United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, JUNE 4, 2003 No. 81

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 4, 2003.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Clint Decker, Pastor, Clay Center Wesleyan Church, Clay Center, Kansas, offered the following prayer:

My Father, who rules the universe from Your throne in heaven, holy is Your Name. Your kingdom now lives in the hearts of Your children and will one day rule this earth. May Your will be done in and through these Representatives today as it is freely done in heaven. May Your wisdom be sought and Scriptures obeyed. Thank You for our daily bread. You have given us the food we eat and this free country we live in.

Father, forgive us our sins. Forgive our pride, our selfishness and, at times, our stubborn hearts. Also, forgive those who have sinned against us, those who have mistreated us. Protect us from the Evil One today. Guard marriages in this Chamber he will try to defeat. Guard souls he will try to tempt. May Your presence be acknowledged many times today.

To You, God, belongs all glory, honor and power. In the name of Jesus I pray. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. NEY) come forward and lead the House in the Pledge of Allegiance.

Mr. NEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 313. An act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

INTRODUCTION OF THE REVEREND CLINT DECKER

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

Mr. MORAN of Kansas. Mr. Speaker, it is my great honor today to welcome to the House of Representatives the Reverend Clint Decker. Through radio interviews and his involvement in his community of Clay Center, Kansas, I have worked with Clint for many years, and I am pleased to have him here today to offer our opening prayer.

I am also happy to welcome his wife, Kathe Decker, a State Representative from the 64th district in Kansas. She has served our State very well in the State capital. Also joining them today is their granddaughter Jessica, who is visiting Washington, D.C., for the very first time.

Clint is an ordained minister in the Wesleyan Church. He has served in the positions of Assistant Pastor and Youth Pastor in Clay Center Wesleyan Church since 1997.

Over the last 3 years, Clint has served as the Assistant News Director for KCLY and KFRM radio. In these positions he has earned State awards for his work and has also helped the station earn Station of the Year honors.

Clint has been involved in the Detour Youth Center, a local community youth ministry, since 2000. He has served on the board and been the ministry's director and has been a regular speaker in working with youth.

In 1990, Clint's life was transformed and he later left a promising career in business to pursue service in the full-time ministry. Clint attended the Mid-America Nazarene University in Olathe, Kansas, and completed his requirements for ordination in Indiana.

Clint was born in Poughkeepsie, New York, and has also lived in Ohio, Colorado, and Missouri. He is the youngest of one brother and two sisters. His father is an ordained minister in the Church of the Nazarene. His mother and father have been in the pastorate for over 25 years.

Mr. Speaker, I welcome Clint and his family to the Nation's Capital.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minutes from each side of the aisle.

INTERNET GAMBLING BILL

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

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minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the offshore casino industry would like us to think that Internet gambling is a harmless activity that can be tamed by Federal regulation. The problem is, it cannot happen.

Proponents of regulation are selling it because it sounds reasonable. Their arguments for regulation are nothing but a smoke screen to cover up what is already illegal activity. They seem to be more interested in regulating around the law than taking legitimate action to stop illegal activity.

That is the bottom line. Internet gambling is illegal according to the Department of Justice and the FBI. However, there is no effective way to regulate it. The only way to stop it is to cut off the financial flow through the legal Internet casino industry, and that is what H.R. 2143 does.

H.R. 2143 does not define what is legal and what is illegal. It simply ensures that law enforcement has the means to stop illegal activity. It is time to pass the bill.

RESERVIST PAY GAP

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to our Nation's National Guard and Reserve. These brave Americans voluntarily leave behind families and their civilian duties to serve in our Nation's military for the sake of protecting our Nation. And how do we repay them? By requiring long terms of duty and often paying them less salary than they would earn by staying at home.

Today, the House will consider House Resolution 201, paying tribute to private companies who have been willing to support these troops in part by filling in this pay gap for some of our reservists. However, just last month, when my colleagues and I tried to introduce amendments to the Defense authorization bill that would have ended all pay gaps for reservists, they were not only defeated by my Republican counterparts, but they were not even allowed to be debated on this House floor.

It is time that Congress does more for the reservists than just pay accolades to private industry. To truly give tribute to our national reservists we must pass legislation so that all of these individuals who risk their lives for our country will not risk financial disaster.

PIED PIPER NURSERY

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

Mr. NEY. Mr. Speaker, today I want to talk about Pied Piper Nursery in St. Clairsville, Ohio. We have a lot of turbulence in the world, but I think we always need to point out the bright spots, Mr. Speaker.

The owners are Karen Griener and Jean Fulton, and the teachers are Cathie Cilles, Joan West, Joyce Snider, and Teri Coleman. There are 100 students in total, and it is strictly educational.

