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. JEFF MILLER) is recognized for 5 minutes.

Mr. JEFF MILLER of Florida. Madam Speaker, 20 years ago, the Supreme Court recognized the compelling State and national interest in protecting American children, declaring that child pornography is barred from first amendment protection. Since that time, Congress has worked consistently to protect against the exploitation of our children, a charge that has become increasingly difficult in the computer age.

Yesterday, the court struck down Congress's attempt at a legislative crackdown against computer-age child pornography, calling it a threat to free speech. Justice Kennedy's broad language sends a disturbing message. The high court in our land apparently places a higher premium on the expression of pedophiles than on ensuring the psychological, emotional, and mental health of our country's children and society as a whole.

Child pornography is a highly organized, multi-million dollar industry in this country, involving the exploitation of thousands of children and youth in the production and distribution of pornographic materials. In 1996, Congress addressed the mushroom effect of high-tech kiddie porn by passing the Child Pornography Prevention Act. The law broadened the scope of the definition of child pornography to include computer-generated issues. Computers are increasingly being used to alter innocent pictures of children to create visuals of those children engaging in sexual conduct. This type of child pornography invades the child's privacy and reputational interests. Images that are created showing a child's face on a body engaging in sexually explicit conduct can haunt the minor for years.

As articulated by the court's dissenters, The Child Pornography Pre-

vention Act prohibition of virtual child pornography was tailored narrowly enough to pass constitutional muster. It is clear that the Act merely extends existing prohibitions on child pornography to a class of computer-generated pictures that may be easily mistaken for actual photographs of real children. Yesterday, the court turned its back on its long-standing recognition of the government's compelling interest in protecting American children. That interest is promoted by Congress's efforts to ban virtual child pornography. Such images whet the appetites of child molesters who may use the images to seduce young children.

Anger to children who are seduced and molested with the aid of child sex pictures is just as great when the child pornographer or child molester uses visuals of child sexual activity produced wholly or in part by electronic or computer means, as when molesters use images of actual children engaging in sexually explicit conduct.

Despite the Supreme Court's decision, Congress is not required to, nor will it wait, on harm to our children before legislating against it. I echo Attorney General John Ashcroft's disappointment in the ruling and that child pornographers and pedophiles can find little refuge in the court's decision. Ensuring enforceability of our American child pornography laws is indeed a compelling one, and the Child Pornography Prevention Act is an important tool in fighting child sexual abuse.

We will continue to fight to ban expression which is used by sex abusers to act in deviance with children and which desensitizes the offenders themselves to the pathology of sexual abuse and exploitation of children. The First Amendment does not protect the panderer.

**OPPOSING THE ADMINISTRATION'S  
PROPOSED WORK REQUIREMENTS  
UNDER TANF REAUTHORIZATION**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Madam Speaker, I rise to strongly oppose the President and Republican leadership proposals for TANF reauthorization. On February 26, the administration announced an agenda for welfare reform to strengthen families and help more recipients work towards independence and self reliance. In keeping with the principles outlined by President Bush, the gentleman from California (Mr. HERGER), chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, introduced H.R. 4090, the Personal Responsibility, Work, and Family Promotion Act of 2002 on April 9. On that same day, the gentleman from California

(Mr. McKEON), chairman of the Subcommittee on 21st Century competitiveness of the Committee on Education and the Workforce, introduced H.R. 4092, the Working Towards Independence Act.

Let it be known, Madam Speaker, none of these proposals will strengthen families, move families towards self reliance and independence, or reduce poverty. To the contrary, the proposed changes to welfare will erode the successes of the past and severely limit the States' flexibility.

The Republican bills, while largely similar in most respects, promote increased work requirements, introduce an acceleration in the number of families in specified work activities, and devote \$300 million a year to marriage and family formation. The problem with these proposals is that States are expected to make sweeping changes to their programs and move more welfare recipients into work with the current level of funding. Flat level funding will erode the States' ability to provide services such as child care, transportation, vocational training, skills, and barrier assessments, all of the important ingredients of work promotion, poverty reduction, and self-sufficiency.

Recent analyses have indicated that these proposals will cost the States \$15 billion over the next 5 years. Any plan must avoid imposing unfunded costs upon the States that could lead them, shift resources away from low-income working families in order to finance new requirements.

Furthermore, 41 governors from the States, both Republican and Democratic, have voiced their concerns about the fundamental changes proposed in these bills. A new 40-hour work requirement would be an enormous burden on the States, and the new rules would be far too rigid. These proposals decrease State flexibility, one of the champion successes of the past legislation that enabled States to move families off of welfare.

In addition to these concerns, the 40-hour work week is counterproductive and makes no sense, given the rules and limited flexibility. If TANF participants work off their benefits in a work fair or community service job, and if their job is valued or paid at State minimum wage rates, these individuals would earn their benefit in fewer hours than the required 24 hours.

Let me give my colleagues an example. In California, my constituents would work off their benefits in just 19.3 hours in a work fair or community service job. These individuals would then face noncompliance and sanctions. This is true in 26 other States as well. If, on the other hand, a welfare recipient finds an unsubsidized job at a minimum wage, they would earn too much money to qualify for the benefits and would move into a class of the working poor. The proposals really do not add up.

In addition to this dilemma, the proposals do not account for the large

number of families needing child care or transportation in order to work. By demanding increased work requirements and an acceleration in the number of families in specified work activities, the demands for child care and transportation will only increase. Flat level funding will not suffice.

The need, in closing, for child care has increased by 21 percent over the past few years.

Madam Speaker, we need to relook at these proposals, for they simply do not add up.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman 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 Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### UNITED STATES SHOULD STAND WITH ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise today in support of our friend and ally, Israel, for celebrating the 54th Independence Day for the State of Israel. It is important at this time that we stand with our friend and ally, Israel.

There is a famous story that Davy Crockett told. It is in the book "Three Roads to the Alamo." Davy Crockett got into an argument and then there was a brawl afterwards. One of his friends did not help him out and Davy Crockett got kind of beaten up in the brawl. He asked his friend afterwards, how come you did not help me? His friend said, well, it was really controversial and it was kind of a difficult decision, and I was not sure if I wanted to back you up. He said, hey, you do not need friends when everybody is in agreement with you. You do not need friends when everybody thinks what you are doing is wonderful. You need friends when you are in a fight and there is a question over the principles.

We are not the government of Israel. It is a difficult time for Israel. They made some decisions to go after terrorists that were attacking their right to exist, just like we have gone after terrorists that are attacking our right to exist. Whether or not I would have done the completely same methods that Israel has used, I do not know. I think so, but I am not the leader of Israel. Ariel Sharon is the Prime Minister of Israel and the leader of Israel,

and I believe it is important that we stand with them.

One of the debates when I have been in the Middle East is whether or not Israel has displaced the Palestinians. Any student of history, even somebody who has not focused on history, realizes that there has been a conflict, basically, an eternal conflict over who was where. But when the Jews were dispersed around the world and others moved in does not mean that when the Nation of Israel was created in 1948, that suddenly the people who were displaced at that point had any more of a legitimate claim, even in a secular way, than the people who were moved out and dispersed before that.

It is important that we recognize that that is an independent state of Israel. When we met with Dr. Arakat and the Palestinians in Jericho, Dr. Arakat was promoting that they needed a contiguous state, a Palestinian state. Part of the argument that I had was why should we trust you when you still have it in your Constitution that Israel does not have the right to exist. Conflict erupted, verbal conflict in the meeting, because he said that that was not politically possible. But why should Israel trust the words of the Palestinian Authority if they do not grant their right to exist?

Part of the problem is, as we have seen multiple times there, when we pushed and western powers pushed Israel to back off the Golan Heights, people can look right down on Israeli citizens and shoot down on them that the reason that they cannot have a contiguous state is that there is not much water in that area.

□ 1800

The reason they cannot have a contiguous state is there is not much water in that area. They have water pipes going through. If those things are controlled by people committed to their destruction, they cannot exist as a state.

Furthermore, we have a longtime moral and secular argument about whose capital Jerusalem is. It is a shrine to many nations. We have some conflicts that are not easily reconciled. Israel, unless they have the flexibility to take out the terrorists, will not exist as an independent state. So we can commemorate the independence of Israel, but unless they can make sure they have a water supply that comes, unless they make sure people are not shooting down on them from the heights, people who can hide in terrorist camps, they cannot exist and have an independent state.

Furthermore, we have a lot of whining about how Israel treats the Palestinians. It is tough. Quite frankly, I might handle some of these things slightly differently. But we know this for a fact, Palestinians can become citizens in Israel. They can vote in Israel, in the Israeli elections. They can own property in Israel.

But when we go to the Arab countries around Israel, they treat the Palestinians like dirt. They cannot own land.

They cannot vote. They are a homeless people. They only want to put the Palestinians in the Israeli territory, but they will not give any flexibility to these poor people in their countries. Why is it totally Israel's burden to give up their land to make themselves unsafe because Jordan, Kuwait, Bahrain, Saudi Arabia, and Syria do not want the Palestinians in their country?

These borders have been fungible for thousands of years. To argue that the Palestinians' border should be precisely right here, the Arab countries need to show some real concern; not just lip service on what Israel's obligation is to the Palestinians, but what their own obligations are to help these poor homeless people.

The big conflicts in the Middle East are not going to be between Israel and the Palestinians. There are other conflicts far broader with bigger countries. Israel clearly needs to come to peace with their Palestinian neighbors. They have much more, and long-term, in common than they do with Iran and Iraq, and other greater sources of conflict in that region.

But ultimately, Israel must have the right to exist. People have to be able to go to a bar mitzvah, to a pizza place, to move around in a shopping center, to go to the synagogue, without being in fear of being terrorized and blown up. They have to be able to live in their houses without people shooting down on them from the mountains, or from planes overhead.

It is important on this Independence Day that we show courage and stand with our friend and ally, Israel, as they stood with us.

The SPEAKER pro tempore (Mrs. HART). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE 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 Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR 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. LANTOS) is recognized for 5 minutes.

(Mr. LANTOS address the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE IMPORTANCE OF SOCIAL SECURITY TO ALL AMERICANS, AND ESPECIALLY TO WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 60 minutes as the designee of the minority leader.

Ms. MILLENDER-MCDONALD. Madam Speaker, tonight many of the Democratic women come to the floor to speak on issues that were raised during the recess when we visited with the women members and women constituents in our districts.

Because I represent the caucus chair on the Democratic side, I have been asked to speak at a lot of organizations to talk about where we are going in terms of Social Security. Madam Speaker, tonight we will try to see whether we can find some sense of where Social Security is going, and in fact speak about the vital importance of Social Security to all Americans, but especially women and minorities and persons who suffer from disability.

At the present time, it is a lightning rod here in the House, and it incites strong responses. That is what the women across this Nation are asking. We recognize that the administration and the majority here in this House have proposed to privatize Social Security, which has created a firestorm of controversy. This proposal, if enacted, would create the possibility of individuals to invest in the stock market through personal accounts.

Now, women whom I have spoken with certainly say that this will not benefit them at all, and they believe that a proposal such as this is a bad idea, and reckless public policy.

So the Democratic women have grave concerns about the implications of privatizing Social Security for the following reasons: Women constitute the majority of Social Security beneficiaries, equalling approximately 60 percent of the recipients over the age of 65. Roughly 72 percent of beneficiaries above the age of 85 are women. So as a matter of necessity, 27 percent of women over 65 count on Social Security for 90 percent of their income. These are reasons why they cannot see anything that will drive funding from a pot that they perceive will give them the benefits that they sorely need in the event of the death of their husbands.

Privatization of Social Security will be devastating because women earn less than men, and they count upon Social Security's progressive benefit structure to ensure that they have an adequate income upon retirement. Women are also less likely to be covered by an employer-sponsored pension plan. Hence, Social Security makes up a larger portion of their retirement income, and in many instances, it is their only source of income.

So in the context of Social Security, women are also affected by other factors, which include living 6 to 8 years

longer than men and having to stretch their retirement savings over a longer period of time. Furthermore, Madam Speaker, women lose an average of 14 years of earnings due to time out from the work force. We recognize what that is: from raising children to taking care of ailing parents. In most cases, a lot of women have to take care of sick husbands.

So because women generally experience a higher incidence of part-time employment, many of them have less of an opportunity to save for retirement, thus relying completely on Social Security to subsist.

There are also some startling economic realities that Americans need to be informed about relative to privatizing Social Security. Privatization would result in a drawdown of over \$1.2 trillion from the Social Security and Medicare trust funds over the next 10 years to finance individual accounts, thereby increasing the long-term deficit of Social Security by 25 percent.

Furthermore, privatization efforts will not restore long-term solvency to the trust fund, and will result in reduced benefits for women, the elderly, and minorities who benefit from the progressive structure of the Social Security system. In fact, Madam Speaker, one plan put forward by the President's Commission on Social Security would reduce benefits to all recipients by 46 percent. Benefits for future retirees would be tied to growth in prices, rather than wages.

Now, under this scenario, retirees would not be able to maintain the standard of living in retirement that they earn during their working years. The combined effort of the proposed changes would mean benefit cuts of 30 percent for a worker retiring in 2075.

A very important fact, Madam Speaker, that is not being touted by advocates of privatization is that although investing in individual accounts is voluntary, benefit cuts would apply to everyone. Current reality makes it abundantly clear that it is foolheaded to trust a universal defined benefit and totally portable system to the variances of the stock market.

If we want a glimpse of the future, we need to look no further than the Enron situation to get a glimpse of what might loom on the horizon if we allow Social Security to be privatized.

As Democrats, we believe in supporting and protecting the interests of all American workers. Therefore, we cannot and must not allow privatization to become a reality. We are duty-bound to preserve Social Security into the future. Privatizing Social Security and raiding its trust fund would be unfair and irresponsible.

As leaders of this House and as women representatives of constituents who have so much at stake regarding Social Security, we are compelled to tell Americans the truth about proposals to privatize Social Security.

My colleagues and I will be vigilant in our efforts to raise national awareness about the crisis our Nation will face if we adopt a policy of privatizing Social Security. The women around the country are watching very closely to see what this House does with reference to benefits of Social Security and putting them into, whether it is voluntary or mandatory, privatizing accounts. They recognize that this trust fund was set there for the purpose of making sure that their retirement benefits be given to them, and to allow them to do what they want to do with it.

We can ill afford to speak on behalf of the women of this country, and certainly can ill afford to take their money that they have put in for their benefits and to even suggest that there be individual accounts through a privatized type of system.

Madam Speaker, we all know that women are hamstrung in trying to find the benefits and the financial wherewithal to support themselves upon retirement. To even suggest the privatization of any types of trust funds of Social Security and Medicare would be devastating to women of this country. We will continue to keep them posted, as they will continue to watch us in this House as we move into the realms of reforming Social Security.

I am happy tonight to be joined by women of this House on the Democratic side who will speak tonight on this issue, and to raise the awareness of what is at stake if in fact the trust fund is raided and the Social Security funding is put into any privatization account.

We have with us the gentlewoman from Florida (Mrs. THURMAN), who is a point person and the expert on Social Security. She comes with a wealth of knowledge, and is the leader, with all of us, on the issue of Social Security.

Madam Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

The SPEAKER pro tempore. The Chair will reallocate the balance of the time, approximately 50 minutes, to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I thank the gentlewoman for those wonderful remarks, but most of all, I think that we appreciate her leadership on women's issues, and bringing us here together tonight to talk about these important issues.

Madam Speaker, I know the gentlewoman from California talked already about some of the statistics, but I have to say that the thing that we most need to remember is that Social Security is so important, and why is it important. So repeating these statistics I think is probably good for all of us to continue to keep in our minds why we will fight so hard to keep this safety net.

Remember that women rely more on Social Security income than men. About two-thirds of all the women 65

and older get at least half their income from Social Security. For one-third of these women, Social Security makes up 90 percent or more of their income.

Women live longer than men. We all know that women live longer than men, approximately 7 years longer, so fully 72 percent of Social Security recipients over 85 are women, and on average, women over age 85 rely on Social Security, again, for 90 percent of their income.

Traditional Social Security continues to pay benefits as long as the beneficiary is alive. However, in talking about private accounts, women risk exhausting their savings in their most vulnerable years because they are not lifelong.

Women take time out of the work force to care for children and elderly parents. This is a big issue for families. This is not just about women at this point, it is about families, because in fact we take that time out of our work life to care for what we have been asked to do, which is our children and our elderly parents.

So, because of that, we rely more heavily on our husband's Social Security benefits. Over 60 percent of women on Social Security receive spousal benefits, while only 1 percent of men receive such benefits. So, again, listen to this: Over 60 percent of the women on Social Security receive spousal benefits, with only 1 percent of men receiving that same benefit.

□ 1815

So it is important to preserve the traditional Social Security for women. Unlike private accounts, Social Security is automatically adjusted for inflation, and for women who live longer lives, private accounts run the risk of being worth less due to inflation or devalued accounts.

Let us talk a little bit about privatization. Seems to be what everybody is running from now. There was something in the newspapers today that actually talked about that, and I only bring this up because I think it is important that, there are new polls out and focuses that are designed to prepare for an election year and they are saying you cannot attack, you cannot talk about privatization. So people are running from that.

The fact of the matter is it has been a key cornerstone in many of the discussions that have gone on up here, to the point that there was a commission, a presidential commission, and it was stacked in the favor of those people who believed in privatizing.

I have to say, after what we have seen with the economy over the past year, we do not want our seniors to have to rely on an unstable market for their retirement. With privatization, the potential is too great for retirement savings to vanish in a weak economy.

The President, in his guidelines for the Social Security Commission, stated that any proposal they create must

not invest Social Security dollars in the stock market. He also stated that the Social Security payroll taxes must not be increased. However, the President wants people to be able to use a portion of their payroll taxes for investing in stocks.

So what happened? The Commission recommended three options for reforming Social Security. What they had all in common was all three options diverted at least some percentage of payroll tax to private accounts.

Listen to these numbers. Diverting as little as 2 percent of payroll taxes to private accounts, which the Commission recommended as much as 4 percent, would result in a loss to the trust fund, the Social Security trust fund, of \$1.1 trillion over 10 years. Diverting just 1 percent, well, does not take much to figure out, would result in a loss of \$558 billion over 10 years.

What we need to remember here is that that money is already designated to pay for benefits for future retirees. One option in the Commission's work said, and the Wall Street Journal wrote this, benefit options would be changed in so many ways that grandma's head would spin.

The President's guidelines leave us only one option for supporters of privatizing Social Security, cut senior's Social Security benefits. Today, again, in this very same article that I talked about earlier where there are new polls in focus, we have to promise not to raise the retirement age and pledge not to touch the benefits of current and soon to be retirement. Guess what? In what we have been talking about and what has been the options, the fact of the matter is that is the one way we could do it.

So, one, we have to dip into the trust fund or we have to cut senior Social Security benefits. Why in the face of a recession and the impending retirement of baby boomers would we be taking the money to be paid to future retirees and gamble on it? With lower economic projections and money going to support other important efforts, it becomes even more important to oppose the privatization of Social Security.

Currently, Social Security, as I said, helps women. It helps minorities and it helps the disabled. It would be impossible to protect disability and survivor benefits for these groups in a private account system. Benefits for spouses and children could not be protected in such a system.

So I would also say to my colleagues that there are women across this country, and us in this Congress, who have gathered to do these special order speeches, are not only women against the privatization proposal, but quite frankly, there is a letter that was put out April 9 of 2002 by a group of women, 150 women's organizations signed a letter to Congress against the three privatization options earlier this month, and this was put together by the National Council of Women's Organizations.

Tomorrow, we are going to be doing or trying to make tax cuts permanent. Well, I would just want to say that we should not be spending Social Security on anything other than Social Security. This is something that almost every Member of Congress, Democrats and Republicans, agreed to do last year by overwhelmingly passing the lock box for Social Security and Medicare. Unfortunately, the Social Security trust fund would lose two-thirds of its surpluses under President Bush's budget, and the Congressional Budget Office projects that \$740 billion of this money would be used to fund things other than the Social Security benefit, such as what we are going to be talking about tomorrow, which is the tax cuts.

The nonpartisan Center on Budget and Policy Priorities, and I thought this was an interesting piece of information and certainly something to think about, estimates that the size of the tax cut is more than twice as large as the Social Security financing gap. So we could be fixing Social Security by using these resources instead of doing what will probably pass the House tomorrow.

I would just say I think we need to make sure that our seniors continue to remain secure in their retirement. Women who live longer and take more time off from work to care for loved ones would be hurt by the President's privatization proposals.

In summary, I have to say the privatization of Social Security cannot be ignored as an issue of great national concern. The effect privatization would have on women and seniors in general is alarming. Reducing Social Security benefits for women who typically rely more heavily on Social Security than men is not the way to go.

