

minute, if the Senator from Ohio will not object.

Mr. DEWINE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I appreciate very much the comments of the Senator from Utah. I think we need a healthy debate to get the best policies. I will make one observation about the S corporations and K-1s, which I know something about. The fact is, I try not to use the sort of distributional numbers. You will notice I did not use the top 1 percent; I used people making \$1 million or more as the basis on which I compare numbers. So there is some element of that which translates into comparability. I think you and I can sort through those in detail. But the fact is, people at \$1 million or more in adjusted gross income are going to have an advantage of \$900,000 cumulatively over the 10 years, and the other brackets are at \$18,500, \$3,500, and \$50.

I believe that a rising tide lifts all boats. That is the theme about which I am talking. We may have differences about how you get there. I want to make sure that we distinguish between talking about percentages, and what I am trying to talk about is the people who actually get the benefit.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### UNBORN VICTIMS OF VIOLENCE ACT OF 2003

Mr. DEWINE. Mr. President, I rise today to speak, once again, on behalf of unborn children. Unborn children are the silent victims of violent crimes. Today, along with my distinguished colleagues, Senator GRAHAM of South Carolina, Senator VOINOVICH, Senator BROWNBACK, Senator ENSIGN, Senator ENZI, Senator INHOFE, Senator NICKLES, Senator SANTORUM, and Senator FITZGERALD, we will once again introduce the Unborn Victims of Violence Act, which would hold victims liable for conduct that injures or kills an unborn child by creating a separate Federal offense for unborn children. I thank my colleagues for their support in this effort. I want to recognize especially Senator GRAHAM of South Carolina who championed this cause so successfully last year on the House side. He has worked tirelessly to see that the most vulnerable in our society are in fact protected.

Mr. President, our bill, which is similar to the legislation that we sponsored in the 106th and 107th Congresses, would establish new criminal penalties for anybody injuring or killing a fetus while committing certain Federal offenses. Therefore, this bill would make the death or injury of an unborn child during the commission of certain existing Federal crimes a separate crime under Federal law and under the Uniform Code of Military Justice.

Mr. President, 26 of our States already have criminalized the killing and injuring of unborn victims during a

crime. Our bill, the Unborn Victims of Violence Act, simply acknowledges that violent acts against unborn babies are also criminal when the assailant is committing a Federal crime.

We live in a violent world and, sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. Let me give some very disturbing examples.

In 1996, airman Gregory Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base near Dayton. At that time, Mrs. Robbins was more than 8 months pregnant with a daughter who they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and the abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but found that neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. No Federal law covered that act. The only available Federal offense was for the simple assault on the mother. This was a case in which the only available Federal penalty simply did not fit the crime.

Now, fortunately, Ohio had at the time, and still does, a fetal homicide act. So Federal prosecutors were able to bootstrap the Ohio fetal homicide law under the Federal law to convict Airman Robbins of Jasmine's death. Upon appeal, the Federal appeals court upheld the lower court's ruling.

Mr. President, if it hadn't been for the Ohio law that was already in place, there would have been no opportunity for the Federal prosecutors to prosecute and punish Airman Robbins for the assault against baby Jasmine. That is one reason we need a Federal remedy to avoid having to bootstrap Federal laws to provide recourse when a violent act occurs during the commission of a Federal crime. If this had been a crime that occurred on a Federal enclave in a State that did not have a similar law—and there are 24 States that don't—there would have been no remedy, and there is no remedy today. Federal prosecutors have no remedy in those situations today. Our bill would rectify that.

A Federal remedy will ensure that crime within Federal jurisdictions against unborn victims are, in fact, punished. Our bill also ensures that if certain Federal crimes are committed anywhere in the United States and they result in the death of a child, Federal prosecutors will be able to file charges.

Let me give you another example of another tragedy. In August 1999, Shiwona Pace of Little Rock, AR, was

days away from giving birth. She was thrilled about her pregnancy, but her boyfriend, Eric Bullock, did not share the joy and enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat his girlfriend so badly that she lost the unborn child. According to Shiwona, who testified in a Senate Judiciary Committee hearing we held in Washington in February of 2000:

I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, "your baby is dying tonight." I was choked, hit in the face with a gun, slapped, punched, and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.

Mr. President, in this particular case, this particular tragedy, just a few short weeks before this vicious attack, Arkansas had passed its fetal protection act. Under that Arkansas State law, Eric Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first degree battery for harm against Shiwona.

In yet another example—this one in Columbus, OH—16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend, Barbara "Bobbie" Watkins, age 15, and her 22-week-old unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, OH, in which the victim was a fetus.

Another example: In the Oklahoma City and World Trade Center bombings, Federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers, but not to their unborn babies. Again, Federal law currently fails to criminalize these violent acts. There are no Federal provisions of the unborn victims of Federal crimes.

Our bill would make acts like these—acts of violence within Federal jurisdictions—Federal crimes. This is a very simple step that we can take, one that will have, I believe, a dramatic effect. It is something that we simply need to do.

The fact is that it is just plain wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We simply must close this loophole.

As a civilized society, we must take a stand against violent crimes against children. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or illegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the

imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Everyone agrees that violent assailants of unborn babies are, in fact, criminals. When acts of violence against unborn victims fall within Federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. The Senate must act.