A while back, Mr. Speaker, I went to Pied Piper Nursery and the young children sang songs, they talked about their country and they asked questions. I just wanted to keep a promise that I made to those students that I would let our Congress know about a bright spot, and that is the Pied Piper Nursery. We applaud the parents, the teachers, the owners, and especially the young students.

BUDGET UNDERFUNDS VETERANS' HEALTH CARE

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

Mr. STRICKLAND. Mr. Speaker, this House recently passed a budget which woefully underfunds veterans' health care by $6.2 billion. The result: Many veterans will no longer be able to get health care through the VA system. It is a shame that we are rationing health care for our veterans.

This House also passed a tax bill that takes care of the millionaires, but leaves thousands of children behind, even children whose moms and dads at this very moment are serving in Iraq. So this is what my Republican colleagues have done. They have taken care of the millionaires and they have left our veterans and our children behind. Shame on them.

IN HONOR OF PRIVATE FIRST CLASS ERIC BLEYTHING

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Private First Class Eric Bleything of the 3rd District of Arkansas.

Private First Class Bleything, a scout with the 3rd Armored Calvary Regiment in Iraq, was wounded last week when the eight-vehicle resupply convoy he was with was attacked. He was shot in the stomach with an AK–47. Fortunately, the bullet missed all vital organs, and he is in good condition.

Private First Class Bleything is one of the many heroes currently stationed in Iraq. However, what makes his story even more special is that Private First Class Bleything had an opportunity to stay in the U.S. rather than ship out with his unit in April. His wife had just been diagnosed with cancer, and his commanders told him he could stay behind to be with her through the treatments. However, they decided he should go and be with his unit. As Marcie herself said, he felt the obligation to go and serve his country.

Mr. Speaker, Private First Class Bleything embodies the courage and sacrifice of America's men and women. My thoughts and prayers are with him as he continues to recover from this attack.

BENEFITS OF BROADBAND

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

Mr. LANGEVIN. Mr. Speaker, we all know the Internet is a powerful tool. It makes distance and location irrelevant. It evens the playing field between small and large businesses and increases worker productivity.

The next revolution is broadband. We will be able to do so much and do it more efficiently. But we can only do it if we have the infrastructure to do it with. The FCC ruled in February that DSL, telephone company-provided broadband connections, should not be subject to certain rules imposed on local voice telephone networks. This is a good beginning and it should start some companies on the road to more broadband deployment. Verizon, the largest phone company in my State, plans to make broadband available to 10 million more residences and small businesses nationwide in 2003 alone.

The problem is that the FCC has not issued its February order. That order will detail the new rules that companies know how broadband will be regulated and guides investment decisions. Until it is released, however, these companies cannot move forward. I urge the FCC to issue its order as quickly as possible so that millions of Americans can begin to experience the new opportunities that broadband will provide.

IN MEMORY OF DEPUTY SHERIFF SHELBY GREEN

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

Mr. HENSARLING. Mr. Speaker, in the early morning hours of Thursday, May 15, Deputy Sheriff Shelby Green, of the Anderson County, Texas, Sheriff's Department, was brutally murdered in the line of duty by an unknown assailant.

After attempting to stop a suspicious vehicle, Deputy Green pursued the assailant for 10 miles as bullets were smashing through his windshield. When the chase ended, Deputy Green was left dead with a fatal gunshot wound to his chest.

A decorated law enforcement officer, last year Deputy Green received the Award of Valor from the Drug Enforcement Administration.

Mr. Speaker, today we honor and mourn the loss of this 39-year-old hero, a family man. He served and protected

our community with distinction and valor. Our most heartfelt thoughts and prayers go out to his family, his friends, his fellow deputies, especially to his wife, Diane, and their three sons, Steven, Trey, and Scott.

May his killer be brought to justice and may God bless and keep Deputy Sheriff Shelby Green.

□ 1015

FULL FUNDING FOR NO CHILD LEFT BEHIND ACT

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

Mr. ETHERIDGE. Mr. Speaker, I rise this morning to call on Congress to fully fund the President's No Child Left Behind for school reform. Last Congress we passed legislation to create tough new standards our schools must meet and vigorous assessments to measure progress in meeting those standards.

As a former superintendent of North Carolina schools, I voted for this bill because my State has led the Nation in standard-based reform, and the administration promised historic new funding to make the bill work, but the administration has broken that promise. This year's budget request short-changes No Child Left Behind by $9.7 billion; and over the first 3 years of the new law, the administration is proposing nearly $20 billion in cuts to No Child Left Behind.