Mr. Speaker, I will be leaving, but I would like to turn the additional part of this hour over to the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The Chair will reallocate the balance of the time, approximately 40 minutes, to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise tonight to highlight the importance of Social Security. Social Security is important to millions of people, but it is particularly important to women and I think that it is so very, very important that we as women in the Congress of the United States pay very special attention to what is happening to Social Security.

I would like to thank my colleague the gentlewoman from California (Ms. MILLENDER-MCDONALD) for organizing this hour for us to talk about Social Security. It is very important that we talk about it, and particularly because we will have a vote tomorrow to make the tax cuts permanent.

We take Social Security for granted. Many people think, well, it has been there for a long time and it will always be there, and most people know that

Americans depend on the fact that Social Security will be there for them in retirement.

The poverty rate for Americans age 65 and older is 1.2 percent. The poverty rate for elderly women is almost 12 percent, nearly double that of men. While this number is tragic, it could be worse. Without Social Security, over half of all women aged 65 and older could be poor. According to the National Women's Law Center, the average monthly benefit for a widow is \$775. For about two-thirds of women, this is half of their monthly income. For nearly half of women 85 years of age and older, it is 90 percent of their income.

The reality is that of all the people that Social Security lifts out of poverty, three-fifths are women. Social Security is an extremely important program. On average, women live 5 to 7 years longer than men. In addition, because women are more likely to stay home while raising children, they work less than men and often have smaller pensions and other retirement savings to help them through their twilight years.

Social Security allows these women to live in a secure and comfortable retirement. However, Social Security is on shaky grounds. By 2017, Social Security will begin to pay out more than it takes in. The program will continue its important role for another 24 years after that, until 2041, before it becomes completely empty. Then recipients will only be able to receive 72 percent of their promised benefits or will be subject to either a tax increase or delay of the retirement age.

Despite the obvious importance to women, the Bush administration and the Republican leadership have shown they have no plan to preserve Social Security. In fact, over the next 10 years the Republican budget spends nearly all of the Social Security surplus, completely throwing away any opportunity to strengthen the program.

Despite voting six times to preserve the Social Security surplus, the Republican budget will spend 86 percent of those funds. In January 2001, the Federal Government was expecting a Social Security surplus of over \$3 trillion, but today, we are operating on a \$1.6 trillion deficit, a reversal of over \$4.5 trillion.

The Republican party can no longer be called the party of fiscal discipline. It is obvious that we need an open discussion on the best way that we can return Social Security to firm financial standing.

Lately, the debate has been hidden by smoke, mirrors and budget gimmicks. We cannot protect our seniors if we resort to these budget games. Far too many individuals, men and women, black, white and Hispanic, depend on it to allow them to retire in relative comfort.

The longer we put this off, the more severe the problem and the more difficult it will be to fix.

So I urge my colleagues, both Democrat and Republican alike, but particu-

larly my friends on the opposite side of the aisle, to get real about Social Security and let us talk about how can we make tax cuts permanent and stop this drain, and at the same time, preserve Social Security. It cannot be done and I think we need to face up to it. Now is the time to do it.

Again, we must share with the American public that Social Security is not guaranteed if we continue down the road that we are going. As a matter of fact, it will put many, many people in this country in great jeopardy.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join with my colleagues to emphasize that Social Security must be preserved, and not privatized, for the sake of women and children.

Social Security in America's most comprehensive and important family protection system. It provides not just retired worker benefits, but also important benefits for elderly and surviving spouses as well as for disabled workers and their dependents and the young surviving children of workers who die before retirement.

Several months ago, the President's Commission on Social Security's final report failed to advance the cause of Social Security reform. Of three plans put forward by the Commission, not one achieves the goal to "restore fiscal soundness" set out by the President by closing the gap in the program's solvency over the next 75 years.

Each of the proposals put forward by the Commission require specific, massive cuts in defined benefits—even for those who do not opt for the voluntary accounts. The Commission should consider ways to encourage workers to invest and save more. Unfortunately, this Commission was limited only to the option of investment accounts to be carved-out of the revenue currently earmarked for defined benefits.

Although Social Security is gender neutral, it matters more for women for four reasons:

First, women live longer than men. In 2000, a 65-year old woman was expected to live an additional 19 years, almost four times more than a man of the same age. A longer life expectancy translates into a greater need for retirement resources and more secure sources of income. Social Security provides guaranteed life benefits and full annual cost-of-living adjustments.

Second, women spend fewer hour and fewer years in the paid workforce than men. Although the percentage of women ages 25 to 65 participating in the labor forced increased sharply, women's workforce experiences still differ from men. Women, on the average, accumulate fewer hours of paid employment than men over their lifetimes because they are more likely to hold part-time jobs or more likely to be "contingent" workers. Social Security provides vital protections such as spousal benefits, exspouse benefits and full benefits calculated using only a 35-year work history.

Third, women are paid less than men. According to the U.S. Census Bureau, women earn 72 cents for every dollar that men earn. The situation is even worse for women of color. Half of all year-round, full-time African-American women workers earn less than \$25,142 per year, and the median for Latinas was \$20,052.

Women are concentrated in low-paying jobs. Roughly 62% of women workers earn less

than \$25,000/year, compared with less than 42% of men who work. Social Security provides progressive benefits that replace a higher portion of preretirement income for low-income workers.

Fourth, women are more likely to be widowed than men. Longer life expectancy, combined with the fact that women, on average, marry older men, means that most women die unmarried. More than one-half of women ages 65 and older are unmarried. Three-fourths of unmarried Americans ages 65 and older are women. And four in five nonmarried older women are widowed. Social Security is the one source of retirement income that guarantees benefits to widows. The elderly survivor program is especially important to women.

We cannot jeopardize the solvency of Social Security because a strong Social Security is critical for older women. Today, 60 percent of all Social Security recipients are women. Of recipients over age 85, nearly three-quarters are women. These women rely on Social Security for nearly 90 percent of their income. Without Social Security, over half of elderly women would be poor. If elderly women cannot rely on Social Security when they retire, they will need greater financial assistance from their middle-aged children.

For elderly people of color and women, the challenges confronting the Social Security system are cause for alarm, because elderly African-American and Hispanics rely on Social Security benefits more than elderly Whites. According to the National Committee to Preserve Social Security and Medicare, from 1994–1998 African-Americans and Hispanics and their spouses relied on Social Security for 44 percent of their income while elderly Whites received 37 percent of total income from Social Security. And, 43 percent of elderly women received their income from Social Security during the period 1994–1998. This fact is important because on average, Social Security payments replace 54 percent of women's lifetime earnings in relation to men, coupled with the fact that women tend to live longer than men, which results in us receiving more benefits for a longer period of time.

Today, Social Security works in ways that are important to women because of their different life experiences. The administration's proposals threaten the guarantees that make the current Social Security system so beneficial for women. We must work together to protect the future of women and children.

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

#### ENERGY INDEPENDENCE FOR THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to talk about the important issue of energy independence for the United States.

We have seen very clearly since the developments of 9/11 that we have significant foreign policy complications emerging from the development of Muslim fundamentalists, extremist violence in the Middle East, and of course, we have seen the tremendous tensions that have been raised in re-

cent months within the area of Israel and Palestine and the tremendous conflicts, and in particular, the very, very difficult situation of the suicide bombers who are blowing themselves up in cafes and restaurants and killing innocent men, women and children, in many instances, leaving often dozens of people severely maimed and deformed.

What is particularly disturbing is to read news reports that one of our supposed allies in the region, Saudi Arabia, has actually been paying the families of these suicide bombers, essentially aiding and abetting the commission of these horrific acts of violence against innocent civilians by these suicide bombers.

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Mr. Speaker, the situation that exists today is that the United States is dependent on foreign oil for about 50 percent of our energy requirements. I believe for us as a Nation that is an intolerable situation and that we need to take stock of this.

The President put forward a very positive proposal to open up for drilling the Arctic National Wildlife Refuge and pursue a host of additional reforms that we passed out of this House and the other body is taking up, and I applaud the other body for finally getting to the issue. I believe we need a more aggressive proposal to reduce our dependence on foreign oil, specifically Middle Eastern oil over the next 10 to 15 years. What I put forward is that we begin an aggressive program using every tool that we have available in our research and development budgets, in our Tax Code, to do things to make electric vehicles more attractive for people to purchase, to develop alternative energy sources.

We have a tremendous potential with wind energy, with solar energy. Indeed, I sit on the Committee on Science and Technology, and we have held hearings on the concept of space-based solar power, energy that can be collected by satellites from space and beamed to the Earth, energy that can be collected from the surface of the Moon and beamed to the Earth.

The potential for fusion energy is another great area where we should be investing more. We in the United States need to embark in the months, weeks, years ahead on an aggressive proposal to reduce our dependence on foreign oil and specifically Middle Eastern oil. I believe many of our so-called allies in the Middle East are not allies at all. They are working directly contrary to the interests of the United States and, really, democratic nations all over the world. We should be about the business of moving any dependence we may have on those nations; and the best way to secure that for our future and the future of our children is to develop these alternative energy sources so that we as a culture and society can deal with those countries on a more even basis.

It is very obvious to me when we look at what is going on in Europe that

the European community is collectively too dependent on Middle Eastern crude. I believe we in the United States could end up in the same way in the next 10 to 20 years; and, therefore, I believe we need to develop these alternative energy sources, and we need more conservation. This should be a long-term project over the next 5 to 10 years where we employ every tool available to us so we are no longer importing oil.

Not only do I believe this would be good for our foreign policy positions, I believe it would be good for peace throughout the world. I think it would be good for peace in the Middle East; and certainly it would be good for our domestic economy, our balance of payments. I implore the House of Representatives, particularly those who serve on the Committee on Science and Technology, those who serve on the Committee on Energy and Commerce, the Committee on Appropriations, to collectively come together in the weeks and months ahead and develop a cogent solution to deal with this pressing problem.

#### WELFARE REFORM

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WILSON of South Carolina. Mr. Speaker, over the next couple of weeks we will have a very rewarding experience explaining to the American people the success of welfare reform by the law that was passed in 1996, but also we will have an excellent opportunity to show how rewarding the reauthorization will be as proposed by President Bush.

I am a newcomer myself to Congress. I was sworn in 17 weeks ago today after a special election on December 18. This follows 17 years that I had the privilege to serve in the State Senate of South Carolina. I am honored to be on the Welfare Reform Task Force. I was appointed by the majority whip, the gentleman from Texas (Mr. DELAY). I am on the task force to study and promote welfare reform. It is a particular honor for me because there are only two freshmen on the task force, myself and the gentlewoman from Pennsylvania (Ms. HART). I am certainly with a quality crew serving on that task force.

My education in the area of social services, I give credit to my wife, Roxanne. She served for 14 years on the welfare board in our county, the Department of Social Services in Lexington County; and in that capacity I learned first hand of the great work of professional social workers working with persons who needed financial assistance, the problems of elder care and foster care, child care; and I learned firsthand that we have got the best people working to promote services to the people of our country.

Additionally, I have a legislative background in the State Senate of South Carolina, and it is very similar to what is going on here in Washington, D.C. Back in 1995, I was honored to be the chairman of the General Committee of South Carolina in the State Senate. At that time people were questioning what the General Committee was. I knew first of all it had jurisdiction over the National Guard; and as a member of the National Guard, I was happy to serve. But I found out later that "general" meant any specific item or agency that did not pertain to specific other committees ended up in the General Committee. That was wonderful for me because the Department of Social Services came under their jurisdiction.

So I was in place to work in South Carolina for the development of the Family Independence Act, along with David Beasley and our lieutenant governor, Bob Peeler; and I also worked with such distinguished persons as the gentleman who is the Speaker pro tempore tonight, the gentleman from South Carolina (Mr. BROWN), who was chairman of the Committee on Ways and Means in the House of Representatives in South Carolina.

We were able to put together a very similar welfare bill and legislation in South Carolina as has been enacted nationally, and there has been a remarkable record of success. The landmark welfare reforms of 1996 on the Federal level has focused on moving recipients from welfare to workfare. The 1996 reforms replaced guaranteed cash assistance with a work requirement. And when I say work, what I am talking about are jobs and education, training and giving persons the opportunity to be fulfilling citizens in our country. It has meant jobs, and it has meant education.

So when we hear the discussion of welfare reform, that is what we are largely discussing. The best characterization that I have read of the success of the 1996 bill was in the Carolina Morning News, which is the Savannah Morning News edition of the low country of South Carolina for Beaufort County, Jasper County, Sun City, for Bluffton and Hilton Head Island.

The editorial last month said the 1996 welfare reform bill passed by a Republican Congress and signed by President Clinton stands as one of the great social policy successes of the last 50 years. It was to the cycle of dependency on the dole what the collapse of the Berlin Wall was to communism, both literally and symbolically.

As we over the next couple of weeks discuss welfare reform, it is wonderful to really make it personal, and that is by having success stories brought to our attention.

Mr. Speaker, I yield to the gentleman from Florida (Mr. WELDON) to review several success stories.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his leadership

on this. He is newly elected to the House, and he is doing an outstanding job of bringing attention to this very important issue. I first came to this body in 1994. At that time what I had heard from the constituents in my district and people all throughout the State of Florida was what a terrible disaster the welfare system was, locking millions of Americans in a cycle of poverty that they were literally unable to escape from.

In the county that I live in, we had chronically 2,500 people on welfare. With the passage of welfare reform, that number has been reduced to 400 people, an 80 percent reduction. These kinds of reductions were seen all over the country. Millions of Americans have been able to move successfully from welfare to work.

Surprisingly, now that we are in the place where we need to reauthorize this legislation, there are some Members who want to turn the clock back and look at the tremendous success of welfare reform and say it was a failure and we need to go back to the old ways. I want to talk about a couple of people. The gentleman's point about making this personal is important, so I want to talk about two Floridians who made the transition.

Sha-Tee Bonner entered the welfare transition program in October 1999, and was immediately assigned to Job Search, something that would not happen before. She would be locked in welfare. Now under the program, the reform program, she is immediately assigned to Job Search. In November 1999, she became employed at Hollywood Video and began earning enough money to end her cash assistance. Sha-Tee continued to work until she received employment at the Dunes Hotel in March 2001 as a guest service representative. Since working at the Dunes Hotel, she has received pay raises and much praise from her supervisor. In August of 2001, Sha-Tee began the criminal justice technology program at Pensacola Junior College. Her employer at the Dunes Hotel is willing to work around her school schedule because of her outstanding employment at the Dunes.

Mr. Speaker, here is a person who previously had been locked in welfare dependency. People are saying she is an outstanding worker. Sha-Tee believes that the responsibility of raising two daughters as a single parent has made her even more determined to make it through the tough times. She believes that self-sufficiency is an ongoing process. I agree. During the rough times, Sha-Tee and her two daughters lived with her grandmother. Recently, Sha-Tee has moved out to her own apartment and has purchased her own transportation. Pensacola's local Society for Human Resources Management recently honored Sha-Tee for being one of the welfare participants of the year. The award is presented to former welfare participants who have been successful in transitioning to the work environment.

Stephanie Paige entered the welfare transition program in April of 2001 with several barriers to self-sufficiency. She was a 20-year-old single mother of one child. She had already earned her GED, but had no vocational or college education. She was fortunate enough to have a car, but no insurance. In addition, she had several medical problems, one of which required her to undergo surgery in July 2000. Also in that same month, her 4-year-old son had surgery.

The Jobs Plus One-Stop staff in Crestview assisted Stephanie in developing a career plan that would allow her to achieve self-sufficiency for herself and her child. With guidance and support, the One-Stop staff were able to offer her financial assistance through supportive service funds to get the initial insurance set up for her car, after which she has been able to maintain the monthly premium. They were also able to help her purchase appropriate clothing for job placement.

Stephanie was initially placed in a community service work site so she could gain job skills. She worked at the Salvation Army in Crestview, Florida, from June through December of 2001. Her work site supervisor was very pleased with her and reported she was a hard worker. Here we go again. Someone who had previously been locked in poverty is now being described as a hard worker. It has been in those people over the years; we just never had a system that unlocked it.

In November, while voluntarily continuing to put in hours at the work site, she also enrolled in a CNA class at Crestview Nursing Home. Between August and September 2001, Stephanie earned a total of \$225 in incentive payments for her performance and progress. On December 1, Stephanie passed her CNA exam, and 4 days later she obtained employment with Parthenon Healthcare of Crestview, earning \$6.25 per hour. Her temporary cash assistance was closed on January 1, 2002, because her income was high enough that she no longer needed cash assistance. She receives transitional services in the form of subsidized child care and transportation assistance that allows her to maintain her employment.

□ 1845

Stephanie continues to enjoy her work and has plans to pursue a nursing career.

Mr. Speaker, these are two human beings that have been converted over from being dependent on a failed and broken system to being self-sufficient. Most importantly, more important than anything else, more important than the tax money that is saved is these women are setting an example for their children that there is a value to work, there is a dignity and pride that comes with it. For those reasons, I strongly support reauthorizing our welfare reform package with no watering down amendments that would turn the clock back.

I again applaud the gentleman from South Carolina for his leadership on this very important issue.

Mr. WILSON of South Carolina. We certainly appreciate the gentleman from Florida's hard work for the people of Florida, a proven story of success in yourself.

Mr. Speaker, one of the most beneficial acts that you can have as you serve in the State legislatures is to travel around the country and meet persons that you recognize right away or superstars in terms of future legislative activity. I was very fortunate to have met a State legislator from Pennsylvania. I was so pleased to learn of her election to Congress. I am very pleased to yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank my fellow former State Senator. I think we are really well equipped as those who worked on the State level to implement the 1996 welfare reform to do what we are as we are part of the working group on the reauthorization of the welfare reform on the Federal level.

I thank the gentleman for his kind words and for his work on the task force and also for giving me a few moments to talk about some of the things that have been happening in my area regarding the success stories, as the sign says, replacing welfare checks with paychecks, but also replacing broken spirits with very strong spirits, a lot of moms who are going to be great leaders and examples to their children.

Those reforms have helped so many men and women get off the welfare payroll. We hear the statistics, but it does help, as the gentleman before me said, to hear the real story. One example I have is a woman I met during our time during the district work period named Michelle who was unfortunately left alone by her husband with her two small children. Obviously she had been a stay-at-home mom but was forced to go and find a job and also a new home.

If that did not present her with enough challenges, her parents were also diagnosed with serious illnesses. Michelle moved in with them to take care of them in addition to also caring for her own children. Welfare for her was the only lifeline she had to get her from day to day. But she had a greater future in mind for her family. Fortunately, she did what a lot of welfare recipients are now doing as a part of the normal regimen, taking classes, getting a job. She did both. That was 4 years ago. I am happy to report that today, Michelle does have full employment and she is helping others who are in a similar position to the position she was in.

She is now a case manager for the Lawrence County Social Services Organization. She took her skills, those she knew from her daily experiences and also those she acquired as a student while still receiving welfare. She uses those skills daily to help others who are going through the same difficulties that she faced. She is one of the great

success stories, and now Michelle is going to help create a lot more success stories.

There are other organizations aside from those who are paid within the system that help us make a difference. Especially after the welfare reform law, there were a number of community organizations that stepped up to the plate. One I work with very closely called HEARTH, which stands for Homelessness Ends with Advocacy, Resources, Training and Housing, they have helped so many, mostly women, mostly victims of domestic violence, because they help provide some support via housing for these women as they again continue to struggle and move forward.

The first one I would like to tell you about is Cindy, who came to HEARTH's facility called Benedictine Place with four small children. She wanted to provide a better life for them and for herself but she had been a victim of domestic violence and her self-esteem was certainly not at its highest. One of her sons did not want to live in a shelter. Unfortunately he did go to live with his father, but the other three stayed with Cindy and helped Cindy as she helped them to get a new view on life.

While receiving her benefits, Cindy went back to school. She had some nurse's training from the past, but she knew she needed to update her skills. She took that opportunity, she finished her training and she was eager to get her children established. She got her degree, she got a job, she found a safe place to live. She is now working and is a supervisor at the hospital where she works as an RN. Her oldest daughter said it best to her recently. She said, "Thank you for making anywhere we lived a home." That statement made the struggle worthwhile for Cindy because it could not have been easy. We all know that.

But we know that for Cindy and for Cindy's children, there is a much better future. Not only is she a valuable and contributing member to society, but she is returning the favor to other members of her community by helping them as much as they helped her.