I strongly urge my colleagues to join in support of this legislation. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

#### EXTENSION OF MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that the period for morning business be extended to 2 p.m., with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I further ask unanimous consent that Senator NELSON of Florida be recognized at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EDUCATION FUNDING

Mr. GREGG. Mr. President, I wish to address again an issue I addressed yesterday on the floor relative to the funding and the activity under the No Child Left Behind legislation which is landmark legislation we passed a year ago which the President of the United States signed and which was a bipartisan effort.

After I spoke yesterday, a couple of Senators came down to the Chamber and addressed the issue but, once again, misrepresented the facts. I think it is important, therefore, to restate what the facts are and go through some of the history and also review in more depth a letter which was sent by Senator KENNEDY and Senator MILLER to the Department of Education, which letter, in my opinion, is off base and inaccurate.

To begin with, the No Child Left Behind bill is landmark legislation, the purpose of which is to give parents of low-income children and low-income children an opportunity to participate in the American dream by assuring they get a decent education and have a chance to learn what they need to learn to be competitive with their peers, especially as they proceed through the early years of education.

It is a bill that ties four different elements to it.

No. 1, the purpose is to obviously give low-income children a better educational opportunity through a process of giving the local school districts

flexibility over how they deal with the rules under title I, which is the low-income child education part of the Federal law.

No. 2, there is an initiative in this bill to make sure that low-income children are reaching the standards of their peers through putting in place a testing regime which basically sets up accountability and to establish that children of all ethnic groups in the same classroom are learning at a level which is necessary for them to move on so that the children are not being warehoused, are not simply being passed through the system—as we discovered, unfortunately, was happening for years and, at the end of their educational experience in public schools, they really did not know enough to compete in America and to have a successful life.

No. 3, if a child was found to be in a school that simply was not working, was not educating that child, there are certain rules put into the bill which empower the parent to take some action so they can get their child the educational assistance they need, such as public school choice, such as getting tutorial support outside the school. And if the school continued not to work, then the public school system was given a lot of funds and resources to correct that problem.

No. 4, there was a significant amount of Federal dollars—a dramatic increase in Federal funding—that was put into local schools for the purpose of addressing this bill. That is what I want to talk about today because, once again, that was misrepresented on this floor.

The amount of funding which President Bush has put into the new bill represents the most historic increase in the educational funding in the history of Federal funding. It has been a 132-percent increase in funding. We have seen a 132-percent increase in funding in education over the last 6 years, and that compares to a 48-percent increase in Defense, or a 96-percent increase in Health and Human Services. It is a dramatic increase in educational funding.

One might say that ties to the Clinton years, too. Yes, it does, but if we look at what President Bush has done in his first year in office, he increased funding in education by approximately \$20 billion over the last year of the Clinton administration. That is a dramatic increase, a 50-percent increase almost in funding over the last year of the Clinton administration.

The request of the President for new funding in areas of, for example, special education, was historic compared to President Clinton who essentially requested no increases in special education until his last year, this being a chart showing President Clinton's request. The red represents the \$1 billion increase in special education funding that President Bush requested and received in his first year, and the \$1 billion increase in special education fund-

ing which President Bush requested on top of that \$1 billion in the coming year.

If one looks at the history of the commitment of this President to educational funding, it dwarfs—dwarfs—the commitment made by the Clinton administration. For example, if one looks at the 7 years of increases in educational funding under the Clinton administration, they are almost 25-percent less than the increases which President Bush has put into educational funding in just 2 years. He has not only made this type of a commitment in 2 years, but he has already stated that he intends to increase title I funding by another \$1 billion this year. He has asked for that, and I expect we are going to see the same type of dramatic increase in special education funding and across the board.

This letter was sent by Senator KENNEDY and Senator MILLER to Secretary Paige, and it outlined their concerns with the No Child Left Behind legislation. I think it is important to respond to this because this letter was truly an inaccurate letter. It began—and I heard Senator HARKIN yesterday parroting this position—by saying that the President has cut No Child Left Behind spending. That is absolutely inaccurate. Not only has he not cut it, he has increased that specific account, title I, by over \$4 billion since he has been President.

How do they define it as a cut? There is one program—one program—that they did not fund. It was a \$90 million program called the Fund for Improvement of Education. Because they did not fund that one program, that is a cut in the minds of Senator HARKIN and Senator KENNEDY. That is a very interesting way to account. If you increase spending in one year by \$1 billion, but as part of that \$1-billion increase you eliminate a program worth \$90 million, you have cut spending, according to Senator KENNEDY and Senator HARKIN. That is a truly unique way to look at the way math is done. I think maybe they should go back and do math in the third grade and see if they pass the test which we are going to try to make sure kids have to pass to be competent in the third grade.

Clearly, if the funds have been increased by \$1 billion, you have not cut the program. If you have eliminated an earmarked program—which is not working to begin with and which has virtually no purpose other than to fund special interest activity—which is worth \$90 million, but at the same time you have increased funding over \$1 billion in that account, you have not cut the program; you have improved the program and you have made sure that billion dollars is going to be spent much more effectively. What do we do with the \$90 million they eliminated? We sent it back to the towns, the cities, and let the teachers and principals and the school boards decide how to spend that money rather than have it be a categorical program. That representation in the letter was specious.