Mr. Speaker, a promise is a promise and a deal is a deal, and Congress must hold the administration accountable for its commitments. I am working with others to help make sure No Child Left Behind is fully funded before the tough new requirements take effect. If the White House is going to talk the talk, Congress had better make sure that they walk the walk. I urge Members to join me in this vital effort to do right by our schools and our children.

IMMIGRATION REFORM

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

Mr. TANCREDO. Mr. Speaker, several foreign governments have undertaken to distribute identification cards to their nationals living illegally in the United States. Some of these governments, specifically one of them, Mexico, has taken this one step further and decided to begin to use their consular offices here to lobby State and local governments in the United States to get them to accept these cards, thereby aiding and abetting people living in this country illegally.

Mr. Speaker, if the United States had asked its consular offices in Mexico or any other country to undertake such a practice, there would be a storm of protest, and rightly so. Consular offices would be closed; officials would be recalled. It would be appropriate for governments to respond that way. Our government has not said a word about this. It is time, however, that the Government of the United States issue a formal protest to the Government of Mexico for this egregious, outrageous behavior, and it is time for this government to take control of its own immigration policy.

LOW-INCOME AMERICANS ENTITLED TO TAX RELIEF

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

Mr. INSLEE. Mr. Speaker, Mark Twain said that humans were the only species that would feel embarrassment, or needed to. That is an appropriate quote today when many of my Republican colleagues are terribly embarrassed because they got caught with their hand in the cookie jar giving over $90,000 tax relief to millionaires, and to children of families who earn less than $26,000, gave them zero tax relief for the child deduction.

This is scandalous, and many of my good Republican friends are terribly embarrassed that they have been caught in this fashion. But now I call on my Republican colleagues to admit that they made a mistake and fix the problem. I am told that the majority leader, the gentleman from Texas (Mr. DELAY), said that people who earn $26,000 do not pay taxes. Excuse me, they pay property taxes, they pay withholding taxes, they pay sales taxes, and they are entitled to fair treatment.

Mr. Speaker, we cannot excuse the inexcusable. I am calling for my Republican friends to call the gentleman from Texas (Mr. DELAY) to fix this problem today.

SUPPORT GLOBAL PATHOGEN SURVEILLANCE ACT

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

Mr. KIRK. Mr. Speaker, today the gentlewoman from California (Mrs. TAUSCHER) and I will introduce the Global Pathogen Surveillance Act of 2003. Identical to the Biden-Lugar bill in the Senate, it will assist in fighting the threats of bioterrorism and naturally-occurring infectious diseases.

International trade and travel offer new opportunities for pathogens to cross national borders. Infectious disease epidemics, wherever they occur, are a potential threat to all nations. Americans have become all too familiar with the threat from bioterrorism and deadly agents capable of spreading death, anthrax, Ebola, smallpox, and SARS. They are just the most recent examples.

The Kirk-Tauscher bill authorizes $150 million over 2 years to assist developing countries to train personnel in epidemiological techniques, acquire laboratory equipment, and obtain equipment to communicate inside the country and with the World Health Organization. Our legislation has the strong support of Dr. David Heymann, the highest-ranking American at the World Health Organization. It will contribute to our homeland security while at the same time making other countries safer for Americans traveling abroad. I thank the gentlewoman from California (Mrs. TAUSCHER) for cosponsoring this important bill.

CHILD TAX CREDIT UNFAIR

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

Mr. GEORGE MILLER of California. Mr. Speaker, listen carefully, the growing sound and the roar we hear from the Senate is the sound of Republican Senators rushing to change their position on the child tax credit. What we hear is them now recognizing the incredible injustice they did to hard-working families with children who earned under $26,000 a year who will not get that $400 check for each of their children like other families this summer. The Republicans have recognized the injustice; but the gentleman from Texas (Mr. DELAY), the leader of the Republicans in the House——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend. The gentleman will refrain from references characterizing the Senate.

Mr. GEORGE MILLER of California. Mr. Speaker, I am only reporting on what the Senate is doing. I am reporting; I am not characterizing.

The SPEAKER pro tempore. The gentleman must not characterize them or their actions.

Mr. GEORGE MILLER of California. Mr. Speaker, Senators are changing their position on the child care tax credit. It is in The New York Times. I could read the names of the Senators. That is what is happening there.

Here, the gentleman from Texas (Mr. DELAY) says they are not going to correct this injustice to these families. These families will go without their $400 check that is so important to the income of those families and the ability to raise their children. How dare the Republicans suggest that these children are less valuable than the children of other American families.

AMERICAN IDEALS ADMIRED

(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, I rise to share some good news about America's number one export: our ideals of democracy, freedom, and free enterprise.