Finally, the last example I want to share with you is of a woman named Jackie. Jackie was in a very poor situation. She did not have any transportation. She had small children as well and needed some support. Obviously the welfare system did help keep her going. But once again, she now said that it was a huge adjustment, but she has now moved into the workplace, she is making enough now to actually rent a house, purchase a car. She has a job with full benefits. Jackie says it is much better for her. She loves going to work each day. She has given back as much as she can. She is now very pleased to be a taxpayer, as she said, instead of a burden on all the other taxpayers.

Granted, welfare has its place. Otherwise, we would not be considering reau-

thorizing welfare. But it is meant to be and has through these women been shown to be a very successful means for transitioning. These are women who have had hope. They have had influence from others who have maybe shown her an example, taken time with her as well as wonderful caseworkers who have done a wonderful job.

Over the break, I had a round table meeting with a number of caseworkers and those who work in the system, as well as some who have gotten through the system and several who are currently on welfare and trying to work their way off, whether they are receiving education, working part-time and moving in the direction of independence. It was a really inspirational meeting, partially because the first woman I spoke of, Michelle, was part of the round table is now a caseworker with Lawrence County Social Services, but partially because I saw the faces of some very strong people whose spirits had once been broken but who are now very much recovered, very much moving forward, and very much an inspiration to the rest of us. They show us just how much people can do if we give them the right tools to move forward. I would like to thank the gentleman from South Carolina (Mr. WILSON) for the opportunity to talk about these women and there are so many others.

I have several other examples I am not going to go into, but they are examples of all the people and put faces on all the people across the country who have benefited because of the changes. I certainly am very happy to be here and to be here now at the Federal level when we can reauthorize welfare reform and encourage both education and work and make sure that these families are on the way to a very prosperous and successful future, along with a great example for their children.

Mr. WILSON of South Carolina. I thank the gentlewoman from Pennsylvania. Again we appreciate her great service to the people of her district and the enthusiasm that she obviously has for the people of Pennsylvania.

Mr. Speaker, another treat that I have run into by being here in Congress and meeting the Members of Congress is to be reassured as to the competence level on both sides of the aisle of people who serve here in Washington. Not only the competent, but very thoughtful. One of the most thoughtful to me was the gentleman from Mississippi (Mr. WICKER).

I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I want to thank my colleague from South Carolina for those very kind and overly generous words. Like my colleague from South Carolina and the gentlewoman from Pennsylvania who just spoke, I was a member of the State Senate. I served for 7 years in that body until I was fortunate enough to be elected by the people to come here to Washington. During a portion of that time, Mr. Speaker, I served as chairman of the

Public Health and Welfare Committee in the State Senate in Mississippi, and so I share some of the same experiences that the two previous speakers have had. I think I can attest, Mr. Speaker, to the difficulty we had at the State level prior to 1996 in enacting meaningful welfare reform at that level. God knows we tried and we tried to do our best, but we did not have the flexibility that we needed and that the 1996 Act has brought. We were forced into going individually on a case-by-case, law-by-law basis to the Federal Government for what we called a waiver, and hoping that we could get the department, in both Republican and Democrat administrations, to agree to those particular waivers. It just simply did not give us the flexibility that we needed.

Also, I can tell you, Mr. Speaker, that there was not the solid commitment to a work requirement prior to the 1996 Act. And so I am so very, very proud that at least three of us and many more have been able to come from the State level where we made a gallant attempt to come here to Washington, D.C. Of course I got here with my friend from Florida who spoke earlier with the class of 1994.

We worked real hard for 2 years. I am just so pleased to talk about the progress that we have had. One of our most prominent colleagues from that class is the chairman of the Republican Conference, the gentleman from Oklahoma (Mr. WATTS). He has made the statement ever since we arrived in town that we need to measure welfare reform successes differently. We do not need to measure the success of welfare reform by how many people we can get onto the program, how many people we can get onto the rolls.

Quite to the contrary, Mr. Speaker. We need to measure the success by how many people we have been able to move off the welfare rolls into meaningful employment. Indeed, to move them from the welfare rolls to the tax rolls.

I spoke in my 1-minute address earlier this morning about some statistics that I am very, very pleased about concerning the 1996 Act. There has been a 56 percent drop in welfare caseloads nationwide. Just think about that, Mr. Speaker. Over half of the caseloads, gone, a tremendous measure of success. The lowest levels of welfare rolls since 1965. Two million children, children, rescued from poverty whose moms and daddies are now enjoying the benefits of a paycheck and the good life that we seek here in the United States of America. And, of course, the lowest child poverty levels in many, many years.

So I am pleased at the statistics that we can cite, and those statistics are real and they are meaningful. But I am also so pleased that my colleagues tonight have done, as the gentleman from Florida (Mr. WELDON) stated, reduce it to human terms and tell individual facts about individual American citizens who have benefited from this excellent piece of legislation. And so

when I heard that a number of my colleagues were going to present success stories, naturally, Mr. Speaker, I went back to my local welfare office to ask how the TANF program, the Temporary Assistance to Needy Families Program is doing back on the local level where I was able to work with them as a State legislator and certainly now continue to be interested.

And so I was pleased, also, to receive story after story and example after example of ways in which this legislation has benefited individuals on the human level. Some of these recipients did not mind if I used their names, but I thought I would make up a pseudonym for them just for their own privacy. One young woman, I will call her Sara, became a single mom while attending one of our community colleges in northeast Mississippi. Knowing that she needed to complete her education in order to provide for her daughter, Sara enrolled in the TANF program and received help with expenses involving the raising of a child while going to school full-time.

□ 1900

She went to school full-time while working full-time for the community college in the work-study program. After completing community college, Sarah commuted to one of our fine 4-year universities in north Mississippi where she continued her work-study. The TANF program enabled her to focus on the future by paying for transportation costs to and from school and for her daughter's day care expenses.

Now, listen to this, Mr. Speaker. Sarah received her degree, a master's in instructional technology in the year 2000. With this post-graduate degree, this former welfare recipient was able to find a job quickly and become self-sufficient, and I can now report with pleasure that she is the technology coordinator for one of our very fine local school districts in the public school system in northeast Mississippi.

We can all go on and on with these excellent examples of the way this program has worked.

I will simply mention Sandra, the mother of a child with spina bifida, who was able to go on the TANF program and is now a clerk at an equipment store in her local hometown.

I will mention Betty Ann, the mother of four, who for a time had to go on the TANF program, but now is working full-time at the Old Miss law school.

Then there is Jane, who was forced to leave her husband of 11 years because of some domestic abuse allegations, but has now, after being on the TANF program, been able to get back onto her feet, move out of public housing and into her own home.

Then finally there is Marie, the mother of two young sons, a welfare recipient who was able to go back to school and is now a registered nurse. Success story after success story, whether you take it at the individual level or the overall statistical level.

I simply would add this, and then I will yield back to the gentleman from South Carolina with my appreciation for his good leadership on this matter.

More work does need to be done, and it gets harder and harder. If this had been an easy matter, we would have been able to resolve it in the 30 years when we were pretty much going down hill in the welfare area. We need further encouragement of work. We have learned in the past 6 years of welfare reform experience that making work pay is an integral part of actually moving people into a meaningful life. So we need to further encourage work when we are considering the reauthorization of this legislation.

We indeed need to expand State flexibility more so than we have already done. I have already mentioned the importance of having that and giving our State legislators, who, after all, are closer to the people, the opportunity to fit their local needs into an overall Federal program, and then to promote marriage.

I think the statistics more and more become overwhelming that a stable marriage, to the extent that the Federal Government can encourage stable, voluntary, safe marriages, that marriage is the best antidote for welfare problems.

So, I just would say, Mr. Speaker, it is a pleasure for me to talk about success, to talk about our determination in this House of Representatives to make the system even better, and once again to thank my very capable new colleague from South Carolina for his hard work in this regard.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman very much, and thank you for your thoughtful service for the people of Mississippi and all of America.

Mr. Speaker, as we discuss the success stories of welfare reform, as the gentleman from Mississippi (Mr. WICKER) pointed out, you can also look at the facts that confirm the success.

Most important to me, I have got four children, would be to point out that child hunger has been reduced nearly half since 1996. The 4.4 million children who could have been in hunger and were in 1996, that has been reduced to 2.6 million in 1999. That is just an extraordinary achievement for the children and the young people of the United States.

Additionally, I would like to bring to your attention what the gentleman from Mississippi has already referred to, that with the implementation of welfare reform there has been a reduction of nearly half of the number of persons who are on welfare. Beginning in 1996, there were 4.4 million families that were in the welfare system. Currently, that has been reduced, due to the work of the professional social workers of our country, to 2.1 million families.

The number of individuals receiving cash assistance has decreased by 56 percent. The number of families, as I indicated, has decreased and dropped from 4.4 million in 1996 to 2.1 million in 2001.

Welfare rolls have fallen 9 million, from 14 million recipients in 1994 to just 5 million recipients today in the United States.

Welfare caseloads have not been this low since 1968. Child poverty rates are at their lowest level since 1978. African American child poverty rates in poverty among children and female heads of families are at their lowest level in history.

Another fact: at 11.3 percent, the overall poverty rate in 2000 was the lowest since 1974. A fact that we can all appreciate, because of what this means again for children, the rate of births to unwed mothers has leveled off; 2.3 million children have been lifted out of poverty.

Another fact: child support enforcement, making parents pay for child care, is up by more than 210 percent.

Another fact: the number of children living in single parent homes has declined, while the number of children living in married-couple families has increased, especially among minority families.

Another fact: since 1996, nearly 3 million children have been lifted out of poverty.

Finally, another fact: before 1996, recipients stayed on welfare for an average of 13 years and few worked; but that is changing, because people are getting jobs. They are having opportunity. They are leading fulfilling lives.

I over the last couple of weeks have continued a practice that I have done in my prior service in the State Senate of visiting the Department of Social Service offices; and in the past several weeks, I have visited Allendale County in South Carolina. The director is Ms. Lee Harley-Fitts. I met with Mr. Fred Washington of Beaufort County, the Director. I went by and met with Bernie Zurenda of the Hampton County Department of Social Services. I met with Mr. Bill Walker of the Lexington County Department of Social Services. And I was very pleased to meet with Ms. Richelynn Douglas of Richland County, which is the capital of South Carolina.

In each case I met with the social workers, and I delivered to them letters of appreciation for what they had done to create the extraordinary and historic social development of the change in welfare in the United States. It is these people who are frontline, and I had a wonderful time going by and visiting with them.

Additionally, by telephone I worked with our State director, and this is bipartisan. She is, of course, a member of the cabinet of our Governor, Ms. Libla Patterson. It just is heartwarming to see these people on the front line working so hard and so enthusiastically at the office in Lexington.

I will never forget that the intake persons who worked there are called cheerleaders; and in fact, that is what they do. When people come in, they cheer the people up. They tell the people who are applying for TANF that they can achieve, that they can have jobs created.

Another office had pictures on the wall of success stories right there in the office. As the people would come in, of course, they would be down and out, discouraged; but they could look around and see pictures of people who had succeeded.

I, too, as my colleagues, have run into specific situations; and in the interest of protecting privacy, I would like to read statements from persons who have truly benefited from the reforms of welfare in the United States that we need to continue, as the President has proposed.

Robin, who currently now works at the Sunshine House Daycare Center, says that "DSS builds your ammunition to get a job. The classes made me feel better about myself. They inspired me to get a job. Now I feel on top of the world."

We have, as was indicated by the gentleman from Mississippi, situations where people have gone back to college. We have Melissa, who is currently at Benedict College in South Carolina. It is one of the largest Historically Black Colleges in the United States with 2,900 students. I was there last week with President David Swinton; and I was happy to be there with my special assistant, Earl Brown, who is a very proud graduate of Benedict College.

Melissa says, "I used to think badly about DSS, but DSS has helped me with bus tickets, a check, class, helped me when I thought I couldn't make it through. They even helped me move, with Christmas presents. DSS made me do things myself. I have a job now and I can go higher. I want to apply for a promotion and go back to adult education. I know now that I can make it."

There was Kimberly. Kimberly currently works with Scientific Games in Columbia, South Carolina. "I feel 100 percent better since getting a job. I no longer have to struggle. Now I only have to work. I am no longer living day by day and worry if my food runs out. Now I have my own transportation. DSS helped me with financial and moral support. They helped with my resume, even faxed it, and they told me to write thank you notes. I am thankful I have a job."

Then there was Christy. She currently works for a billing service in Lexington. "I have accomplished a lot with the help of DSS. I feel independent and self-sufficient. Getting a job has changed my outlook on life. I was in a slump, without transportation. Now I have a car that I bought with my taxes. DSS helped enable me to provide more for my kids with less assistance."

These success stories are just so heartwarming, and they remind me over and over again of how important it is here in Congress to work for the principles to make the changes that can make it possible for people to have jobs and change welfare in our country.

Currently, there are four principles that the Republicans have adopted and are using. First of all, it is to promote work, to strengthen the path toward independence on the State and Federal level. What that has meant is that we are very supportive of education programs, of training programs. We all understand that we need to provide quality child care, that we need to provide health care for the children for the persons who are on temporary relief. We need to provide for work to be proactive in regard to transportation, and even relocation assistance, if necessary, to move to locations voluntarily where jobs may have better pay and be more prolific.

A good example on transportation in our State is that we were confronted with an extraordinary dilemma when we adopted welfare reform, and that is that persons could not qualify because they had excess assets if they had a vehicle which was worth more than \$2,000, so the vehicle they had to own had to be \$2,000 or less.

In looking at this, we received information from both sides, Democrats and Republicans, that made it real clear. There was one outstanding feature of a vehicle that is worth \$2,000 or less: it does not work. The other feature is it would take an extraordinary amount of money to promote the fixing of the vehicle. So we changed that to where persons could have a car that was worth \$10,000.

A second principle is improving child well-being and lift more children out of poverty. We have done that through working for stronger support enforcement for child support. Persons are required now to maintain current child support.

Third, we are promoting healthy marriages and strengthening families. This, of course, was referred to by the gentleman from Mississippi. Even the Washington Post has identified that this is a very legitimate concern in an editorial on April 5 promoting marriage in our country, because we already know that the prior welfare laws were ones that promoted breaking up of families and of marriage. So the penalties of marriage have been done away with.

The fourth point of the Republican principles and initiatives for welfare reform are to foster hope and opportunity, boosting personal incomes and improving the quality of life.

□ 1915

Of course, to me, that also means that we have tax incentives for persons to hire, persons who were formerly on welfare, but also tax reductions. In fact, tomorrow, I am really looking forward to being here to vote to make

permanent President Bush's tax reductions. That is money in the pockets of either the persons who are newly employed or in the pockets of all Americans so that we can employ more people. It is jobs. So when we hear about tax cuts and providing for incentives by reducing the taxes, think again of how that directly relates to creating employment in jobs.

As I indicated a few minutes ago, one of the key people who has meant so much to me is the former chairman of the Committee on Ways and Means of the South Carolina House of Representatives, and he is here tonight. At this time I would like to yield to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman. It certainly was a pleasure serving with the gentleman in the State legislature. We were confronted with this same idea back, I guess in the early 1990s, and people said it would not work. People have been caught in this web of successive generations, caught in the web of welfare, and we felt like we wanted to give them an opportunity. I am pleased to have been a part of that and of having the privilege of working with the gentleman from South Carolina (Mr. WILSON). I am certainly so grateful to have the gentleman up here in Washington so that we can renew that same concerted effort to try to make a difference. I think we did back then, and I think this is a good program here.

Mr. Speaker, I rise again in support of welfare reform legislation. As we continue to help people bridge the gap from welfare to work, it is crucial that we not lose sight of the need for further reform. Our welfare system still suffers from decades of mismanagement and unnecessary growth. It is incumbent upon us to further the improvements enacted by Republicans 6 years ago. In shortening the welfare rolls, we strengthen the backbone of working people. By helping hard-working Americans to find jobs, we restore dignity to deserving citizens. The success of our system is measured by the success of working Americans. Six years ago, Republicans took a great first step towards improving welfare. However, we cannot afford to stop short. We must walk the extra mile.

Mr. Speaker, I urge my colleagues to support further welfare reform. The American people must come before petty politics.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman from South Carolina (Mr. BROWN). I appreciate the gentleman's hard work, both in our State and now here in Washington to promote welfare reform.

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

Mr. WILSON of South Carolina. I yield to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman. The previous speaker, the gentleman from South Carolina,

mentioned bridging the gap, and that is really what the TANF program is all about, the Temporary Assistance to Needy Families.

The problem with the old system is that the gap was so long, so large, it seemed that we never built a bridge over it and we never got to the end result of actually moving these American citizens from the welfare rolls of receiving a check from the taxpayers on to the job rolls. So that is one of the really excellent things about this new approach and the reason that we need to work harder to reauthorize it and make it work better.

But Mr. Speaker, it takes leadership and it takes a bit of courage to effect change in this city of Washington, D.C., and in this Federal Government. There is a certain amount of inertia there.

Whenever we try to do something bold, as this Congress did back in 1996 in passing welfare reform, the opponents always try to bring out what I call the "parade of horrors," all of the terrible things that are going to happen to our fellow citizens if we do this sort of thing. I can recall the stern warnings that we received from some of our friends, the opponents of this legislation, when we were considering it back in 1995 and then in 1996. As the gentleman knows, it was vetoed by the Clinton administration first before we were able to finally push it through in 1996.

But among the opponents of this legislation, Mr. Speaker, one person said, and I quote, "The people who do this will go to their graves in disgrace." Well, certainly, that is a charge that we had to face, and any time we have the possibility of new public policy, we know that it might fail, but we knew in our hearts that it would succeed, and we certainly do not believe that we will go to our graves in disgrace. I think the author of that remark, Mr. Speaker, probably would not want to come forward and take ownership of that particular quote.

Another said, "In 5 years time, you will find appearing on your streets abandoned children, helpless, hostile, angry, awful; the numbers we have no idea." I am almost sorry that the gentleman from South Carolina took the last poster down because, of course, it showed not only a more than 15 percent cut in welfare rolls, but also approximately a 50 percent reduction in childhood hunger and childhood poverty.

Just a third quote from this "parade of horrors" that we had back in 1995 and 1996. One member of the other body said, and I quote, "The central provision of this law, the 5-year cash benefit limit, would be the most brutal act of social policy we have known since the reconstruction."

Well, indeed, we were able to look past those unfounded charges and move toward really one of the tremendous success stories, I think, of the last 50 years. I am just so pleased to have been a part of it. I want to commend the

leadership of the House of Representatives and of the Senate back during those days of 1995 and 1996 who had the courage to withstand these sorts of unfounded charges, move the bill through time and again, past a veto on two occasions, and on to the desk of the President where it was finally signed into law. We have seen the great results of it.

So once again, we may find ourselves in that sort of debate. I do not know, Mr. Speaker, what exactly we will be hearing from the opponents of this approach. But I dare say that we may have to, once again, show some courage. This time, though, we will be able to point to the great successes that we have had.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman. I appreciate the gentleman bringing that to our attention. We indeed do have something positive this time to show a proven record of success.

Mr. Speaker, I am very honored to in Congress serve adjacent to the gentleman from Georgia (Mr. KINGSTON), from the very historic City of Savannah, which is practically becoming the sister cities of the communities that I represent in Hilton Head Island, so we like to claim that we represent very similar and wonderful, positive communities, and at this time I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman north of the Savannah River in South Carolina for his time. I wanted to talk a little bit about what the gentleman from Mississippi (Mr. WICKER) was talking about in the 1996 session when we took on the historic welfare reform bill, and as he said, change is difficult in Washington. In fact, I think it was Ronald Reagan who said "If you don't believe in resurrection, try killing a Federal program." That seems to be the case with change often as well; it is just impossible.

We were accused of pushing women and children on the street and turning our back on the poor, some very tough rhetoric that did not match the goals of what we were trying to accomplish, but nonetheless, at the end of the day, we had a bipartisan bill. President Clinton signed it into law. Since that time, out of 15 million people who were on welfare, 9 million are now working and independent. It is a great success story, from anybody's point of view.

Now, with change in Washington, it is an uphill battle, and now it is time to go back into that bill again and say, okay, what is working and what is not working?

I remember in 1996 talking to a welfare caseworker and he was telling me the situation of a family where there was a young woman, a young lady, and she was living with a man who was not her biological father because her biological father was in jail. Her biological mother had shot another man, and she was also in jail, and just a broken

family situation. The young woman, 16 years old, in 10th grade, and they were worried that she was going to drop out of school, perhaps get pregnant, follow in some traps. She was in a very, very high-risk, critical stage in her life.