This is from a new survey by the Pew Research Center for the people and the press. In contrast to harsh criticism often heard from U.S. bashers, both here and internationally, this survey of 66,000 people in 44 countries over 2 years reveals that the majority demonstrates strong preferences in seeing democratic governments formed in Muslim countries. Also majorities in 33 of the these 44 countries believe people live better in a free market, even if it leads to wealth and income disparities.

According to this survey: ''This is not to say that they accept democracy and capitalism without qualification, or that they are not concerned about many of the problems of modern life. By and large, however, the people of the world accept the concept and values that underlie the American approach to governance and business.'' This is also good news for the people of Iraq.

FUND CHILD TAX CREDIT

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

Mr. RYAN of Ohio. Mr. Speaker, I rise today to ask this Congress to fund the child tax credit. For 6 million families, it would only cost $3.5 billion. We have the $3.5 billion, but we want to give it to the top 1 percent. All we would have to do is take the top tax bracket and instead of cutting it down to 35 percent, cut it down to 35.3 percent, and we would have enough money to give the child tax credit to working families, single parents with children, single mothers trying to raise their children.

Mr. Speaker, we have enough time in this Congress to honor Sammy Sosa and his corked bat, but we do not have enough time to honor the children in single families in this Congress.

HONORING TEXAS TEACHERS OF THE YEAR

(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, today I would like to spotlight several distinguished teachers from the Third Congressional District of Texas.

Great teachers nurture our country's best hope for tomorrow, our children. Children may be a fraction of our society, but they are 100 percent of our future. These educators go beyond the call of duty and selflessly make our children better and make Texas a better place to live.

These are the teachers of the year from the third district: from Allen, Texas, Nancy Jung and Joyce Carson; from Garland, Michael Robertson; from McKinney, Sharon Guynes and Betty Rutledge; from Plano, Marilyn Caruthers and Roxanne Burchfiel; from Princeton, Janice Bohannan and Diane Talley; from Richardson, Lisa Cunningham and Rick Urbanczyk; and from Wylie, Doug Grether.

It is outstanding teachers like these who strive for excellence and make a difference in the lives of our children. They are heroes for our children, for America, for our freedom, for our future. God bless all of them. I salute our teachers all over the country.

MIDDLE-INCOME TAXPAYERS WILL PAY GREATER SHARE OF FEDERAL TAXES

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

Mr. LEVIN. Mr. Speaker, two stories today in the papers tell it all. One, ''Delay Rebuffs Move to Restore Lost Tax Credit,'' a credit for 6.5 million low-income families. The gentleman from Texas (Mr. DELAY) says, ''There are a lot of other things that are more important than that.''

The second story, the headline is, ''Middle Class Tax Share Set to Rise,'' and it says that as a result of three successive tax cuts of the Bush administration, middle-income taxpayers will be paying a greater share of all Federal taxes by the end of the decade.

When we raise these issues, the majority here likes to say it is class warfare. There is class warfare against middle- and low-income families under the Republican majority rule. We ask this question to taxpayers of America, Whose side are you on? It is clear the Republicans are on the side, as said in the paper, of Americans who earn $337,000 or more per year.

SUPPORTING AMERICA'S CHILDREN

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

Mr. BURNS. Mr. Speaker, I rise today in support of America's children. Since January 7, the 108th Congress has acted on a number of bold initiatives to secure the future of all children. We have successfully passed legislation to protect children from dangerous predators through the AMBER Alert legislation. We will soon vote on a conference report to improve child abuse prevention and treatment, called CAPTA; and the House recently passed my child medication safety legislation, H.R. 1170.

We have passed sensible, economic-growth legislation that increased the child tax credit from $600 to $1,000. Many have expressed concern about the fact that credit was not extended to those who pay no taxes.

I believe that Congress has done more to assist poor children and their parents with real jobs and real opportunities. Specifically, the jobs and growth bill recently signed into law removes major barriers to capital formation for individuals and small businesses, allowing these businesses to provide more jobs, more paychecks, and more economic benefits that will enrich the lives of all of the Nation's poorest children.

Mr. Speaker, I support this legislation, and I believe the 108th Congress has delivered on behalf of America's children.

HIGH-INCOME TAX BENEFICIARIES

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

Mr. ENGEL. Mr. Speaker, again two stories in the paper say it all. The Washington Post says three successive tax cuts pushed by President Bush will leave middle-income taxpayers paying a greater share of all Federal taxes by the end of the decade, according to new analyses of the Bush administration's tax policies.

As critics of the tax cuts in 2001, 2002, and 2003 have noted, the very wealthiest Americans, those earning $337,000 or more per year, will be the greatest beneficiaries of the changes in the Nation's tax laws.