Then, her sister, who was 13 and in the eighth grade, they said, we have to keep her mainstreamed. So one of them we have to have some proactive handholding and the other one, we just have to have some steady guidance. But the problem is, as their welfare caseworker, he said, I cannot do anything about it, because we have one group that handles teen health care issues, another group that handles transportation, another group, another agency, I should be saying, that handles public transportation, and another one that handles public housing, and everything was compartmentalized.

With welfare reform, one of the great advantages was flexibility, so they could go into a family like this and work on the whole family needs, not just piecemeal, to what the human being needed. So I think that welfare, there is a tough side of it, but there is a love side of it, and it is an example of tough love.

When I look at legislation that we passed during the 10 years that I have been in Congress, I have to say this is truly one of the more profound pieces, because of the 9 million people that it had a positive effect on. If the gentleman would continue to yield, I have a true story of a woman in my district who lives in Brunswick, Georgia, and I am going to call her by her first name only. Mary is a single mother of three children. She had not worked in over 10 years when she was enrolled in the TANF, Temporary Assistance to Needy Families, Work First Employment Services Program. Now, Mary had a history of substance abuse and a history of receiving public assistance. She had attempted several job readiness workshops and job search activities without any success.

When the Ready to Work Substance Abuse Day Treatment Program began in Glynn County through the Gateway facility, Mary was the first referral to the brand-new program. During the next several months, she had spotty results with the program. In fact, she relapsed with her drug problem and spent some time in jail. But she also became involved in drug court and was required to continue her participation in ready to work.

So instead of just saying, well, that is okay, we tried, what this welfare reform bill said is, you know what? We are going to keep working with you until we get it right. We are not going to give up on you, and we are not going to allow you to give up on yourself. So Mary persevered. After returning to the program, she became very involved in it and completed it successfully. She was assisted by the program after that in getting her first job, and now, although she has had some problems, as any parent would have, as any single

parent would have, she is still working, she is drug-free and alcohol free, and she actually has been speaking to substance abuse groups about her own experience.

So she is one of the 9 million success stories that is out there. So I want to say it is just something that we can all be very, very enthusiastic about. Democrat, Republican, rural or urban, big city, it does not matter; we should all share in this.

□ 1930

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman. Again, I am very honored to serve in the same community with the gentleman, Hilton Head Island. Of course, the gentleman and I are looking forward to the Heritage Golf Classic this weekend, which even relates to the issue at hand, Mr. Speaker, in that in terms of welfare reform, the jobs that are created.

The Heritage Golf Classic will generate \$56 million to the hospitality industry of the low country of South Carolina and Georgia, and then it will create a thousand jobs. So we are grateful for the Heritage Golf Classic that is under way right now.

Mr. KINGSTON. Let me say this: Anything we can do to get jobs in this area is part of the welfare reform issue. So whether the paycheck comes from South Carolina or from the State of Georgia, it is good for our area and good for our people.

Mr. WILSON of South Carolina. And that includes Newport and Jasper, too.

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

Mr. WILSON of South Carolina. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, of course, we are here tonight talking about the success of one single piece of legislation, the 1996 Welfare Reform Act. We are indeed proud, and I think we have the individual stories to back it up, as well as the overall data. But it is all about job creation and moving people from welfare to a meaningful job, and meaningful participation in the American way.

Some people have said, "Well, Congressman, you have a lot of success stories. But actually, I think we could attribute that to the booming economy, not to the Welfare Reform Act."

I think, actually, the statistics show and the experts have told us that a good portion of this success that we have been talking about so proudly tonight does come from the Welfare Reform Act of 1996. But also, I am happy to take credit, as a Member of this Congress for the last 7½ years, for the good economy that we have had, for the most part.

Now, we have had a business downturn, which we are going to have in a free and open and market-driven economy. We are going to have that sort of thing. But I am proud of the tax reform and the tax reductions that I have

twice been able to participate in as a Member of the United States House of Representatives. I am proud of the tax reduction that we enacted last year, the fact that we sent tax rebate checks back to millions of Americans to the tune of \$40 billion, at a time when the economy was just beginning to slow down and we needed a boost there.

So to the extent that our policies in this Republican House of Representatives for the past 7½ years have contributed to a booming economy, certainly I want to give that credit, too, in creating the atmosphere for job expansion. So I think that goes hand-in-hand with welfare reform, it goes hand-in-hand with the job creation parts of our tax reduction bills.

I think at this point, let me just see if I can conclude my part of this special order, if my friend will permit, and he is standing by, I think, with a very important part that my colleagues are able to look at.

Mr. Speaker, I hope that the American people will contact us, will contact me and our colleagues on both sides of the aisle, both houses of this Congress during the coming days of this welfare reform debate, and let us know if they support the concepts that my friend has right beside him, there.

Would they like their Member of the House of Representatives to vote for a piece of legislation that promotes work, something that has been the very foundation of this country for over 200 years, to strengthen the path towards independence for families, independence from the need to receive a welfare check from the government?

Secondly, I hope our constituents will talk to all of our colleagues, Mr. Speaker, about the importance of improving child well-being. We have lifted over 2 million children out of poverty. As I said earlier tonight, let us lift 1 more million children out of poverty. Let us let that be our bold goal in this debate.

Thirdly, it would be to promote healthy marriages and strengthen families. I hope we will hear from our constituents and from our fellow Americans about that, Mr. Speaker.

And then, finally, the fourth Republican principle of welfare reform: fostering hope and opportunity to boost personal incomes and improve the quality of life, and permit more of our fellow American citizens to grab hold of that great American dream.

I hope we will hear from our constituents. I hope we will have a healthy debate among our fellow Americans on the floor of this House. I look forward to it.

Once again, I thank my colleague, the gentleman from South Carolina, for his excellent leadership in this regard.

Mr. WILSON of South Carolina. Mr. Speaker, I thank my colleague, the gentleman from Mississippi (Mr. WICKER). I appreciate his input.

As I conclude, we have been going over success stories, and my colleague,

the distinguished gentleman from the Third District of South Carolina (Mr. GRAHAM), had submitted a success story that he wanted to be known by people of the United States. And I can identify with that, because I have been a volunteer with Habitat For Humanity.

This is about Contessa from the Third District of South Carolina. "When I was on welfare, I forgot that I was a valuable person, that my life mattered. I really did not have the proper esteem when I was on welfare. Things are so much better now that I am employed and my self-esteem has improved."

A former welfare recipient, Contessa, like thousands of other Americans, has made the transition from welfare to work. Hired as a receptionist who was told that "There is little chance of opportunity for you," Contessa has continued to move up, and today is a paralegal at a prominent law firm in neighboring Greenwood.

One of the dreams that she has achieved is the ownership of her home. That is the American dream. Contessa has taken that bold step forward. I end with this quote: "I have now purchased a home through the Home Authority Stepping Home Program, where a portion of your rent goes into an escrow account for the downpayment on a home. Becoming a homeowner really changes your whole outlook, as does the change from welfare to work."

I would like to thank my colleagues who have participated tonight. We look forward to the discussion about the creation of jobs, the creation of opportunity with the welfare reform reauthorization.

#### THE MIDDLE EAST CONFLICT AND THE STATE OF ISRAEL

The SPEAKER pro tempore (Mr. SULLIVAN). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. DEUTSCH) is recognized for 60 minutes.

Mr. DEUTSCH. Mr. Speaker, I join with a group of colleagues, and I hope and expect more to join us as the evening progresses, to talk a little bit about the conflict in the Middle East, but also to talk about the Middle East and talk about the state of Israel.

In Israel today, it is Israel Independence Day, the 54th anniversary of the modern state of Israel. I am joined this evening on the Republican side. Sharing the time with me is the gentleman from Georgia (Mr. KINGSTON), as well as a number of colleagues, Democrats and Republicans.

I mentioned the 54th anniversary of the creation of the modern state of Israel, and there is a time line that is relevant that hopefully all Americans have a perspective of, because I think the time line gives us a sense of the issues that Israel is dealing with today.

There has been continuous Jewish occupation in the land of Israel from historical times, from the start of the

common era, from the time of Jesus. In 1917, though, in terms of the modern state of Israel, the Balfour Declaration by Great Britain was issued. As this map shows, it was a mandate that the League of Nations had given to the British empire at that time. Saudi Arabia did not exist.

I think one of the best charts that I have seen, presented by the gentleman from New Jersey (Mr. ROTHMAN) when we did a special order last week, was talking about the years the different countries were created. Saudi Arabia was a group of nomadic tribes at this time, and Egypt did not exist as a modern country. It was part of the British mandate. Iraq was part of the British mandate. Syria was part of the French mandate.

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

Mr. DEUTSCH. I yield to the gentleman from Georgia.

Mr. KINGSTON. It is not shown on the gentleman's map, but I think it is important to point out that Iran did not exist, either. That was ancient Persia at that time.

Mr. DEUTSCH. Absolutely correct. I think it is important just in terms of the issue of why is Israel there as a modern state. I keep referring to it as the modern state of Israel.

The British in 1922 actually divided the mandate that they had along the Jordan River, so there is a line straight from the Jordan River. On the eastern side, they created trans-Jordan, and on the western side, Palestine. Now, trans-Jordan has become modern-day Jordan, and Palestine, let me shift the map and get to what really is the next map, was a partition plan of the United Nations in 1947.

I think this is also a significant map for people to understand and actually to look at, as well. It is significant for a number of reasons. It is significant because, first of all, the Jews that lived in Israel at the time accepted that map. The Arabs that lived in Palestine did not. In fact, in 1947 or 1948 when the British withdrew from Palestine and Israel declared independence 54 years ago, five surrounding Arab countries and their armies, Egypt, Jordan, Syria, Lebanon, and Iraq, invaded.

The Israelis were outnumbered five to one at that point in time, basically with no outside direct support, and the United States obviously, as most people know, recognized Israel as soon as it declared its existence, but this boundary was accepted by the Jews in the state of Israel. In terms of the five countries that invaded and the Arabs that lived in Palestine, they did not accept the partition.

Let me just follow up with another map, which is a map of Israel today. The significant part of this map, in a sense, is from the last map to this map is four wars: 1948, 1956, 1967, and 1973. The areas in the West Bank and Gaza and the Golan Heights were acquired by Israel in 1967.

Again, the history of that point in time I think is also very significant. It

is significant because it was not a war that Israel sought, it was a war of defense. I think what is also significant, just to understand the context, the historical context, is that the area of the West Bank and Gaza, which effectively, I think, all parties now understand will in fact become a Palestinian state at some point in time, when those areas were controlled by Jordan and Egypt, neither Jordan nor Egypt wanted there to be a Palestinian state. There could have been a Palestinian state at any point in time between 1948 and 1967 if Jordan, Egypt, or the Palestinians in that area would have agreed to a Palestinian state living side by side with the state of Israel at that point in time.

A significant thing happened in 1974, and really, under the American auspices, the American involvement, in terms of the peace process that really began in 1974. But the real significant event in modern times, or prior to this year, is 1977 when Anwar Sadat visited Jerusalem and made a clear show to the Israeli people of his commitment towards peace. If there were any two peoples who were as diametrically opposed, who had fought very vicious, competitive wars with each other, the Egyptians and the Israelis were those two people.

As we know, under the guidance of President Jimmy Carter, Sadat and Prime Minister Menachem Begin signed the Egyptian treaty at Camp David in 1979. Just moving forward past 1979, I think there are some interesting dates. As opposed to Anwar Sadat, Chairman Arafat's actions in 1982, because of terrorist attacks on Israel at that time, Israel invaded southern Lebanon. In fact, what happened was Arafat ended up getting expelled from southern Lebanon to Tunisia. The Israeli troops remained in the security zone for a period of time.

In 1991, as the chart points out, Chairman Arafat supported Saddam Hussein in the Gulf War. In 1994, another positive step occurred in that King Hussein and Prime Minister Rabin signed the Israel-Jordan peace treaty with President Clinton.

In 1997, the Hebron Accords were signed; in 1999, the Wye River Accords; and in 2000, the Camp David attempt by President Clinton had its auspices. Again, as we know, the offer that was on the table of 97 percent of the West Bank, parts of Jerusalem, significant parts of Jerusalem, an independent Palestinian state, was rejected by Chairman Arafat.

□ 1945

I give this as a historical background, and I look forward to my colleagues' statements.

So I would yield first to my colleague sharing the time who has taken a leadership roll and serves on the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida for

yielding the time and also for organizing this special order, because I do think it is extremely important that we in America set an example and let it be known worldwide that we stand behind Israel's right to defend herself, and we truly believe that the time for that statement is now on this day of Israel's independence of 54-year anniversary.

Just to think about a nation of 5 million people compared to America, 281 million, we are a little less than 60 percent the size of Israel, and on that horrible day of September 11, when 3,000 Americans were killed, that equivalent to Israel would be about 50 people, and last month alone Israel lost that many. So she has the right to defend herself.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time for one second, I am going to grab a chart, if I can, which is showing the numbers. Actually in the month of March alone it was not 50. It was 150 Israelis that got killed. So in fact, in the month of March, just this past month Israel sustained the equivalent of three 9/11s, and I think if we can just imagine what the United States, God forbid, that would have occurred to us, what we would do, I think the world has seen what we did with one 9/11.

Mr. KINGSTON. Absolutely, and when one considers that the attacks are so random, in a coffee house, in a theater, in a crowded street, anywhere there is a group of people, the whole nation is truly under attack. It is not just the people in the Gaza, the West Bank, but it is anywhere.

I have a number of folks on my side of the aisle who want to speak, and I wanted to yield a few minutes to them if that is appropriate.

Mr. DEUTSCH. Mr. Speaker, I think we have a lot of Members here this evening. I think what I would like to do, normally in special orders we do not limit time, but maybe if we could limit time to 5 minutes per Member and have a discourse.

If I could yield to the senior Member in this Chamber right now, one of the senior members on the Committee on International Relations, and there is no gentleman who is a more significant leader in terms of his record, in terms of peace in the Middle East, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman very much for yielding to me. It is very good to be here with all of my colleagues, and I do not have a prepared comment. I just want to make a few points and then yield back to my friend from Florida and the others who took this special order.

First, to thank the gentleman for taking this special order. I am getting a lot of comments from my colleagues in this Chamber, I am getting a lot of mail and phone calls from my constituents who are watching television, who are seeing pictures and reading stories and are very distressed by what they have seen in these past few weeks, and I thought it would be good to come back to a couple of very basic points.

For me, as a Member of Congress, one of my priorities is to work for the survival and the security of the State of Israel, and I say that and I do that with no embarrassment because I very much believe that that position is a position that is strongly in the interests of the American people, and I think that as we look at the context of this conflict, some of the points illustrated by the gentleman from Florida with his maps remind us of several critical points.

The first point is that every single time that the people of Israel have been presented with an option which involves compromise on their part and the hope and promise of peace, they have chosen that option rather than pushing for maximalist demands and a continuation of conflict.

It started in 1948 with the partition plan sponsored by the United Nations where Israel and the people of Israel accepted far less than they hoped to get in that partition plan, and as the gentleman from Florida pointed out correctly, the Arab neighbors of Israel rejected that partition plan and went to war.

It occurred again in the wake of Anwar Sadat's statement that he would make peace with Israel if they would withdraw from all the territory that they had occupied as a result of the 1967 and 1973 wars. Within an instant, Israeli public opinion rallied around the call by this courageous leader of Egypt for peace and set through a process to withdraw from the entire Sinai peninsula, to uproot settlements and to pull back just in the hope that they could engage in a lasting peace with the country of Egypt.

It occurred again in 1993 in the context of Oslo where all Israel got for all the compromises that they agreed with and the process that they agreed to go through and the compromises that they subsequently made, all they got was the promise that the dispute between Israel and the Palestinian peoples would be resolved through negotiations, there would be an end to terror and that a series of steps would be taken, all of which involved Israel withdrawal, Israel retreat, and in the context of Oslo, the Israeli government did things that they had indicated they would never do.

They indicated a willingness to negotiate with Yasser Arafat, a position no Israeli government had ever taken before. They indicated a willingness to recognize the PLO as the organization representing the Palestinian people. They agreed to Yasser Arafat's return to the Palestinian areas, first the Gaza, then to Jericho and finally the headquarters in Ramallah.

They agreed most incredibly to the arming of 50,000 Palestinian police under the direction of the Palestinian Authority to maintain order as they pushed out of every area of major Palestinian population and, again, without even getting into the details of the willingness of Israel, to opt for with-

drawal from the Golan Heights in the context of trying to get a peace with Syria or their unilateral withdrawal from southern Lebanon, notwithstanding the continued barrage that Israel was facing from Hezbollah forces, supported by Syria and Iran, against not only their Armed Forces, but against the civilian population of northern Israel.

Finally, with the offer Ehud Barak made in the American-mediated Camp David process where a whole series of positions that no one ever thought they would see a leader of Israel offer were made at that table, only to be spurned by the Palestinians.

For a long time, 20 years now, I have believed that in the context of obtaining this peace and the right solution, there would have to be compromise. I want a Jewish homeland and I want it to be a democracy, and if for no other reason than the demographic facts, I recognize that in a context where Israel's survival and its security could be maintained, there would need to be land, but I believe that that is the position of the vast majority of the people of Israel as well as the vast majority of American supporters of the state of Israel.

So when we see the present images and the consequences of the Israeli effort to deal with the sources of terror that have taken so many lives, the homicide bombings that have continued relentlessly, the clear unwillingness, notwithstanding his words of Chairman Arafat to end terror as a tool of the efforts to provide for the aspirations of the Palestinian people, the uncovering of the documents that indicates top Palestinian authority approval for the funding of explosives and bombs and weaponry of very significant magnitude.

This is no longer the intifada of 1988 and 1989, an intifada of stones. This is of mortars and explosives and bombs and rockets. When we see all of that, when we learn that as a result of the Israeli efforts, dozens of bomb factories have been uncovered, huge caches of weapons have been uncovered, all to be used notwithstanding the promises under Oslo and the commitments made to try and settle this issue through force, I think my colleagues have to understand that context to understand what Israel feels it needs to do.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, this is actually a list of weapons that were uncovered or captured by the Israelis since April 1 in their incursions into places like Jenin and Ramallah, and it is an amazing list from April 1. Weapons obviously in violation of Oslo agreements and sniper weapons, telescopic rifle weapons, bomb factories, things that there were agreements not to have, to prevent from having, and in fact, the question which is really raised is why did the Israelis even incur the incursions into these areas. The Israelis, I do not think, want to be there anymore than the Americans want to be in Afghanistan.

Mr. BERMAN. Mr. Speaker, that illustrates the point I was making, and I will just conclude because we have some very knowledgeable people on the floor tonight to speak to this issue, and to say that I ask my colleagues and I ask those people who care about Israel's survival and security, to understand the context in which this present incursion is taking place, the critical importance of it being completed in a fashion that enhances survival, and understand that when presented with a true opportunity for a true peace, be it with the Palestinians or a comprehensive peace, I have no doubt that the Israeli people and its government will be able to make the compromises necessary to make that happen.

Mr. DEUTSCH. Mr. Speaker, I would yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida and I would ask him to yield to the gentleman from Mississippi (Mr. WICKER).

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank my friend from Florida for taking out this special order. I understand actually we will be back to back, two special orders tonight, and I wanted to come down to the floor, Mr. Speaker, because it is important that this special order be bipartisan, and it is important that the clear message go out, not only to our colleagues, but to everyone around the world within the sound of our voices, to make it clear that on a bipartisan basis, Republicans, Democrats, the House and the Senate, this Nation supports the country of Israel, the only really true democracy in the region, a steadfast friend and ally of the United States for over half a century, and that message needs to be stated in unequivocal bipartisan terms in this House of Representatives tonight.

I am so glad and encouraged, my colleague from California mentioned that there are a lot of knowledgeable people about this issue. I do not know that I would count myself as one of the overly knowledgeable people among my colleagues, but I have been to Israel, and I have studied the history, and I am very, very pleased that my friend from Florida started out his remarks with a very detailed history of the region. Because of the importance of the first map that he brought forward, Mr. Speaker, I wanted to bring it over to my side of the aisle, and once again, point out to my colleagues a bit of the history of the area.

I think there are some people watching this issue around the Nation and also around the world who might believe or have us believe that somehow the lines of the nations were drawn and set in concrete back during the time when the super powers of this world decided to impose an Israeli state or a Jewish state upon the region, and that everybody was all set and we kind of came in with Israel and upset the apple cart there in the region.

As this map demonstrates, nothing could be further from the truth. Back during the time of the British Mandate, 1920, post-World War I, as this map indicates, there was no Lebanon. Syria was part of the French Mandate. Iraq was part of the British Mandate. Saudi Arabia was not yet recognized as a Nation at the time, and we had this area that is described here as Palestine or the British Mandate, and then my friend from Florida described how that was divided by the very tiny Jordan river.

If my colleagues have ever been to Israel, they know it is just really not much more than what we would call a small creek where I come from, but it was divided there into Trans-Jordan, which later became the nation of Jordan.

So everything was in flux at the time the country of Israel was being anticipated there.

□ 2000

They have a right to exist. The international community has recognized for over half a century that Israel has a right to exist, and we need to acknowledge right here on the floor of this House of Representatives that our friends, the Israelis, are under attack at this very moment, have been since a year and a half ago, and their very existence is being challenged by those who would like to wipe them off the face of the Earth.

Mr. Speaker, we need to make the strong statement on a bipartisan basis that this country is going to resist those terrorists who would not even acknowledge the right of Israel to exist as a nation.

I am happy to stand with Republicans and Democrats tonight on that principle. Israel is a democracy. Israel has become a driving economic miracle in the desert over the past half century, and they are due a lot of credit. They have been our friend and we have been their friend, when this country has needed it and when Israel has needed it.

If there is one signal that we need to send as a matter of foreign policy, it is that this Nation is steadfast in supporting its friends, and we count Israel as among those friends. I appreciate my colleagues acknowledging that while Israel has a right to exist, there will be a Palestinian state under the right conditions, and that compromises will have to be made. But tonight we are making the strong statement of support for Israel.

Mr. KINGSTON. Mr. Speaker, I meant to point out that the gentleman from Mississippi (Mr. WICKER) as a member of the Committee on Appropriations has supported consistently economic and military aid to Israel.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL) who, before he was in Congress, was intimately involved in issues regarding the Middle East.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for his leadership on

this critical issue in helping Congress recognize and helping the American people recognize one fundamental and indisputable fact: Israel is the only democracy in the Middle East, and a strong Israel means a secure America.

About a year ago I had an opportunity to meet with the King and Queen of Jordan, King Abdullah and Queen Rania, and with other Members of this body we sat at a table and asked the King when would there be peace in the Middle East. He talked about his hopes for peace in the Middle East.

He said when my father used to meet with the President of Syria, they would talk about violence and rivalry and conflict. But when I meet with the new young president of Syria, we talk about how we are going to modernize our financial services industries and how we are going to get the Internet into every household in our country.

He said as a new young generation of leaders take shape in the Middle East, there will be peace; and since then, thousands of Palestinians and Israelis have lost their lives.

I have come to the sobering conclusion that King Abdullah is right, that peace is a generational issue, and that is a fundamental part of the problem. The gentleman has talked about this and taken the leadership on this issue. The fact of the matter is that all of the diplomatic accords, the peace treaties, the Camp Davids, the Wye Rivers, the Madrids, the Oslos, the grip and grins, all of the diplomatic treaties in the world are not going to be successful as long as a young generation of Palestinians in second grade classrooms are taught that there is no alternative to the destruction of Israel and the destruction of the United States.

Think about it. What possesses 15 young Saudis to board American planes and destroy and murder thousands of New Yorkers, and take their own lives in the process? What possesses young children in the Middle East to strap explosives to their chests and blow up pizza parlors and bar mitzvahs and Passover seders, and elderly people and children and women?

Mr. Speaker, what possesses them, they are being indoctrinated in their classrooms and not educated. Let me share some specific examples. They are taught hatred in the text "Modern Arab History and Contemporary Problem Part 2," which on page 49 teaches Palestinian children that Zionism is "a political, aggressive and colonialist movement, which calls for judaization of Palestine by the expulsion of its Arab inhabitants."

They are taught in the book "Our Country Palestine" by a banner which appears on a title page of volume 1 reading, "There is no alternative to destroying Israel."

Mr. Speaker, they are taught in the text "Our Arabic Language for 7th Grade Part A," in which one exercise for students reads as follows: "Subject for your composition: How will we liberate our stolen land? Make use of the

following ideas: Arab unity, genuine faith in Allah, most modern weapons." That is on page 15.

In Syria, fourth grade textbooks label Zionism a colonial analogue of Nazism. A tenth grade textbook labels Jews "a menace that should be exterminated." The fact of the matter is this: for as long as children are not taught science but are taught hatred, are not taught math but are taught destruction, are not taught technology but are taught how to strap bombs to their chests and blow up innocent civilians, for as long as they are not taught literacy and job creation and job expansion, and not given the tools to expand the middle class and bring prosperity into their own communities, for as long as those lessons of hatred are taught, there will not be peace in the Middle East.

I am a strong supporter as a Democrat of this administration's policies in Afghanistan, and I am hopeful that the administration will also realize that our allies, our so-called allies in the Middle East have to be judged not by meetings with Arafat, not by treaties, not by cease fires, but what they achieve in second grade classrooms. That will be the measure of success, and that should be the obligation of our Arab allies in the Middle East.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) knowing that he is going to introduce the gentlewoman from Florida (Ms. ROS-LEHTINEN). I believe there is no one in this Congress who is more personally committed to Israel's survival than her, and I have traveled to Israel with her and I have seen her action, her feeling. And especially from someone with her background who knows what terrorists have done and can do throughout the world.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for those comments because I think as an American of Cuban descent, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is in a unique position as the gentleman said to have dealt with many of these issues that are difficult in a changing nation and changing people, and terrorism and assaults to a different part of the globe.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman, and it was my great privilege to be on a trip to Israel with my dear colleague from Florida. We certainly had an insightful look at the military operations, the anti-terrorists and intelligence operations. There is a lot that is going on and a lot of positive things that are going on in Israel right now. It is a shame that the economy is suffering so much because of the terrible acts of the PLO against the peaceful Israeli people.

It is with great honor that I join all of my colleagues here today in celebrating Israel's independence day. This day marks the establishment of the State of Israel, a day when a people found a homeland and fulfilled their destiny. On this day we stand with the

people of Israel to celebrate the memory of all who lost their lives to achieve Israel's independence and those who continually work to ensure its existence.

As the State of Israel faces enduring changes and challenges, it is our moral obligation to pay homage to their continual struggle for full recognition and render our unequivocal support to our only democratic ally in the Middle East, and that is Israel.

The United States has a shared tradition of democracy with Israel, creating a long-standing history of mutual support and enduring friendship which has helped us overcome many difficult moments.

As Israel has always stood by our side before the international community, at the U.N. and at the region, we must now ensure that our friend feels that support throughout these turbulent times in her history.

While Israel engages in rooting out terrorism at home, it has encountered nothing but distorted criticism around the world. As we stand here, such actions are taking place at the 58th session of the United Nations Commission on Human Rights. Day after day, item after item, debate after debate, Israel is berated and targeted by some of the world's most repressive regimes. It has been particularly troublesome to see the U.N. High Commissioner for Human Rights, Mary Robinson, engage in this process referring to well-known terrorist organizations as humanitarian or human rights entities, legitimizing their violence against the peaceful Israeli people rather than providing a balanced and objective presentation of the situation on the ground.

Such behavior does not further the goal of peace and only serves to undermine the great efforts by President Bush, Secretary Powell and others to secure an end to the current violence.

Throughout, the United States has spoken clearly and loudly to ensure that the principles of justice and fairness are upheld, to ensure that Israel could be heard, and that the truth, not hyperbole and not incendiary rhetoric, would guide the actions of the international community.

Mr. Speaker, the struggle for democracy and the protection of civil liberties is a difficult one which the Israeli people have endured and have embraced.

Like them, my native homeland, the Cuban people are still struggling for the same, as the gentleman from Florida (Mr. DEUTSCH) pointed out, the similarities between those two states.

Ironically, today, April 17, also marks the anniversary of the failed Bay of Pigs event to bring freedom and democracy to Cuba. After that ill-fated moment in Cuban history, the terrorist regime in Havana went on to provide training camps for Israel's enemies and sent Cuban soldiers to fight against Israel during the Six Day War. They did so because the Six Day War, according to Cuba's then U.N. ambas-

sador, Ricardo Alarcon, was an "armed aggression against the Arab people by a most treacherous surprise attack in the Nazi manner."

Mr. Speaker, 7 years later Yasser Arafat was enthusiastically received in Havana and given Castro's foremost decoration, the Bay of Pigs Medal.

These are just some of the bonds that the United States and Israel share, a history, a struggle, a commitment to freedom, to democracy, which have forever intertwined our destiny. May this anniversary of Israeli Independence Day mark an end to violence and to the suffering on all sides and usher in a new era of peace, stability, security and hope. May that be the case for all of us.

Mr. Speaker, I thank the gentleman for his time. I also had the pleasure to visit Israel with the gentleman from Virginia (Mr. CANTOR), who will speak shortly; and he has been to Israel many times, and it was our pleasure to tour many of those sites of destruction with him, if that can be said to be a pleasure. It was a very moving time in Israel's future and in Israel's presence, to be there where those terrorist acts took place and to lay a wreath in memory of the fallen civilians and soldiers who have given so much so that their homeland could remain free. I thank the gentleman, the gentleman from Florida (Mr. DEUTSCH), for the time, as well as the gentleman from Georgia (Mr. KINGSTON).

Mr. DEUTSCH. Mr. Speaker, I thank the gentlewoman. Again, the commitment of the gentlewoman from Florida (Ms. ROS-LEHTINEN) is so heartfelt and so real. For all Israelis who met her, I believe they felt that at the same time.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ROTHMAN), who has proven himself as perhaps the most articulate Member of Congress in giving a historical and complete perspective, and those comments come from members of my immediate family.

□ 2015

I can even say that those comments come from members of my own immediate family.

Mr. KINGSTON. If the gentleman will yield, I have to say that my mother, who is certainly my biggest fan, told me after last week's special order that she thought the gentleman from New Jersey (Mr. ROTHMAN) did a much better job than I did.

Mr. DEUTSCH. I did not want to mention which member of my family, but it was as close as your mother as well.

I yield to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. I thank both the gentlemen, my friend from Florida (Mr. DEUTSCH) and my dear friend from Georgia (Mr. KINGSTON).

Mr. Speaker, thank you for allowing us to have this time tonight to further discuss this issue with our colleagues in the House and those watching at home.

Today we celebrate two anniversaries, one a very happy one, and one a very, very sad one.

The happy one first. Here is the nation of Israel, this orange little sliver on the coast of the Mediterranean Sea. Tiny little Israel. I know on maps on television, sometimes you see just a little portion and you think Israel is this huge country. Take a look, my colleagues and friends. This is Israel. This is Saudi Arabia. This is Iraq, Syria, Egypt here, Iran here, Oman, Yemen, Kuwait. Do you see how small Israel is compared to the rest of the Persian and Arab world? Absolutely tiny, is it not? They are outnumbered more than 30 to one.

Today is the 54th anniversary of Israel's founding. How did Israel come to be founded? A long time ago, Turkey in the Ottoman Empire, the Ottoman Empire of Turkey was aligned with Germany in World War I. When the Germans lost World War I, despite the help of their friends in the Ottoman Empire, the Ottoman Empire lost all its territory to the Allies, the Americans, the British and the French. The Ottoman owned much of the Middle East, including this whole area. The British were given control of what is now Israel and Jordan, the French were given Syria and Iraq, the English were given Egypt and Saudi Arabia.

A lot of people say, well, maybe Israel is some new country and that it just started in the 20th century after World War I but, hey, those Arab nations and the Persian nation of Iran, they must have been around for centuries. So Israel must be some stranger to the region, some interloper. Nothing could be further from the truth.

Saudi Arabia used to be called Arabia, until the English gave it to the Saud family in 1932, and then it became Saudi Arabia in 1932. Iran, established in 1925. Iraq, established 1932. Syria, established 1946. Lebanon established 1943. Egypt 1922. Jordan 1946. Israel 1948. So they were all established about the same time.

Israel since it was founded in 1948, recognized by the League of Nations as the Jewish homeland, the British said they wanted it to be a Jewish homeland after World War I in the Balfour Declaration, the League of Nations said it should be a Jewish homeland. The United Nations in 1948 said it should be a Jewish homeland. So when all these other countries were created, they created the country of Israel in 1948. Happy anniversary, happy birthday, Israel, America's best friend, most strategic ally in the Middle East. America's forward battleship of military intelligence, cultural values, democracy.

What is the sad anniversary that we celebrate today? A year before 1948, there was another offer made. You notice you do not see Palestine or the Palestinians on this map of the Middle East. But was there ever a country called Palestine? Never ever in the history of the world. Was there ever a

kingdom called Palestine? Never ever in the history of the world. Were there ever people who called themselves the rulers of the Palestinian people? Never ever in the history of the world, until Yasser Arafat came along, almost at the end of the 20th century.

The anniversary that is so sad is that in 1947, a year before the United Nations decided to create the Jewish homeland of Israel, they had already divided their mandate and created Trans-Jordan with two-thirds of the land that they were going to give to the Jews, they took two-thirds of it away and created Trans-Jordan, which is now Jordan.

Two-thirds of the land they were going to give to the Jews. Did they give it to the Palestinians, or the local inhabitants in Jordan? No, they gave it to the Hussein family who came from Arabia and they put them in power in Trans-Jordan. Anyway, they did that in 1946.

Anyway, in 1947, the United Nations says, "Let's have two states. We took two-thirds of the land away we were going to give to the Jews, let's take the third we were going to give to the Jews and divide that in half." And they said, "Let's make Palestine," the area in gray, which goes from the top here of the present State of Israel all the way near to the bottom. Jerusalem was not to be Israel's capital as it is today. It was to be an international city. The yellow here and here and here was to be Israel.

What did the Jews say when they were presented in 1947 by the U.N. with this two-state solution? The Jews said, yes, we will, even though we were supposed to get all of Jordan and all of this, you took two-thirds of the land away for Jordan and you want to divide this land in half, okay. We just want a homeland. And we will take half, the half that you have set forth.

What did the Palestinians and the whole Arab world say in 1947 when they were offered a Palestinian state? They said, no, we don't want to live next to a Jewish state even though there is no other Jewish state in the world, let alone in all of Arabia. Look at little tiny Israel. They said, We don't want to live next to a Jewish state, and they said no. So a year later, the U.N. said, okay, then we will make the whole thing the Jewish homeland, the state of Israel.

And what happened in 1948, the anniversary of independence for Israel we celebrate today? All of the armies surrounding Israel, Egypt, Jordan, Syria, Lebanon and Iraq invaded in 1948. They told their Arab brothers and sisters who were living inside the land, "Leave. Flee. We'll drive the Jews into the sea. You'll have the whole thing to yourself. You won't have to have a two-state solution. It will all be yours." A miracle happened. The scrawny bunch of Jews that were there with no arms but only the will to fight defeated all of those armies. The 800,000 people, the Palestinians who left, were they ab-

sorbed by the surrounding Arab countries and welcomed in brotherhood and sisterhood? No. They were kept, these refugees from 1948, in squalid refugee camps. That was 55 years ago. They have still kept them there.

By the way, in 1948 when Israel was established, in 1948, do you know how many Jews were expelled from the Arab world? The same number. 800,000 Jews from all over the Arab world, and there were Jews living in those lands for centuries. When Israel was recognized as a state by the U.N., as the Jewish state in 1948, 800,000 Jews from the region were expelled and thrown out of their countries and they made their way to Israel.

What did Israel do? Did Israel put them in refugee camps, squalid little camps to fester and be betrayed for 55 years? No. Israel said, you are our brothers and sisters, even though your lands were dispossessed and you were thrown out of lands where you have lived for centuries, we will take you in and make you our citizens and take care of you. Meanwhile, the Palestinians still rot in their refugee camps their Arab brothers and sisters have kept them in all over the Middle East.

What happened next of significance? In 1967, all the Arab nations surrounding Israel invaded Israel again. They said to their Palestinian brothers and sisters, "Don't worry, we'll drive the Jews into the Mediterranean Sea. You'll get that Palestinian state. You won't have to live next to the Jews." In 1967, another miracle. Jews, outnumbered again, they survived.

And what happened in 1967 after the war of defense, Israel said, "You know what, we want to live in peace, Palestinians. Let's negotiate so you can have your own state." What did the Palestinians say in 1967 after they had rejected statehood in 1947? They said, "We won't live with you. We don't want a two-state solution."

The next significant event, not 1967, 1973, all the Arab armies around Israel again, 1973, invade Israel, they are going to drive the Jews into the sea. What happened then? Another miracle, the Jews survived.

Go back to the year 2000. Bill Clinton brings Yasser Arafat and Prime Minister Barak from Israel to Camp David where Prime Minister Barak says, "You know what, we're going to try again, Palestinians. We're ready to give you your own state on the West Bank and the Gaza. We're ready to give you your capital in Jerusalem, two-thirds of East Jerusalem." They are willing to give the Palestinians 97 percent of what they wanted or what they said they wanted. Remember, for the first time in human history a losing army, who lost four wars, gets offered 97 percent of what it tried to get illegitimately.

What did Yasser Arafat say to such an offer in the year 2000 at Camp David? He did not say a word. Not only did he not accept the deal of 97 percent, he did not even present a counteroffer.

He left the negotiations, went back to his home in Gaza and ordered the suicide bombing to begin, still in the belief, 55 years later, after an offer of a Palestinian state for the third time, if he had to live next to a Jewish state of Israel, he did not want the deal. Get rid of Israel altogether or no deal. He did not care if his Palestinian people suffered or not, how many children he sent to die with bombs strapped to their back, how many hundreds of thousands of Palestinian refugees now multiplied in numbers over 55 years were going to rot in Palestinian refugee camps around the Middle East. He did not care. He would not live in peace next to the Jewish state of Israel.

That is where we are today, except they intensified their suicide bombings so that the Israelis have lost the equivalent in American people, given the difference in population, small Israel and big United States, of about 25,000 people in the last 18 months. Can you imagine, God forbid, if America lost 25,000 people to terror in the last 18 months, what we would do? That is what Israel is doing now, going into the areas controlled by Yasser Arafat, getting his weapons, getting his explosives.

Did the Israelis who have a great Air Force and all kinds of bombs drop bombs and destroy these villages entirely, men, women and children without regard? No. Could they have? Of course. They said, "We won't kill innocent civilians, even though they are killing ours." So they sent Israeli troops one by one, door by door to get specific terrorists. That is a democracy, with a moral sense, a moral code. And the number of civilian casualties in the Palestinian areas were minimized. Even though in America when we went into Afghanistan, unfortunately there were quite a lot of civilian casualties, but we did the same thing, tried to minimize them as well.

What is left for us now? What is left for us now is to have the Israeli people root out, as President Bush said, bring to justice, or to bring justice to those who have slaughtered their babies in school buses, in nursery schools, in pizza parlors, in cafes, on the streets and supermarkets.

□ 2030

Twenty-five thousand, the equivalent of American lives in the last 18 months alone. Yet the Israelis get the ammunition, the terrorists, put them in jail, get the explosives, clean up the area, and, then, finally, hope that the Palestinian people will finally accept an offer that they have rejected since 1947: accept your own state next to the Jewish State of Israel. Have your people live in peace and prosperity. Just say you will live in peace.

Mr. DEUTSCH. If the gentleman would try to wrap up, we will have some more time. I know there are a couple of other gentlemen.

Mr. KINGSTON. If the gentleman will yield, I will certainly say we will

be honored to yield to the gentleman more time when we have it, which will be in a few minutes. If I do not, my mother will kill me; and I understand that Mr. DEUTSCH's dad might get a little irritated himself. You are going to conclude, but you are not going to leave.

Mr. ROTHMAN. I will not leave.

Any nation that has said to Israel we are ready to make peace with you, Israel makes peace with them. Even a nation that attacks Israel and Israel defends itself, Israel gives back the lands. It happened to Egypt when they said they would make peace. It happened to Jordan, who invaded Israel several times and lost. They finally made an agreement, King Hussein and the Israelis. Now they live in peace.

What we need is a Palestinian leadership who wants to live in peace with the Jewish State. If they cannot do it, the Arabs and the Persians, the Iranians, they are not Arabs, they are Persians, so they tell me, and I accept their great culture, should have the Palestinian people take yes for an answer, and, after 55 years of rejecting statehood, accept statehood for themselves and for America's number one strategic ally in the Middle East, the only democracy in the Middle East, little tiny Israel. For Israel's sake, for the Palestinian people's sake, for the world's sake.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, I thank the gentleman. Again I would hope that the gentleman can continue to stay in the Chamber.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and again want to commend the gentleman from New Jersey (Mr. ROTHMAN) on his excellent job, as usual.

I would ask the gentleman from Florida to also yield the floor to a very strong pro-Israel advocate who is also a freshman this year, the gentleman from Virginia (Mr. CANTOR).

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank my colleague from Georgia for his leadership on this issue and certainly my colleague from Florida for his steadfast leadership and for the incredible wealth of knowledge of my colleague from New Jersey. I thank him as well.