□ 1030

Also, we read in the New York Times today that the House will not consider a Democratic measure to provide an increased tax credit to 6.5 million low-income families who did not receive it in the new tax law. So the policies of the Republican majority here are becoming increasingly clear. They are fiscally irresponsible, the borrow-and-spend Republican majority.

Let us see what they have done with the tax cuts: Helped the rich, hurt the middle class and poor, and stuck our children and grandchildren with the bill. Deficits as far as the eye can see. ''Let's enjoy the tax cuts now because our children and our grandchildren will be paying the bill.'' This is morally unconscionable and should be changed.

MIDDLE EAST SUMMIT

(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, today is a day of history and opportunity for the world and for the war-torn region known as the Middle East. I pray for the peace of Jerusalem and was yesterday greatly encouraged when five Arab leaders pledged to actively fight what they called the culture of extremism and violence in the region. I am also encouraged by Prime Minister Mahmoud Abbas who has called for an end to violence against Israeli citizens. But I was astounded this morning when the network television shows were all stressing what our President today in Jordan must demand of our ally, Israel.

The truth is, as we welcome this day of history and opportunity, we must be

clear that any progress toward peace must require that Palestinians first recognize Israel; second, renounce terrorism; and, third, dismantle the infrastructure of murder within their midst. Then and only then can our Nation ask our ally Israel to make the concessions necessary for the advancement of peace.

REGARDING THE LATEST TAX CUT

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

Mr. MORAN of Virginia. Mr. Speaker, last week President Bush signed the new tax cut law. That law is going to give $93,500 per year to the 200,000 taxpayers making over $1 million a year while the majority of all taxpayers would get less than $100 under this new Republican tax plan.

But to rub salt into wounds, there was a deliberate decision to deny every family whose income is under $26,625 a year the child tax credit. That includes most of the working class in this country. It includes nearly all men and women in combat. Their earned income is not $26,625, so they do not even qualify for the child tax credit and here they are putting their lives on the line for our country.

This is unbelievable. The fact is, the families of the 12 million children denied this credit do pay taxes. Millions of them pay into the Social Security trust fund. That is the money we are having to borrow to pay for this tax cut.

RECESS

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1302

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 1 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any RECORD vote on postponed questions will be taken later today.

RECOGNIZING AND COMMENDING ALL WHO PARTICIPATED IN AND SUPPORTED OPERATION ENDURING FREEDOM IN AFGHANISTAN AND OPERATION IRAQI FREEDOM IN IRAQ

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 177) recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations, as amended.

The Clerk read as follows:

H. CON. RES. 177

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those two campaigns in the Global War on Terrorism, as of May 1, 2003, nearly 330,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had deployed for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas as of May 1, 2003, some 224,500 Reserve and National Guard members of the Armed Forces had been called to active duty in support of Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas in the conduct of Operation Enduring Freedom and Operation Iraqi Freedom, as of May 1, 2003, 67 military servicemembers and other United States personnel had given their lives in Afghanistan and 140 had been lost in Iraq, while over 700 had been wounded and 8 were held as prisoners of war;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

Whereas the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom, including the members of the organizational elements specified in section 2 of this resolution;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) calls upon communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those servicemembers killed or wounded during either of those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SEC. 2. (a) OPERATION IRAQI FREEDOM.—The organizational elements of the Armed Forces referred to in paragraph (3) of the first section of this resolution members of which participated in Operation Iraqi Freedom are the following:

(1) From the Army—

(A) Army Forces Central Command—3rd United States Army.

(B) V Corps Command Element.

(C) 3rd Infantry Division (Mechanized).

(D) 101st Airborne Division (Air Assault).

(E) 82nd Airborne Division.

(F) 4th Infantry Division (Mechanized).

(G) Elements of the 1st Infantry Division, 10th Mountain Division, and 1st Armored Division.

(H) 2nd Armored Cavalry Regiment.

(I) 3rd Armored Cavalry Regiment.

(J) 173rd Airborne Brigade (Sep).

(K) 11th Aviation Group.

(2) From the Marine Corps—

(A) Marine Forces Central Command.

(B) 1st Marine Expeditionary Brigade.

(C) 1st Marine Division.

(D) 3rd Marine Air Wing.

(E) 1st Force Service Support Group.

(F) 2nd Force Service Support Group/Marine Logistics Command.

(G) 2nd Marine Expeditionary Brigade (Task Force Tarawa).

(H) The following Marine expeditionary units:

(i) 15th Marine Expeditionary Unit.

(ii) 24th Marine Expeditionary Unit.

(iii) 26th Marine Expeditionary Unit.

(3) From the Navy—

(A) Naval Forces Central Command—United States 5th Fleet.