It really is an honor for me to be here and to address this body on such an occasion. We stand here to congratulate and join in celebration with the people of Israel on the 54th anniversary of the creation of the Jewish State of Israel.

It is particularly apt that we are here as this country of ours, the United States, is picking itself up, putting things back in order, from the horrific terrorist attacks on September 11 that killed thousands of innocent Americans. On that day we realize that we shared a common enemy with the people of Israel, an enemy that is as despicable as any we have seen in our

land, one that is after our way of life, our freedom of choice, and our faith in our creator.

Mr. Speaker, the State of Israel grew out of the ashes of the Holocaust, a time in which the Jewish people suffered under an evil and a systematic wickedness that killed 6 million innocent people. To this day, Mr. Speaker, the people of Israel continue to endure the wrath and hatred of so many of its neighbors, as has been pointed out by my colleagues this evening.

The people of Israel continue to endure on a daily basis what the people of our country endured on September 11. The atrocities, the death, the carnage that they must face on a daily basis brings us here this evening in solidarity.

This great country, the United States of America, was founded on the principle that all men are created equal, that they are endowed by their creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness.

As the legacy of those great 18th century Virginians who put forth those principles, we stand here tonight united in saluting our brethren in the State of Israel, those individuals who never cease to assert their right to a life of dignity, freedom and honest toil in their national homeland.

#### SUPPORTING ISRAEL'S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore (Mr. AKIN). Under the Speaker's announced policy of January 3, 2001, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I thank the Speaker for recognizing me and want to immediately recognize my friend from Florida (Mr. DEUTSCH). We are doing this hour on a bipartisan basis tonight. The subject will continue as it did the past hour on our support for Israel's right to defend itself.

With that, let me yield to my friend, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, again, I appreciate this. I know in the last hour several additional colleagues have joined us, and I look forward to hearing from them over the next hour.

One colleague who has been very patient is one of the most knowledgeable Members in the Congress on the Middle East, again someone who has been active in Middle Eastern issues and concern far before he entered the Congress, the gentleman from New York (Mr. WEINER).

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I want to thank the gentleman from Florida and the gentleman from Georgia for once again organizing this.

There is a period of time between the commemoration of the anniversary of

the Holocaust and this period where we commemorate this evening the birth of the State of Israel, and those two things, of course, are inextricably linked. We have heard over the course of the last hour an extraordinarily well-detailed, particularly by my friend from New Jersey, a detailed history of the last 44 years.

I would like to spend just a moment talking about some of the ways we, in our rush for the 24-hour news cycle, our rush to try to understand things in 2-minute blurbs, have drawn many of the wrong conclusions about events going on today in the Middle East.

One of the things that is frequently pointed to as a source of the problem that we currently face in the Middle East, people have pointed to the current leadership of Israel, Ariel Sharon, the Prime Minister, and said it is his intransigence that has led to the explosion of violence.

Well, to say that ignores the fact that in fact this intifada began shortly after Camp David II, on September 29, 2000, a good 4 months before Sharon would even take office. Prime Minister Barak, the person who was at Camp David who had made the extraordinary concessions that we have heard about this evening, it was he, perhaps the most flexible, some in Israel almost say too flexible, leader of Israel, that was in power at the time that this explosion of violence began.

Second of all, the notion that Ariel Sharon's government and the people of Israel are not willing to enter into an agreement to end the violence is not true. The Mitchell Plan, which was a very long period of time headed up by former Senator Mitchell, included very difficult concessions for Israel, including things such as they had to withdraw from settlements.

Israel has accepted it. It is the Palestinians that have said they will not. Why will they not? Because the first element of the Mitchell Plan is there has to be a cessation of violence and then a cooling off period, a reasonable first step toward any peace plan. It is the Palestinians that have rejected it.

Then came the Tenet Plan, where the CIA Director went there to try to negotiate steps again to cool down the violence. It was Israel who said we will agree to the Tenet Plan. We will agree to loosen up the restrictions at the border crossings, to allow commerce to move more freely, if the Palestinians agree to stop the terrorism. Again, it was Israel who accepted and it was the Palestinians who said no.

So this idea that the present Government of Israel has been inflexible, intransigent, and that is what has led to the violence, is simply not.

Second of all, there have been some terrible images on television about the events that have gone on in the Middle East and the efforts by the Israelis to crack down on terrorism.

I would say at the outset, Mr. Speaker, no war is civilized. Whenever you are engaged in a war, it is going to

produce some unwanted fatalities; it is going to produce some images that are most troubling, particularly to those of us in a peace-loving nation.

But unlike the way other wars have been prosecuted, unlike the way we, for example, in Afghanistan waged the war at Tora Bora, from the safety of the skies, if you look at how the Russians waged war against Grozny, where there is not even a single building left standing in Grozny now, Israel made a different and arguably the most compassionate decision they could that they were going to go into places like Ramallah, go door by door, house by house, looking for people who had made it their business to go into discoteques and to go into Passover seders with human bombs laced with nails and ball bearings and blow innocent civilians up.

And what has been the result? Some people say why Ramallah? What is it about that town that has made it the subject of these house-by-house searches?

There have been 35 terrorist attacks originating from that city alone in the last 18 months; 417 Tanzim, all elements of the Fatah movement controlled by Yasser Arafat, these are the people he has on the speed dial of his phone, have been operating out of Ramallah.

This is a place where two IDF reserve soldiers in October of 2000 who accidentally took a wrong turn, and, just so you understand, these are reserve soldiers, these are 18- and 19-year-old boys, who were serving their mandatory service in the military, took a wrong turn and were lynched and hung from a Ramallah police station that Israeli dollars paid to build.

All of these things went oncoming from Ramallah. The Jerusalem cafe attack that killed 11 people and wounded 50 took place in Ramallah. Well, door to door the Israelis have been going, trying to find those that would do harm to their people.

I would read a quote from Secretary Rumsfeld talking about the necessity to sometimes go and get terrorists before they come and get your people. This is what he said on February 4, 2002:

"We have no choice. It is physically impossible to defend at every time, in every location, against every conceivable technique of terrorism. Therefore, if your goal is to stop terrorism, you cannot stop it just by defense. You can only stop it by taking the battle to the terrorists where they are and going after them."

I would argue, Mr. Speaker, that it is the Israelis that are the foremost practitioners today of that, the Bush Doctrine.

Finally, there have been perhaps some very troubling images of violence taking place around the Church of the Nativity, the birthplace of Jesus Christ. I have to say something very honestly. If there were Israelis inside that church surrounded by Palestinian

suicide bombers, there would not be a moment of hesitation on the part of the Palestinians to go in, regardless of the destruction to the church.

Not the case with the Israelis. And if you question what I say, Joseph's Tomb, a historic and important monument of the Jewish people, destroyed in October of 2000. An ancient synagogue in Jericho, torn to the ground also in October of 2000. You did not hear the type of protestations we hear now.

Yet what are the Israelis doing? Day in, day out, soldiers, sometimes in the pouring rain, encircling the Church of the Nativity, trying not to do any harm to that location. In the meantime, the terrorist are within. The Israelis are waiting, and they are going to continue to wait until they emerge.

Finally, let me conclude the way I began, and I thank the gentleman from Georgia and the gentleman from Florida once again. There is an inextricable link between the history of Israel, the history of the Jewish people, and their birth as a state.

On Saturday, April 13 in the New York Times, a gentleman named Daniel Gordis wrote about what it is like to live in Israel right now and what it is like to be celebrating Yom HaAtzmaut, which is the Hebrew word for the commemoration of the birth of Israel, and Yom HaShoah, which is the commemoration of the HaShoah.

□ 2045

And he concludes his article, and I would like to quote, and I will insert the entire article in the RECORD. "On Tuesday night, my 12-year-old son, Avi, told me about a Yom Hashoah class discussion about whether the Holocaust could happen again, a session he said he found stupid. Why, I asked? Because, we have a strong Army, he answered. America is our friend, and look out there now. We take care of ourselves."

"The next morning I watched him head off on his bike to school with pride, security and confidence. That is a lot more than Jewish kids in Europe had a few decades ago, a lot more than some Jewish kids have in Europe this week. That is why we need this country. That is why we will fight to keep it."

[From the New York Times, Apr. 13, 2002]

NEEDING ISRAEL  
(By Daniel Gordis)

Tuesday was Yom Hashoah, Holocaust Remembrance Day, an agonizing day. In the afternoon, at work, we gathered in a circle while some colleagues quietly read the names of relatives who had been exterminated by the Nazis. Some had long lists; one even brought pictures. During the ceremony, word spread that a group of Israeli Defense Force soldiers—13, it would turn out—had been killed in an ambush in Jenin. Another, in Nablus, fell to friendly fire.

It is hard to describe what 14 soldiers means in this small country. People make frantic calls to find out where their husbands and fathers are. Then the hourly news announces to the entire country the location

and time of each funeral. At such moments it feels that living here makes one part of an extended family. No one in that family wants this war. But very few people here think we can do without it. Israelis understand why we're fighting. We also know why our soldiers are dying. There are significant pockets of armed resistance in the Jenin camp, but there are also lots of civilians. So we can't just bomb from the skies. We send soldiers house to house, only to watch as Hamas fighters use those same civilians as shields. On Tuesday we paid a heavy price.

We had 14 funerals because we won't fight this war the way the Russians fought in Grozny or the way the United States fought in Afghanistan—from the safety of the skies. Hardly a building in Grozny was spared in the bombing; the Russians knew the price they'd pay if they tried to fight on the street. If Israel hit a hospital from the skies the way that the Americans did not too long ago in Afghanistan, just imagine the world's reaction.

Palestinians say we won't let their ambulances in Jenin. Yet two weeks ago Israeli soldiers stopped a Palestinian ambulance with a child in the back on a stretcher, and under him soldiers found an explosive belt. Palestinians say that we're not letting them clear their dead from the streets. The Israeli Army claims that's a lie, that the Palestinians are leaving the bodies there intentionally for good footage on CNN. Who's telling the truth? I don't know.

Last week, when the siege around the Church of the Nativity began, many Israelis understood why we couldn't just shoot our way in, but the frustration was palpable. If it had been Israelis in a church, or a synagogue, and Palestinians on the outside, how long would the siege have lasted? Everyone here knows the answer. When the Palestinians burned down the synagogue at Joseph's tomb in October 2000, the Vatican didn't speak up. When they later destroyed an ancient synagogue near Jericho, European liberals didn't lose sleep.

The siege outside the church began in foul weather. According to reports on Israeli radio, some soldiers stood for hours in the driving rain, making sure that none of the armed Palestinians inside would escape. All that afternoon, the residents of Bethlehem pointed at the rain and shouted: "Get out of here. We hate you. The world hates you. And look, even the heavens hate you."

Maybe the world does hate us for having the audacity to protect ourselves, for meaning it when we say "never again." Maybe the world is secretly delighted that no war can be made to look civilized, so the Europeans and the Palestinians can point their fingers at us and say, "See, they do it, too." Then maybe what they did won't seem so horrific, so unforgivable.

One thing important to Jews is remembering. We won't forget the 20th century and the world's complicity, and when we recall this week, in which we buried 14 of our sons, brothers, husbands and fathers who didn't have to die except for our decision to do this fighting the hard way, we'll remember the world's double standard.

On Tuesday night, my 12-year-old son, Avi, told me about a Yom Hashoah class discussion about whether the Holocaust could happen again—a session he said he found "stupid." Why? I asked. "Because we have a strong army," he answered, "America is our friend, and look out there now—we take care of ourselves."

The next morning I watched him head off on his bike to school, with pride, security and confidence. That's a lot more than Jewish kids in Europe had a few decades ago. It's a lot more than some Jewish kids have in Europe this week. It's why we need this country. And it's why we'll fight to keep it.

"We have no choice. . . . It is physically impossible to defend at every time in every location against every conceivable technique of terrorism. Therefore, if your goal is to stop [terrorism], you cannot stop it just by defense. You can only stop it by taking the battle to the terrorists where they are and going after them."—U.S. Secretary of Defense Donald Rumsfeld, February 4, 2002.

Mr. WEINER. Mr. Speaker, in this great House, we have always stood shoulder to shoulder from all parts of this country, Democrat and Republican alike, strongly allied with the democracy in the Middle East, Israel, and with God's good graces, I hope we stand with her for at least another 44 years.

Mr. DEUTSCH. Mr. Speaker, I know I had chills up my spine as the gentleman was speaking, he spoke so forcefully on the issue.

I yield back to the gentleman from Georgia, but knowing that he is going to introduce the gentleman from Florida, I would say of the gentleman from Florida (Mr. DIAZ-BALART), I think he stands almost alone in this Chamber, but clearly in a unique position, as someone who is incredibly insightful about world events and incredibly insightful about the evil that exists in the world, incredibly insightful about what can be done to fight that evil, and, in fact, has unfortunate personal knowledge of it because of his background and his family's background. He has traveled to Israel with me on at least 1 occasion, and I have seen his personal involvement, his personal connection to the struggle of the people of Israel. I am just very proud that he is with us this evening on this Special Order.

Mr. KINGSTON. Mr. Speaker, I certainly agree with those comments. The gentleman from Florida has been a true human rights leader, not just for his part of the globe, but for the entire world.

Before I yield the floor to him, though, I wanted to say something about what the gentleman from New York (Mr. WEINER) was saying in terms of the little boy on the bicycle leaving with pride that Israelis could defend themselves and having so much more spirit than maybe generations before him on another continent.

When I was in Jerusalem several years ago going through the Holocaust Museum, certainly, one cannot go through a Holocaust Museum without having some emotional twisting in your stomach, in your heart, and just kind of a cascade of different thoughts go through your mind, but one of the more optimistic things that I saw was actually at the end of the Museum, there were some soldiers who were going through the museum.

It happened that most of these soldiers were Israeli soldiers who were women. As the gentleman from Florida knows, they are armed most of the time, and it is almost a militia in that everybody is in the Army at some point in their lives. These young women were walking around in the museum, very casually, very focused on

the museum, yet they all had strapped to them M-16s. I thought, that is a very symbolic message for anybody going through the museum, that it is the intention of modern day Israel to never let that sort of thing happen to them again.

So as we as America look at the things in the Middle East, perhaps we do not appreciate the fervency which the Israelis have in terms of fighting for their independence here on Independence Day of their continued statehood because they have been through so much to get there. They cannot retreat at this point. I wanted to make that point based on what the gentleman from New York (Mr. WEINER) had said.

Now, having taken up some of the time of the gentleman from Florida (Mr. DIAZ-BALART), I wanted to ask the gentleman to do something that he never does here, and that is to tell us a little bit about his personal past. The gentleman from Florida (Mr. DEUTSCH) has touched on it, but I think that it qualifies the gentleman from Florida (Mr. DIAZ-BALART) to speak on the subject based on the gentleman's family situation. If the gentleman does not mind revealing some of that to us, I think it would be very helpful.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Georgia, and also my good friend from south Florida. It is a privilege for me, and I consider it a true honor, to be here this evening in solidarity with Israel.

I have been an admirer for many years of the Jewish people. The gentleman from Georgia (Mr. KINGSTON) pointed out and talked a little bit about my background. My family had to leave the country that I was born in, Cuba, where I am in the fourth generation of, in this instance, Cuban American, fourth generation in our family of public service which began in Cuba when my great grandfather and his brothers began fighting for independence there. And then my grandfather, after independence, became a lawyer. He was a country lawyer in eastern Cuba and was the lawyer for the Jewish community in Banas, in eastern Cuba.

There was a very vibrant Jewish community in Cuba before the arrival of communism, a very vibrant, growing, prosperous, hard-working, honorable Jewish community in Cuba. Many of them are in south Florida today, and the gentleman from Florida (Mr. DEUTSCH) and I have the privilege of knowing them and working with them and really the honor of their friendship.

What always amazed me about the Jewish people, having lost the country of my birth to totalitarianism, and having lived and seen my country of birth live through 43 years of totalitarianism, and as a child, having been in exile, a refugee from that totalitarianism, and having seen what 43 years means in the life of human beings; 43 years in the life of a human being, in the life of a family, are many years.

Obviously, in the life of a people, 43 years are but a point of reference. But having seen that the Jewish people were forced out of their homeland and that somehow, due to an extraordinary and admirable love of their country and their nationality and their families and their traditions and their origins and their customs and their religion, and much faith and, above all else, perseverance, the Jewish people managed to remain a people, to survive during 1,800 years of exile, and then to finally, after 1,800 years of exile, to be able to return to their homeland and establish a modern-day nation state, that is something that I have always been in awe of and I admire deeply.

So tonight, we stand here in this great Congress saluting the people of Israel on the 54th anniversary of the establishment of their modernization State after 1,800 years of exile. And after the 1,800 years of exile, when the Jewish people were able to return to their homeland and establish the modern State of Israel, the reality of the matter is that there has been too much violence and war and suffering and pain that the Jewish people have had to suffer, and we see it to this day.

So this evening, not only do I consider it an honor to be here saluting and a privilege to be here saluting Israel because of and in commemoration of her 54th anniversary as a modernization State, but also I stand tonight in solidarity with the Jewish people, their right to live freely, their right to live as an independent, sovereign, democratic state, and their right to live in peace. So my hopes and my prayers go out to the Jewish people with a fervent wish for peace and also with a fervent statement of solidarity and support.

One of the reasons why I have found it such an honor to be a Member of this Congress for the last 10 years is that one of the issues that join us, one of the issues that unite us, whether we are Republicans or Democrats or conservatives or liberals, is our support for that friend of the United States, that democracy in the Middle East that is facing so many challenges, perhaps more challenges now than ever before, in some ways. So I respect the decisions of the sovereign democratic state of Israel. I, as a Member of this Congress, support and will continue to support Israel, and that, above all else, obviously in addition to my expression of solidarity and admiration for the Jewish people and for Israel, is what I wanted to do this evening.

Mr. KINGSTON. Mr. Speaker, we thank the gentleman for sharing that very personal, very, very credible testimony.

Mr. Speaker, our next speaker is a gentleman, and we have had a good mix of people tonight. We have had Jewish, Christian, Democrats, Republicans; we have had Members that are Cuban Americans originally, and now we have a gentleman from Indiana (Mr. PENCE),

who actually represents a district that does not have a single synagogue in it, and yet he stands 100 percent behind Israel's right to defend herself. I think it is just important that as we look at this, there are a lot of other Members in this 435-person body who have the same sentiments that those of us who have been here tonight have been expressing, and yet, for one reason or another, they are not with us tonight physically, but they certainly are with us in spirit. It is a great representative sampling.

Mr. DEUTSCH. Mr. Speaker, if the gentleman will yield, I would point out that we literally, across the country, we have had Members throughout America today speak from the heart about what their connection and their hopes and their prayers are this evening.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Florida (Mr. DEUTSCH) for putting this Special Order together.

As the gentleman from Georgia shared, I am a Christian, a conservative, and a Republican, in that order. My faith trumps my philosophy, and my philosophy trumps my partisanship, and it is from my faith and from my philosophy, as it is I believe for many Christian Americans, that I believe a passion to this issue. Not just during the present impasse have I been an advocate for Israel, but for many, many years in and out of public life in central Indiana, I have, Mr. Speaker, been an advocate of the dream that is Israel.

□ 2100

And it is a dream. I scarcely let a day go by that I do not pray for the peace of Jerusalem. I pray for security within her citadels, not just for the Jewish people there, but for the people of every race and every creed who convene there.

But when I say that Israel is a dream, I do not say that lightly, Mr. Speaker. Today, if I am pronouncing it right, we celebrate Israel's Independence Day, Yom HaAtzmaut. It is the 54th anniversary of an extraordinary occasion in human history.

It was an occasion when, while it was done under the rubric of the United Nations and under the color of international understandings, let there be no mistaking it, the people of the United States of America, by their beneficence and good will toward a people, 6 million of whom had been slaughtered by the Nazis in Central Europe, chose to use their power in the world to replace this displaced people in their historic homeland.

Never before, Mr. Speaker, does history record an occasion where a nation was born in a day until, in 1948, Israel, largely through the generosity of the people of the United States of America, was born. And it was in every sense a dream. It was a dream, as the gen-

tleman from Florida (Mr. DIAZ-BALART), just shared, a dream of some 1,800 years of a people that never gave up on a vision, that never gave up on the idea of returning home.

So as we think of the reasons why the United States of America should stand with Israel, Mr. Speaker, it begins with the fact that America established Israel in 1948 in her homeland. More than any other Nation, she is our ally. She is our friend in so many ways. We are the mentor, she is the mentee.