(B) Theodore Roosevelt Carrier Strike Force.

(C) Nimitz Carrier Strike Force.

(D) Abraham Lincoln Carrier Strike Force.

(E) Constellation Carrier Strike Force.

(F) Kitty Hawk Carrier Strike Force.

(G) Harry S Truman Carrier Strike Force.

(H) Amphibious Task Force East.

(I) Amphibious Task Force West.

(J) Nassau Amphibious Ready Group.

(K) Tarawa Amphibious Ready Group.

(L) Iwo Jima Amphibious Ready Group.

(M) Amphibious Group 3.

(N) The following maritime prepositioning squadrons:

(i) Maritime Prepositioning Squadron 1.

(ii) Maritime Prepositioning Squadron 2.

(iii) Maritime Prepositioning Squadron 4.

(4) From the Air Force—

(A) Air Forces Central Command—9th Air Force.

(B) The following air expeditionary task forces:

(i) 9th Air Expeditionary Task Force.

(ii) 16th Air Expeditionary Task Force.

(C) The following air expeditionary wings:

(i) 39th Air Expeditionary Wing.

(ii) 40th Air Expeditionary Wing.

(iii) 64th Air Expeditionary Wing.

(iv) 320th Air Expeditionary Wing.

(v) 321st Air Expeditionary Wing.

(vi) 332nd Air Expeditionary Wing.

(vii) 363rd Air Expeditionary Wing.

(viii) 376th Air Expeditionary Wing.

(ix) 379th Air Expeditionary Wing.

(x) 380th Air Expeditionary Wing.

(xi) 384th Air Expeditionary Wing.

(xii) 386th Air Expeditionary Wing.

(xiii) 401st Air Expeditionary Wing.

(xiv) 405th Air Expeditionary Wing.

(xv) 410th Air Expeditionary Wing.

(xvi) 484th Air Expeditionary Wing.

(xvii) 485th Air Expeditionary Wing.

(xviii) 486th Air Expeditionary Wing.

(xix) 487th Air Expeditionary Wing.

(D) The following air expeditionary groups:

(i) 387th Air Expeditionary Group.

(ii) 398th Air Expeditionary Group.

(iii) 407th Air Expeditionary Group.

(iv) 409th Air Expeditionary Group.

(v) 444th Air Expeditionary Group.

(vi) 447th Air Expeditionary Group.

(vii) 449th Air Expeditionary Group.

(viii) 457th Air Expeditionary Group.

(ix) 458th Air Expeditionary Group.

(x) 506th Air Expeditionary Group.

(E) The following expeditionary air support operations groups:

(i) 3rd Expeditionary Air Support Operations Group.

(ii) 4th Expeditionary Air Support Operations Group.

(iii) 18th Expeditionary Air Support Operations Group.

(F) 1st Expeditionary RED HORSE Group.

(G) 86th Contingency Response Group.

(H) 15th Expeditionary Reconnaissance Squadron.

(5) From the United States Special Operations Command—

(A) Special Operations Command Central.

(B) From the Army Special Operations Command—

(i) 5th Special Forces Group (Airborne).

(ii) 3rd Special Forces Group (Airborne).

(iii) 10th Special Forces Group (Airborne).

(iv) 160th Special Operations Aviation Regiment.

(v) 75th Ranger Regiment.

(vi) 350th Civil Affairs Command.

(vii) 352nd Civil Affairs Command.

(viii) 304th, 308th, and 358th Civil Affairs Brigades.

(C) From the Naval Special Warfare Command—

(i) Naval Special Warfare Group One.

(ii) Naval Special Warfare Group Three.

(D) From the Air Force Special Operations Command—

(i) 16th Special Operations Wing.

(ii) 193rd Special Operations Wing.

(iii) 919th Special Operations Wing.

(iv) 352nd Special Operations Group.

(v) 720th Special Operations Group.

(vi) 123rd Special Tactics Squadron.

(vii) 280th Command Control Squadron.

(6) From the Coast Guard—

(A) The following vessels:

(i) USCGC Boutwell.

(ii) USCGC Dallas.

(iii) USCGC Walnut.

(iv) USCGC Aquidneck.

(v) USCGC Adak.

(vi) USCGC Wrangell.

(vii) USCGC Baranof.

(viii) USCGC Bainbridge Island.

(ix) USCGC Grande Isle.

(x) USCGC Knight Island.

(xi) USCGC Pea Island.

(xii) USCGC Sapelo.

(B) Mobile Support Unit.

(C) The following port security units:

(i) Port Security Unit 313.

(ii) Port Security Unit 311.

(iii) Port Security Unit 309.