We entered into a partnership with Israel in 1948 which, Mr. Speaker, at the risk of becoming passionate and emotional, a partnership that could never be described as America becoming an honest broker, sliding to the middle of the table. From 1948 forward, America had one place at the table, and it was standing like a protector and a provider over the right shoulder of Israel.

So we stand with her because we were there in the beginning. We stand with her because she is our ally. But we also stand with Israel today because she is in trouble. She is beleaguered. Eighteen months of random violence since the Intifada began in the year 2000, and 400 citizens killed, thousands injured, millions distressed. Israel is ground zero in the war on terrorism. What better time to define the metes and bounds of our relationship and our alliance than when our friend is in her darkest hour?

I have been grieved, Mr. Speaker, by the ambiguity of U.S. policy, particularly during recent days. It seems to me America should stand, as we do, astride the world as the lone superpower, with our arms quietly folded, with a tear in our eye for the suffering of all of the people of the region, but we should stand quietly while our friend does what needs to be done to end the murdering in their own streets.

So America should stand with Israel because she is our ally from her beginning, and because she is distressed; also, because she is the only democracy in the Middle East. I have this idea, Mr. Speaker, that the people of the Middle East, as Prince Hassan of Jordan describes it, the people who live in the arc of crisis from India to the West Coast of Africa, are a people capable of democracy and self-government and civil liberties.

I believe in that dream. And Israel, as she did in 1948, rose out of the dust of the Middle East and established that the dream of democracy born on our shores in 1776 is not an American dream, it is a dream of all peoples of the world. With this, I close and yield back to more eloquent colleagues.

As I said in the beginning, Mr. Speaker, I come from a Christian and a conservative perspective, and I believe that our administration and the leaders of our government would do well to reflect, yes, on the passion of elected leaders from the Jewish community at all levels of government in America, but let them also reflect on the people

of Christian faith in America who cherish the dream of Israel, as the Bible says, as the apple of God's eye.

Because I believe it was from the hearts of people in the heartland of America, places like the little buckboard churches that dot the landscape of my eastern Indiana district, it is the people that fill up those churches on Sunday morning and Sunday night and Wednesday night who give me, as I travel my district, time after time standing ovations when I say America must have one position, and that is to stand with Israel, unambiguously.

And it is those people who believe in that simple principle, that part of our prosperity, part of our own destiny, is tied up in the belief that whoever blesses Israel will be blessed, whoever curses Israel will be cursed. Let it ever be that our government expresses the love that believing Christian Americans have for Israel, that believing Jewish Americans have for Israel. Let this American government always stand for that dream and that passion.

Mr. KINGSTON. I thank the gentleman for those passionate, very good, very clear words and that good message. Mr. Speaker, I yield to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman for yielding. This has been an evening where we have tried to elaborate on a couple of different themes.

From a historical perspective, this is Israel's Independence Day, but also we try to share information, both with those viewing and with other colleagues.

I think one of the questions which is a basic question is why are the Israelis presently making incursions into towns like Ramallah and Bethlehem and Nablus and Jenin.

I think one of the things, and I put this map back up just, again, to give a perspective which many, or in fact most, Americans have, but it is a perspective to think about, that the entire state of Israel is about the size of New Jersey. In fact, my congressional district, the northern border of my district is the Palm Beach County of Florida; the southern border of my district is Key West, Florida. In fact, the length of my district is longer than the length of the state of Israel.

The reason I mention that is just the size. If people have been to Israel, and especially for the first time, the thing that I think is so striking, besides the incredible sense that history is reality, that we can be on the steps Jesus walked on, or we can see the wall of the temple, or we can see the city of Jericho, and look out where Moses was not able to enter the promised land but actually see the mountains, besides the historical reality of the sites of the country is the size of the country.

People talk about neighborhoods like Ilo or Pisgot sev as if they are far away. They are Jerusalem. Those are neighborhoods that are being shot at. Just the country itself, the area be-

tween Natana and the West Bank is 12 miles. Twelve miles in my district would be the equivalent of from the city of Fort Lauderdale to north Miami Beach, from Fort Lauderdale to Dade, distances which people of south Florida can appreciate how small they are.

But again, why did Israel make those incursions? They made those incursions really because of the chart on the left, and also I am going to change charts and add an additional chart which we had showed earlier. What Israel's people had suffered, not just over the last 18 months but disproportionately over the last several months, is hard for us to comprehend the level, again, based on the size of the country.

One of the phenomena of 9/11, the attack on the World Trade Center, the Pentagon, and the plane that crashed in Pennsylvania, is most Americans in a sense were not just affected, but directly affected. Most of us know someone personally that had a tragedy that occurred, and we have seen it. We have literally felt it.

It is hard for us to contemplate what it would mean, again, with the comparable numbers of seven 9/11's in America, literally seven 9/11's, almost on a daily basis not being able to go to the grocery store or to have a celebration, a bar mitzvah or a wedding without an incredible concern of a violent attack.

The suffering, the direct acts of terrorism that Israel had been facing, were unprecedented for any nation, for any nation. And can we expect any nation to do nothing?

In the previous special order, I talked about two watershed events that occurred as recently as 3 months ago, 12 weeks ago. One was the Karine-A, the ship that the Israeli commandoes commandeered, and it had over \$20 million of sophisticated weapons from Iran that the Palestinian Authority bought.

Now, originally, Chairman Arafat denied any involvement with that ship. His only plausible deniability, in a sense, was he was not on the ship. But let me be specific. It has been discussed in the public domain at this point.

Both the Americans and the Israelis had direct knowledge of Chairman Arafat's personal involvement in the purchase of those weapons. Again, as has been discussed in the public domain, Colin Powell called up Chairman Arafat and said to him, why did you do this? These weapons were not rifles, they were mortars, sophisticated mortars, sophisticated weapons. We have seen pictures of them and a listing of those weapons.

Chairman Arafat's response to Colin Powell was, what weapons? What ship? I had nothing to do with it. But again, as I said, in the public domains, the Israelis and the Americans were aware of what occurred. Colin Powell said to him, we are going to show you the evidence. The evidence was presented to him. Yet, he then still said, what involvement? What ship?

If we think about that, how could we expect to have any negotiations, any

relationship, any prospect for a final status with someone who outright lies to us when we know that that person is lying? That is number one.

The second incident over the last 12 weeks, which was really a watershed incident, was a sniper attack on the Israelis at a checkpoint, the Israeli soldiers. About six Israel soldiers were killed in a matter of a couple of minutes.

For anybody who has been in Israel, or just again, the map of the small size of Israel, once that occurred, those sniper attacks, those sniper rifles could shoot several miles, so with a line of sight in the building we are in now, if someone was on the roof of this building with a sniper rifle, they could shoot literally, God forbid, someone standing in the driveway of the White House over a mile away.

Now, once that occurred and no one was trying to prevent that, after those incidents occurred, the Israeli government decided to go into some of these communities and literally go house to house and wall-to-wall to do what no one else was trying to do: to stop the terrorism that was affecting their people and killing their people on almost a daily basis. That is exactly what the Israelis were doing; no less, no more than America did and America must do in response to the attack on us on 9/11.

I think that is what the previous speaker talked about, the ambiguity issue. There is united 100 percent support in the United States of America for President Bush's efforts on the war on terrorism, for the efforts of the American men and women who are fighting that war in Afghanistan. And we are 100 percent, there is no daylight between any of the 435 Members of this Chamber on that issue, because we understand and we agree completely with the President's assessment of that threat to America, and we agree with the assessment of the threat to America from Iraq and from Syria, from North Korea, in terms of terrorism and weapons of mass destruction.

We will do everything we can as a society and as a nation to prevent those things from happening. We will do anything. I think those people understand that, because we have shown that we will do anything.

□ 2115

There is no question that what is happening in Israel is a level of terrorism unprecedented for a country. Can we expect the Israelis to do anything less than us? Can we expect them to do anything? Can we ask them to do anything less than us? If anything, what we should be doing is praising them for those efforts, supporting them for those efforts because those acts of terrorism must end.

Those acts of terrorism, again, I think as has been pointed out by my colleagues, are not just acts of terrorism against Israel. Make no mistake about it. Those acts of terrorism are not just acts of terrorism against

Israel. They are acts of terrorism against the United States of America, and when a bomb goes off in an Israeli pizzeria, an Israeli cafe, an Israeli banquet hall, the perpetrators of that action are as much trying to kill civilians in Israel as they are trying to destroy the United States of America, and what our actions should be as a society and as a country should be to prevent that from happening because if we do not prevent it there, I think unfortunately it is only a matter of time till it comes here.

So we are brothers and sisters with the people of Israel in this area. We are fighting together this war of terrorism, and we should not be trying to stop it. We should be trying to help it for it to come to a successful conclusion.

Mr. KINGSTON. Mr. Speaker, I now yield to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding.

I want to build on what my colleagues have been talking about for the last several minutes. When the gentleman from Florida (Mr. DEUTSCH) mentioned that there were the equivalent of seven September 11's in Israel in the last 18 months, that is true, but it would be seven September 11's, not in a country as big as America, but in a land and a State the size of New Jersey, seven September 11's, God forbid, within the size of the State of New Jersey.

By the way, just to remind everybody, look at how the sliver that Israel is along the Mediterranean. When we compare it with Egypt and Jordan and Saudi Arabia and Iraq and Iran, all over here, Israel's infinitesimal. Syria, Turkey, a sliver.

For the last 54 years, Israel has been America's number one ally in a very hostile region. More importantly, Israel has been America's number one ally in an extraordinarily strategic region for the United States. As I said and as has been referred to before, Israel is America's battleship of democracy in a sea of totalitarians, dictators and murderous thugs. Saddam Hussein, Syrian dictator, the mullahs, the religious councils in Iran who overrule their own democracy, the slaughter that goes on by Lebanon which is now occupied by 45,000 Syrian troops. The world does not say a peep.

Does America's best friend for the last 54 years, Israel, by the way, who has the best voting record at the United Nations in support of the United States than any country in the Middle East and all of Europe, America's best friend, state of Israel, do they ask America to go fight Israel's battle? Have they asked for a single American soldier? No, they never have.

They did not in 1948 when all the surrounding armies invaded Israel. They did not in 1967 when all the surrounding Arab armies invaded Israel, saying to their people we are going to drive the Jews into the sea. They did not in 1973 when all the surrounding ar-

mies invaded Israel, and they have not asked for it now, despite the seven 9/11s of terrorism in the last 18 months alone.

Israel does not want special treatment. Israel wants to be considered like all the other Nations of the world which it is. It certainly has all the legitimacy of any other nation in the Middle East. Israel, recognized by the United Nations in 1948, all the major countries of the world agreeing, the Jewish state shall live. As they agreed Saudi Arabia should live in 1932, as Jordan should be created in 1946, as they said that Egypt should be recognized in 1922, as Syria recognized in 1946, as Iraq recognized in 1923, Iran recognized in 1925 and Lebanon recognized in 1943, so too Israel should be and was recognized in 1948.

So Israel's no youngster. It is celebrating its 54th birthday. What is left? Why is there still violence?

Well, the Palestinian people and their leaders, ever since 1947, when they were offered half of the State of Israel, with the Jews having the other half in 1947, a two-state solution offered by the United Nations under U.N. Resolution 181, in 1947, they were offered half of Israel. They rejected it, as they rejected Israel's offer of a two-state solution in 1967, as they rejected the offer of Israel for a two-state solution in the year 2000 at Camp David.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I have Mr. DEUTSCH's chart of some time, and what I thought I would do since it ties in with what my colleague is saying, I was going to go down some of these dates.

Mr. ROTHMAN. That would be great, if I could finish my line of thought.

Mr. KINGSTON. Mr. Speaker, what I would like the gentleman to do is as I call these out, maybe underscore and give some of his knowledge.

Mr. ROTHMAN. That is kind of the gentleman to say. I am going to finish my point, which is it breaks my heart, breaks the Israeli's people's heart. It would break any person's heart who has any shred of decency that the Palestinian leadership has turned down statehood for themselves and their people since 1947, offered it in 1947, 1967, and 2000. Does not it break my colleague's heart, that they condemn their own men, women and children to live in statelessness because they do not want to live next to the Jewish state recognized by the U.N., albeit the tiny little Jewish state in a sea of Arab Nations, Muslim Nations and Persian Nations?

Breaks my heart and so we plead for the Palestinians to get themselves a leadership that will, as Egypt did and as Jordan did, say they will live in peace with the Israelis for good, as their neighbor and they will have their own state and peace, accept as their own state that has been offered since 1947, as we say take yes for an answer. The Palestinians will never drive America's best friend Israel, will never

drive the Jewish state into the sea, never.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman and I wanted to, having grabbed the gentleman from Florida's (Mr. DEUTSCH) chart a second ago, I wanted to go ahead and resubmit this for the RECORD. As maybe as I will read some of these key dates, anything the gentleman wants to add, I will go slowly, but I thought it would be good if we had it on the comments the gentleman from New Jersey (Mr. ROTHMAN) was making.

The history of Israel, 1917, the Balfour declaration.

Mr. ROTHMAN. Mr. Speaker, that is when England said after World War I, we want to, just as we are giving Arabia to the Saud family and we are giving Jordan to the Hussein family and creating all these countries, we think there should be a Jewish homeland in this area of the world, which the British owned by virtue of getting it as in the spoils of war after World War I, taking it from the Turks.

Mr. DEUTSCH. If I can just add, I think one of the important things to note from an historical basis is that at no time during that 1,800-year exodus was there not a Jewish presence in the area of Palestine or what has become the modern state of Israel.

Mr. KINGSTON. That is good to point out. 1922, the British divide the mandate of Palestine.

1947, the U.N. passes Resolution 181, the partition plan.

Mr. ROTHMAN. Mr. Speaker, that is what we were just talking about, the 1947 partition plan that the Palestinians and the Arab world rejected when Israel would have been divided in half, half Palestinian, half Jewish, with Jerusalem as an international city. They rejected it. They thought they would just drive the Jews in the sea and have it all.

Mr. KINGSTON. The 1948, Ben Gurion declares Israeli independence, five surrounding Arab nations attack.

1956, the Sinai campaign.

Mr. ROTHMAN. Mr. Speaker, by the way, the Sinai campaign refers to the fact that in 1967, the surrounding Arab nations went to war with Israel again.

Mr. DEUTSCH. Mr. Speaker, if the gentleman would yield, I would appreciate it.

This is a copy of a letter that the Israeli troops in some of the locations the Palestinian Authority uncovered arjans. These are people who are saying these are not accurate documents. I think that is hard to believe and not credible at all in terms of where they have been found and the authenticity of them. In fact, this particular one I do not think is even being challenged at this point in time.

The reason I think it is significant, tied directly into the comments just being made about 1947 is what is Chairman Arafat's goal or the goal of the Palestinian authority. Is it peace with Israel or the eradication of Israel? I think why this particular letter is so

significant is that it is a letter to the Arabs who live in Israel.

Israel is a Jewish state but has a significant population of non-Jews who are treated as equal citizens with equal rights, but what is significant is that this is a letter to the Arabs who live in Israel that was circulated amongst the group in Israel, literally calling for a war, a violent war within Israel proper today, not in the West Bank, not in Gaza.

So I think that from the perspective of the Israelis and I think the real question, this is concrete specific, in Arabic to Arabs, what Chairman Arafat's goals are, not an independent Palestinian state living side by side with Israel, but literally the eradication of the state of Israel.

Mr. ROTHMAN. Mr. Speaker, I think that is a wonderful document that demonstrates why for 55 years now, ever since 1947, the Palestinians still believe they will destroy Israel and not have to share this with Israel, but imagine if it was 55 years after the American revolution and people came to war against us for four times. We would say do you not get it.

One last thing, the Church of Nativity is being surrounded by Israelis because there are 200 terrorists in there. They have offered the Palestinian terrorists in the Church of the Nativity either surrender and come to trial with international observers of the trial or we will let you go into exile in another country. These Palestinian terrorist extremists are so radical they want to rather die or kill Israelis or destroy the Church of the Nativity rather than go into exile or to seek to go before an international trial.

Mr. KINGSTON. Mr. Speaker, I wanted to also submit for the record an editorial written by William Daugherty, who is actually a former CIA employee who was one of the Iranian captives in 1979. He lives in Savannah, Georgia, works for Armstrong Atlantic State University, but he had this letter in the Savannah Morning News, and I thought it was very good to remind Americans, and I am going to read a lot of this.

It is going to take a few minutes, but he was just saying that we are focusing on the PLO as anti-Israeli force only and what Dr. Daugherty says is, yet they have killed Americans. The first American to be killed by a PLO-sponsored group was Shirley Anderson June 17, 1969. Since then the PLO groups have murdered more than 60 Americans and wounded at least as many. Among the dead were two ambassadors, an Olympic athlete, tourists, business persons and students.

PLO groups under the control of Arafat or his subordinates were the Black September, Force 17 and the Palestine Liberation Front. Black September was especially close to Arafat, existing as a front for Arafat's own mainstream Fatah, led by one of his closest lieutenants.

Then in this letter, I will not read all the umbrella groups that the PLO, as

an umbrella group for a number of different so-called liberation groups, but the Palestinians on one occasion resorted to contracting out terrorists attacks, notably when three members of the Japanese Red Army under the auspices of the PFLP carried out a deadly assault in the arrival area of Lod Airport outside Tel Aviv; 26 were killed and 78 wounded, the citizens of America being the majority.

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"Americans were murdered in numerous other ways by PLO members. Eight were killed when their Swissair jet was blown up en route to Tel Aviv; others died in bus and car bombings or were shot. Especially shocking were the ax-murder of a student (1975) and the brutal murder of Leon Klinghoffer, a wheelchair-bound elderly tourist on the hijacked *Achille Lauro* (1985). But despite knowing the identities of at least some of the perpetrators, and almost always the organization that they belonged to, few have ever been arrested and none extradited to the United States."

The reason that I thought Mr. Daugherty's letter is important is that this group, led by Arafat, has been around terrorizing lots of people for a long time, and it has not been confined to Israelis.

#### REMEMBERING THE MANY AMERICAN VICTIMS OF ARAFAT'S TERRORIST NETWORK

It is worthwhile to remember that the Palestinian Liberation Organization, under Yasser Arafat, has been a terrorist organization for nearly 35 years, and that it and its subordinate groups have murdered a significant number of Americans during that time.

Yet not only have the tragedies been forgotten and the perpetrators mostly unpunished, Arafat, has been accorded head of state status by many "civilized" nations, admitted as an Observer to the United Nations, and permitted an office down the street from the White House. Leaving aside for now any "blame" for contemporary middle East history, a review of terrorism against Americans by the PLO will help Americans at least partially to understand why Arafat has not been and cannot be a partner for peace.

The first American to be murdered by a PLO-sponsored group was Shirley Anderson on June 17, 1969. Since then, PLO groups have murdered more than 60 American citizens and wounded at least as many. Among the dead were two ambassadors, an Olympic athlete, tourists, business persons and students.

PLO terrorist groups, under the control of Arafat or his chief subordinates were Black September, Force 17, and the Palestine Liberation Front. Black September was especially close to Arafat, existing as a front for Arafat's own "mainstream" Fatah, and led by Salah Khalaf (Abu Iyad), his closest lieutenant. Other groups existing under the PLO umbrella with responsibility for American casualties were the Popular Front for the Liberation of Palestine, The Democratic Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-Special Command.

The Palestinians upon occasion further resorted to "contracting out" terrorist attacks, notably when three members of the Japanese Red Army, under the auspices of the PFLP, carried out a deadly assault in

the arrival area of Lod Airport outside of Tel Aviv; 26 were killed and 78 wounded, the majority American citizens.

Americans were murdered in numerous ways by PLO members. Eight were killed when their Swissair jet was blown up en route to Tel Aviv, others did in bus and care bombings or were shot. Especially shocking were the ax-murder of a student (1975) and the brutal murder of Leon Klinghoffer, a wheelchair-bound elderly tourist on the hijacked *Achille Lauro* (1985). But despite knowing the identities of at least some of the perpetrators, and almost always the organization they belonged to, few have ever been arrested and none extradited to the United States.

Perhaps if European countries had fought Palestinian terrorism in its early days as strenuously as they did their own domestic terrorism, the Middle East might be different today, with the PLO a legitimate organization headed by a Palestinian willing to live in peace with Israel. A few countries did fight the terrorists, particularly Great Britain and Germany. But others—France, Austria, Italy, Greece—not only did not pursue Palestinian terrorists, they either made deals to avoid acts of terrorism on their own soil or simply caved in without pressure, afraid of retaliation.

Rather than treat deaths caused by Palestinian terrorists as criminal murder, they viewed these abominations merely as "political acts" by "freedom fighters," and therefore excusable.

Best known is the Achille Lauro event and the murder of passenger Klinghoffer. The terrorists, led by Arafat Protege Abu Abbas, surrendered to the Egyptians who, rather than prosecute them as required by the international law, sent them on their way to Tunis—headquarters of the PLO at the time—in an Egyptian jet.

U.S. Navy aircraft intercepted the jet and forced it to land in Italy. Immediately behind was a transport with America's elite Delta Force, to take custody of these terrorists. Surrounding the jet with the terrorists, Delta then discovered that it was surrounded by Italian military forces. A firefight between allies seemed imminent, as the Italians refused to turn over the murderers.

Eventually, four lesser terrorists were indicted by Italy (and treated with leniency), while Abbas and his second in command were spirited away to Yugoslavia and thence to Tunis.

Elsewhere, France made deals with the deadly Abu Nidal Organization (not a PLO group, to be sure) to avoid terrorism on its territory; and when the ANO set of car bombs in Paris that killed and maimed several hundred French citizens, the Socialist government of Francois Mitterrand still kept its end of the bargain.

There are numerous other examples of Europeans aiding Palestinian terrorists, may almost beyond comprehension (France refused to arrest the mastermind of the Munich massacres and instead provided him protection). But had a Europe, united by revulsion at foreign-inspired terrorism, viewed murder for what it was—a criminal vice political act—and proceeded to work to eradicate it (while concurrently working with legitimate Palestinian groups to achieve a peace with Israel), the past 30 years might have been much different.

Instead, the leader the PLO continues to kill and maim while hiding behind the facade of statesmanship. It is time to remember the Americans who become victims of this terrorist and the dancing in the streets.

Mr. DEUTSCH. Mr. Speaker, I think that is an incredibly important statement because what we have acknowledged today is that Chairman Arafat

not only was a terrorist in the incidents the gentleman was describing in the 1960s, 1970s and 1980s, but literally into the 21st century. And one of the things that has been uncovered, again, are internal documents of the Palestinian Authority off of hard drives of computers so it is not credible that this is not authenticated, real information. These are copies which literally has Chairman Arafat's signature. These are two that are available, and these are specific requests of payments for terrorists, for people who are engaged in specific acts of terrorism. From the bar mitzvah ceremony, there are specific names of people and specific amounts that Arafat personally signed and approved, \$600 per person.

The other chart is a list of 10 people, specific terrorists; and what is interesting, the gentleman that sent the letter was just captured by Israelis, and he viewed himself as working directly for Chairman Arafat. So the terrorism that is described is not terrorism of 5 years ago or 5 months ago. The dates are interesting, September 19, 2001, and this is January of 2002.

The Arafat era is over, and I think there has to be an acknowledgment by the United States that that era is over. We have said repeatedly we cannot negotiate with terrorists, and that in fact is what Mr. Arafat is. We cannot negotiate with him. He cannot be a leader. He cannot be a partner. The Palestinian people have a right to choose their leader, but that leader cannot be a terrorist if they expect to be a state.

Mr. ROTHMAN. Mr. Speaker, it breaks our hearts for the Palestinian people that they have refused to elect leaders who will deliver them a Palestinian state.

Mr. DEUTSCH. Mr. Speaker, it is not that they have not, but they have not been given a choice. One of the things that has been pointed out on this floor is that Chairman Arafat was supposed to be the leader, and he was elected in 1996, but that term expired in 2000. In 2000, there was supposed to be an election that he did not allow to take place.

Mr. ROTHMAN. Mr. Speaker, the question is what should Israel be doing now. Israel is doing now what the United States is doing now: protecting its people from terrorists, and bringing justice to them or bringing them to justice, until these people either will say we will live in peace with you, or they will be so disabled by our military that they no longer threaten our men, women and children. That is what Israel is doing.

Israel, which has tremendous military intelligence-sharing with the United States for 50 years, and provides us with great military advantage in the Middle East, only one of many reasons they have been our best friend and remain our most important strategic ally in the whole Middle East for the last 55 years.

Mr. DEUTSCH. Mr. Speaker, tomorrow evening I am going to have the op-

portunity to have an interactive town meeting that will be available for people not just in Florida, but through satellite coordinants throughout the country. If people have questions, the former American ambassador, Martin Indyk, will be there. The e-mail address to ask questions is FL20townhall@mail.house.gov. The 800 number is 1-800-931-1303. The satellite coordinants can be acquired through our Web site. I welcome those comments.

Mr. KINGSTON. Mr. Speaker, in closing, while the background of this conflict is somewhat complicated, the moral dimensions are very, very clear-cut. We have one side that sends soldiers to wipe out suicide bombers; the other side that sends suicide bombers to wipe out guests at bar mitzvahs. We have one side that publishes maps showing how an Israel and Palestinian state can co-exist; the other side publishes a map which says Israel does not even exist now. One side apologizes when its explosives kill wives and children of killers it targeted; the other side targets wives and children. One side was grief-stricken on September 11 and declared a national day of mourning; and the other side danced in the streets and distributed candies in celebration. One side has never deployed a suicide bomber in its 54 years of existence; the other side has deployed more than 40 in the past 12 months alone.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. LATOURETTE (at the request of Mr. ARMEY) for today on account of attending a funeral.

#### 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 Ms. MILLENDER-MCDONALD) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

(The following Members (at the request of Mr. JEFF MILLER of Florida) to revise and extend their remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes, April 24.

Mr. JEFF MILLER of Florida, for 5 minutes, today.

Mr. HORN, for 5 minutes, April 24.

Mrs. MORELLA, for 5 minutes, April 23.

Mr. KIRK, for 5 minutes, April 24.

Mr. SWEENEY, for 5 minutes, April 24.

Mr. WELDON of Florida, for 5 minutes, today and April 18.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 18.

Mr. SOUDER, for 5 minutes, today.

#### ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, April 18, 2002, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6214. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Austria Because of BSE [Docket No. 02-004-1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6215. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Finland Because of BSE [Docket No. 01-131-1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6216. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm [Docket No. 00-028-2] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6217. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Removal of Quarantined Area [Docket No. 02-018-1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6218. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 01-125-1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6219. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Origin Health Certificates for Livestock Exported From the United States [Docket No. 99-053-2] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6220. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit

cost by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6221. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John L. Woodward, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6222. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Thomas A. Schwartz, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6223. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the status of the Department's report for purchases from foreign entities for FY 2001; to the Committee on Armed Services.

6224. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel (OSC) for Fiscal Year (FY) 2000, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

6225. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6226. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tipton Airport, Fort Meade, MD [Airspace Docket No. 01-AEA-26FR] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6227. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Beebe Memorial Hospital Heliport, Lewes, DE [Airspace Docket No. 01-AEA-24FR] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6228. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Surface Area at Indian Springs Air Force Auxiliary Field; Indian Springs, NV [Airspace Docket No. 02-AWP-2] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6229. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-81, -82, -83, and -87 Series Airplanes, Model MD-88 Airplanes, and Model MD-90-30 Series Airplanes [Docket No. 2001-NM-114-AD; Amendment 39-12647; AD 2002-03-06] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6230. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Limited BN-2, BN-2A, BN-2B, BN-2T, and BN2A MK. III Series Airplanes [Docket No. 2001-CE-31-AD; Amendment 39-12645; AD 2002-03-04] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6231. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 98-ANE-66-AD; Amendment 39-12649; AD 2002-03-08] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6232. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2001-NM-155-AD; Amendment 39-12655; AD 2002-03-14] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6233. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. 2001-NM-140-AD; Amendment 39-12653; AD 2002-03-12] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6234. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60, SD3-60 SHERPA, and SD3-SHERPA Series Airplanes [Docket No. 2001-NM-143-AD; Amendment 39-12654; AD 2002-03-13] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6235. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2001-NM-185-AD; Amendment 39-12656; AD 2002-03-15] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6236. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 Series Turbo-shaft and LTP101 Series Turbo-prop Engines [Docket No. 2000-NE-14-AD; Amendment 39-12650; AD 2002-03-09] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 2001-NM-332-AD; Amendment 39-12660; AD 2002-04-03] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 F4-605R Airplanes [Docket No. 2000-NM-390-AD; Amendment 39-12659; AD 2002-04-02] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80, and C-9 series airplanes; Model MD-88 airplanes; and Model MD-90 airplanes [Docket No. 97-NM-298-AD; Amendment 39-12658; AD 2002-04-01] (RIN:

2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001-NM-203-AD; Amendment 39-12663; AD 2002-04-06] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6241. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the Commission's recommendations on the study regarding the use of the physician geographic adjustment factor for adjusting per resident payment amounts for differences among geographic areas in the costs related to physicians training; jointly to the Committees on Ways and Means and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 390. Resolution providing for consideration of the Senate amendment to the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes (Rept. 107-412). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, Mr. QUINN, Mr. LIPINSKI, and Mr. CLEMENT):

H.R. 4466. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER:

H.R. 4467. A bill to provide for the duty-free entry of certain tramway cars for use by the city of Portland, Oregon; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself and Mr. SHAYS):

H.R. 4468. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H.R. 4469. A bill to provide for the duty-free entry of a certain Liberty Bell replica; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. TANNER, Mr. PORTMAN, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. WELLER, Mr. COLLINS, Mr. MCINNIS, Mr. CRANE, Mr. HOUGHTON, and Mr. LEWIS of Kentucky):

H.R. 4470. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 4471. A bill to suspend temporarily the duty on certain high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 4472. A bill to suspend temporarily the duty on certain high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 4473. A bill to suspend temporarily the duty on tire cord fabric of high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mr. MCCRERY:

H.R. 4474. A bill to amend the Internal Revenue Code of 1986 to exclude income derived from certain wagers on horse races from the gross income of a nonresident alien individual; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4475. A bill to amend the Internal Revenue Code of 1986 to promote the economic recovery of the District of Columbia; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Government Reform, 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. SANDERS:

H.R. 4476. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. HYDE, and Mr. SMITH of Texas):

H.R. 4477. A bill to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism; to the Committee on the Judiciary.

By Mr. SESSIONS:

H.R. 4478. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Federal Republic of Yugoslavia; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 4479. A bill to authorize the Small Business Administration and the Department of Agriculture to assist farmers and ranchers seeking to develop and implement agricultural innovation plans in order to increase their profitability in ways that also provide environmental benefits, and for other purposes; to the Committee on Small Business, 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. WEINER:

H.R. 4480. A bill to make local governments eligible to apply for and receive grants under the DNA Analysis Backlog Elimination Act of 2000, and for other purposes; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H. Con. Res. 380. Concurrent resolution expressing the sense of the Congress regarding women with bleeding disorders; to the Committee on Energy and Commerce.

#### ADDITION SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. SHAW and Mr. DELAY.  
H.R. 144: Mr. BLUMENAUER.  
H.R. 236: Mr. CUNNINGHAM.  
H.R. 510: Mr. GORDON, Mr. TERRY, and Mr. BISHOP.

H.R. 634: Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, and Mr. WILSON of South Carolina.

H.R. 745: Mr. LAMPSON.

H.R. 875: Mr. BARRETT.

H.R. 997: Mr. MCGOVERN.

H.R. 1011: Mr. VISCLOSKEY, Mrs. MCCARTHY of New York, and Mr. WICKER.

H.R. 1108: Mr. RAHALL.

H.R. 1143: Mr. THOMPSON of California, Mr. GRUCCI, and Mr. BISHOP.

H.R. 1184: Mr. SANDERS, Mr. ENGEL, Ms. BROWN of Florida, Mr. TOWNS, and Mrs. CHRISTENSEN.

H.R. 1201: Ms. RIVERS.

H.R. 1212: Mr. HAYES.

H.R. 1296: Mr. REYNOLDS.

H.R. 1360: Mr. MENENDEZ, Mr. DOYLE, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. SHAYS, Ms. MCKINNEY, Mr. BLAGOJEVICH, Mr. KLECZKA, Ms. SOLIS, Mr. RANGEL, Mrs. NAPOLITANO, and Mr. DICKS.

H.R. 1452: Mr. CONYERS.

H.R. 1462: Mr. WALDEN of Oregon.

H.R. 1488: Mr. WEXLER.

H.R. 1522: Ms. WOOLSEY, Mr. SANDERS, and Mr. COYNE.

H.R. 1581: Mr. LUCAS of Kentucky, Mr. TAUZIN, and Mr. GOODE.

H.R. 1613: Mr. ISRAEL.

H.R. 1642: Mr. GUTIERREZ and Mr. WEXLER.

H.R. 1724: Mrs. WILSON of New Mexico.

H.R. 1733: Mr. SANDERS and Mr. LYNCH.

H.R. 1822: Mr. BARRETT, Mr. HALL of Texas, and Mr. MASCARA.

H.R. 1948: Mr. HEFLEY.

H.R. 1983: Mr. SAM JOHNSON of Texas.

H.R. 2001: Mr. WALSH.

H.R. 2143: Mr. BISHOP and Mr. LINDER.

H.R. 2161: Mr. DINGELL.

H.R. 2211: Mr. RANGEL.

H.R. 2316: Mr. CULBERSON, Mr. ROYCE, and Mr. ADERHOLT.

H.R. 2405: Ms. MCKINNEY.

H.R. 2482: Mr. BOSWELL.

H.R. 2521: Mr. BISHOP.

H.R. 2527: Mr. MOLLOHAN and Mrs. NAPOLITANO.

H.R. 2623: Mr. BISHOP.

H.R. 2624: Mrs. LOWEY and Ms. LOFGREN.

H.R. 2636: Mr. BISHOP.

H.R. 2663: Mr. ISTOOK and Ms. WOOLSEY.

H.R. 2683: Mr. PAUL, Mr. BRYANT, Ms. ROSELEHTINEN, Mr. SESSIONS, and Mr. INSLEE.

H.R. 2953: Mr. CALVERT and Mr. MEEKS of New York.

H.R. 2982: Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. HOLT, Mr. DOOLEY of California, Mr. MOORE, Mr. BISHOP, Mr. TAYLOR of Mississippi, Mr. BLUNT, Mr. TOM DAVIS of Virginia, Ms. SCHAKOWSKY, Mr. EDWARDS, Mr. CARSON of Oklahoma, Mr. FARR of California, Mr. HONDA, Mr. CARDIN, Mr. ABERCROMBIE, Mr. CHAMBLISS, Mr. THUNE, Mr. SKELTON, Mr. KIND, and Mr. CULBERSON.

H.R. 3066: Mr. SAWYER.

H.R. 3109: Mr. MASCARA, Mr. KENNEDY of Minnesota, and Ms. MCCOLLUM.

H.R. 3135: Mr. BROWN of South Carolina, Mr. COOKSEY, Ms. HART, Mr. SCHAFFER, Mr. WILSON of South Carolina, Mrs. CHRISTENSEN, Mr. FORBES, Mr. MCHUGH, Mr. SHIMKUS, Mr. TANCREDO, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. NEY, Mr. SESSIONS, Mr. SIMMONS, and Mr. VITTER.

H.R. 3183: Mr. HEFLEY and Mr. SHOWS.

H.R. 3231: Mr. RYAN of Wisconsin.

H.R. 3238: Mr. PAYNE.

H.R. 3244: Mr. EVANS, Mr. LUCAS of Kentucky, Mr. MALONEY of Connecticut, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MURTHA, Mr. OXLEY, Mr. WELDON of Pennsylvania, Mr. BARRETT, and Mr. COX.

H.R. 3258: Mr. CALVERT.

H.R. 3273: Mr. GANSKE.

H.R. 3292: Mr. MOORE.

H.R. 3296: Mr. BLUMENAUER.

H.R. 3335: Mr. FALOMAVAEGA.

H.R. 3424: Mr. BALLENGER, Mr. UDALL of Colorado, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. PLATTS, Mr. QUINN, Mrs. LOWEY, Mr.

SOUDER, Mr. SHOWS, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. BLUMENAUER, Mr. ISTOOK, Mrs. THURMAN, Mr. SWEENEY, Mr. HANSEN, Mr. FLETCHER, Mr. DELAHUNT, Mr. DINGELL, Mr. ORTIZ, Mr. DICKS, and Mr. WALDEN of Oregon.

H.R. 3430: Mr. RODRIGUEZ, Mr. STENHOLM, and Mr. BISHOP.

H.R. 3443: Mr. BISHOP.

H.R. 3482: Mr. SESSIONS and Mr. GALLEGLY.

H.R. 3535: Mr. PITTS, Mr. SMITH of Michigan, Mr. TANCREDO, and Mr. TOOMEY.

H.R. 3561: Mrs. THURMAN.

H.R. 3581: Mr. LARSEN of Washington.

H.R. 3585: Mr. FRANK and Mrs. MINK of Hawaii.

H.R. 3741: Mr. BISHOP.

H.R. 3764: Mr. MALONEY of Connecticut.

H.R. 3777: Mr. HOEKSTRA, Mr. SCHAFFER, and Mr. OWENS.

H.R. 3799: Mr. GOODLATTE.

H.R. 3831: Mr. TANCREDO, Mr. HOSTETTLER, Mr. PASTOR, Mr. BOUCHER, Mr. STENHOLM, and Mr. GIBBONS.

H.R. 3962: Mr. JONES of North Carolina.

H.R. 3974: Mr. LAMPSON.

H.R. 3990: Mr. MCGOVERN.

H.R. 4002: Mrs. JONES of Ohio.

H.R. 4008: Mrs. MORELLA and Ms. SLAUGHTER.

H.R. 4013: Mr. WELDON of Florida, Mr. HOFFEL, Mr. LANTOS, Mr. STUPAK, Mrs. MINK of Hawaii, and Mrs. KELLY.

H.R. 4017: Mr. SHOWS.

H.R. 4018: Mr. COOKSEY, Mr. KILDEE, Mr. STENHOLM, and Mr. PASTOR.

H.R. 4027: Mr. HERGER.

H.R. 4032: Mr. MCGOVERN, Mr. OWENS, Mr. STARK, Mr. BALDACCI, Mr. ENGLISH, Ms. MCCOLLUM, Mr. FOLEY, Mr. LARSEN of Washington, Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. CARSON of Indiana, Ms. HARMAN, Mr. GEORGE MILLER of California, Ms. SANCHEZ, Ms. JACKSON-LEE of Texas, and Ms. BALDWIN.

H.R. 4069: Mrs. JOHNSON of Connecticut, Mr. LANGEVIN, Mrs. KAPTUR, Mr. OWENS, Mr. ABERCROMBIE, Ms. WATSON, and Mr. FROST.

H.R. 4071: Ms. SCHAKOWSKY.

H.R. 4073: Mr. PAYNE, Mr. GILMAN, Mr. ROHRBACHER, Mr. WOLF, Ms. ROSELEHTINEN, Mr. PITTS, Mr. TANCREDO, Mr. DINGELL, Mr. DIAZ-BALART, Mr. HILLIARD, Mr. BLUMENAUER, Mrs. NAPOLITANO, Mrs. CLAYTON, Mr. MEEKS of New York, Mr. BERMAN, Mr. SANDERS, Mr. KING, and Mr. MCHUGH.

H.R. 4087: Mr. TOOMEY, Mr. DEMINT, Mr. CHABOT, Mr. ISSA, Mrs. KELLY, Mr. THUNE, and Mr. FERGUSON.

H.R. 4093: Mr. SERRANO.

H.R. 4108: Mr. TIBERI.

H.R. 4447: Mr. SHAYS.

H.R. 4448: Mr. SHAYS.

H.J. Res. 29: Ms. WATERS, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Mr. HILLIARD, and Ms. LEE.

H.J. Res. 31: Ms. WATERS, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Mr. HILLIARD, and Ms. LEE.

H.J. Res. 40: Mr. LARSEN of Washington and Mr. INSLEE.

H.J. Res. 83: Mr. MASCARA.

H.J. Res. 85: Mr. EDWARDS.

H. Con. Res. 296: Mr. GREEN of Wisconsin.

H. Con. Res. 301: Mr. SHUSTER and Mr. FORBES.

H. Con. Res. 346: Ms. DELAURO.

H. Con. Res. 351: Mrs. CAPPS.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

55. The SPEAKER presented a petition of the City of Tamarac, Florida, relative to Resolution No. R-2001-333 petitioning the

*April 17, 2002*

CONGRESSIONAL RECORD—HOUSE

**H1411**

United States Congress to express condolences on behalf of all Tamarac residents to the families of victims of the September 11th terrorist attacks; expresses support to the citizens of New York in their rebuilding ef-

forts; expresses confidence in the Nation, President Bush, the administration and the United States Congress in their war against terrorism; and encourages the citizenry to bind together in the promises for the future

of this Nation; which was referred jointly to the Committees on the Judiciary and Government Reform.