(iv) Port Security Unit 305.

(D) Law Enforcement Detachments (101, 202, 204, 205, 404, 406, 411).

(E) Atlantic Strike Team Detachment.

(F) Law Enforcement Attachment (augmenting PCs).

(G) The following Harbor Defense Command units:

(i) Harbor Defense Command Unit 114.

(ii) Harbor Defense Command Unit 206.

(b) OPERATION ENDURING FREEDOM.—The organizational elements of the Armed Forces referred to in paragraph (3) of the first section of this resolution members of which participated in Operation Enduring Freedom are the following:

(1) From the Army—

(A) Army Forces Central Command.

(B) Combined Joint Task Force 180.

(C) 10th Mountain Division.

(D) 101st Airborne Division.

(E) 82nd Airborne Division.

(2) From the Marine Corps—

(A) Marine Forces Central Command.

(B) Commander Joint Task Force—Horn of Africa.

(C) Combined Joint Task Force 58.

(D) The following Marine expeditionary units:

(i) 11th Marine Expeditionary Unit.

(ii) 13th Marine Expeditionary Unit.

(iii) 15th Marine Expeditionary Unit.

(iv) 22nd Marine Expeditionary Unit.

(v) 26th Marine Expeditionary Unit.

(E) Detachments, 4th Marine Expeditionary Brigade (Anti-Terrorism).

(3) From the Navy—

(A) Navy Forces Central Command—United States 5th Fleet.

(B) Theodore Roosevelt Carrier Strike Force.

(C) Kitty Hawk Carrier Strike Force.

(D) Abraham Lincoln Carrier Strike Force.

(E) Enterprise Carrier Strike Force.

(F) Carl Vinson Carrier Strike Force.

(G) John C. Stennis Carrier Strike Force.

(H) John F. Kennedy Carrier Strike Force.

(I) George Washington Carrier Strike Force.

(J) Bonhomme Richard Amphibious Ready Group.

(K) Bataan Amphibious Ready Group.

(L) Peleliu Amphibious Ready Group.

(M) Wasp Amphibious Ready Group.

(4) From the Air Force—

(A) Air Forces Central Command—9th Air Force.

(B) The following air expeditionary task forces:

(i) 9th Air Expeditionary Task Force.

(ii) 13th Air Expeditionary Task Force.

(C) The following air expeditionary wings:

(i) 28th Air Expeditionary Wing.

(ii) 40th Air Expeditionary Wing.

(iii) 64th Air Expeditionary Wing.

(iv) 320th Air Expeditionary Wing.

(v) 321st Air Expeditionary Wing.

(vi) 322nd Air Expeditionary Wing.

(vii) 363rd Air Expeditionary Wing.

(viii) 366th Air Expeditionary Wing.

(ix) 376th Air Expeditionary Wing.

(x) 379th Air Expeditionary Wing.

(xi) 380th Air Expeditionary Wing.

(xii) 384th Air Expeditionary Wing.

(xiii) 386th Air Expeditionary Wing.

(xiv) 405th Air Expeditionary Wing.

(xv) 455th Air Expeditionary Wing.

(D) The following air expeditionary groups:

(i) 416th Air Expeditionary Group.

(ii) 438th Air Expeditionary Group.

(iii) 451st Air Expeditionary Group.

(E) 1st Expeditionary RED HORSE Group.

(5) From the United States Special Operations Command—

(A) Special Operations Command Central.

(B) From the Army Special Operations Command—

(i) 5th Special Forces Group (Airborne).

(ii) 3rd Special Forces Group (Airborne).

(iii) 19th Special Forces Group (Airborne).

(iv) 20th Special Forces Group (Airborne).

(v) 2nd Battalion, 7th Special Forces Group (Airborne).

(vi) 160th Special Operations Aviation Regiment.

(vii) 75th Ranger Regiment.

(viii) 350th Civil Affairs Command.

(ix) 354th, 360th, and 403rd Civil Affairs Brigades.

(x) 310th Psychological Operations Brigade.

(C) From the Naval Special Warfare Command—

(i) Naval Special Warfare Group One.

(ii) Naval Special Warfare Group Three.

(D) From the Air Force Special Operations Command—

(i) 16th Special Operations Wing.

(ii) 352nd Special Operations Group.

(iii) 193rd Special Operations Wing.

(iv) 919th Special Operations Wing.

(v) 720th Special Operations Group.

(vi) 123rd Special Tactics Squadron.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 177, the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Con. Res. 177, a resolution commending the members of the Armed Forces and our allies, their armed forces and all those who were involved in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

As we stand here today, U.S. forces are deployed around the world engaged in the global war on terrorism. The first two campaigns in that war, Operation Enduring Freedom and Operation Iraqi Freedom, proved our resolve in taking the fight to anyone, anywhere, who wishes to do us harm. The results showed that the United States military remains the most powerful and effective military in the history of mankind.

The after-action reports will show many reasons for our success. However, I believe that the most important factor is the simplest one: our people. The United States is blessed to have the most highly trained, equipped and motivated force in the world. It is through the dedication, creativity and ability of our young men and women in uniform that we were able to prevail. I, and all my colleagues, commend them for their service.

Through both these operations, our forces stood shoulder to shoulder with 21 allied nations in Afghanistan and 49 coalition members in Iraq. And I might mention specifically the 40,000-plus troops of Great Britain and the 2,000-plus troops from Australia and the 200 Special Operators from Poland, who aided us in this fight. And without the help of these allies who contributed so much, we would not have enjoyed the success that we have had at this point.

Neither could we have succeeded without the support of the civilian employees of the DOD, industry employees and leadership. Of course, we had lots of contractors working our systems, helping out in that operation and, of course, we had community organizations and employers. Very importantly, Mr. Speaker, employers who made their Guardsmen and Reservists available for these endeavors and those employers who accommodated their absence to go out and defend our country. Their support to the men and women in the field made these operations possible.

H. Con. Res. 177 commends the bravery, dedication and resolve of all those who contributed to the success of these two operations. In particular, however, I want to express the condolences and thanks of a grateful Nation and a grateful Congress to the families of those American service personnel who made the ultimate sacrifice during these operations. Nothing we do here today can adequately express our sorrow at the loss of these brave men and women. The sole consolation that we can offer is that it is our conviction that they did not die in vain. Our country and the entire world is safer and freer today because of their sacrifice. We honor their service and we mourn their loss.

I urge my colleagues to support this resolution.

Mr. Speaker, just one last point. I was in Iraq a couple of days ago. And in talking at our last visit in Kirkuk, in getting our briefings from the commander of the 4th Infantry Division, I asked him the inevitable question. That is, of the 26,000 folks you have in theater right now, how many incidents have you had of mistreatment of Iraqi citizens? Of course, these things happen when you have hundreds of thousands of people deployed, you now and again have incidents like that. But he looked surprised when I asked the question, and he answered not one, not one incident of mistreatment of Iraqi civilians by our military forces.

Mr. Speaker, that reflection on the professionalism and the goodness of our people during this occupation following the war is itself another reason for us to commend our troops and commend their service to our country.

Mr. Speaker, I would urge my colleagues to support this resolution.

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

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

As a stalwart supporter of our troops and as cosponsor of House Concurrent Resolution 177, I am pleased to join my colleague and my friend, the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), in support of this bill.

This resolution commends and expresses the Nation's sincere appreciation to the men and women in uniform and our allies who served and are serving in Operation Enduring Freedom and Operation Iraqi Freedom. It also recognizes the outstanding contributions of the Department of Defense civilian employees and civil and defense contractors who have contributed tremendously to the success of these operations. And it urges communities across the country to honor and welcome home these brave and courageous patriots.

Today we have an all-volunteer force that proudly stands watch over the Nation's interests both here and abroad. Over 1.4 million active duty service members and an additional 875,000 citizen soldiers, National Guardsmen and Reservists, part-time volunteers, comprise the finest, best-trained fighting force the world has ever seen.

Let me say I am especially proud of the men and women in uniform from my home State of Missouri. Over 289,000 Guardsmen and Reservists have been activated since September 11, 2001, and nearly 220,000 have been called to active duty for Operation Enduring Freedom and Operation Iraqi Freedom. And as these fine young men and women return home, I urge my colleagues to visit an active duty base, Reserve center or National Guard armory and spend some time with these dedicated individuals to thank them and their families for their commitment and for their sacrifice. I promise you will never forget the experience of meeting these fine men and women. I know my visits to bases in Missouri always make a lasting impression on me.

When we send our fathers and our mothers and our sons and daughters, sisters and brothers, aunts, uncles, cousins in defense of this Nation, we are reminded that the price of freedom is not free.

I would also like to commend our Nation's civil servants and contractors who provide support to our service members. Americans may be surprised to learn that there are also civil service and civilian contractors serving overseas in Operation Enduring Freedom and Operation Iraqi Freedom. Our Nation also calls upon its dedicated and committed civil service personnel and contractors to support those serving in a combat zone. Their contributions were also important to the success of these operations, and they too deserve our recognition and our respect for their service to our Nation's security.

While those in uniform volunteer to make these sacrifices, their families are the ones that must shoulder these burdens as well. Anxiety, frustration,

sadness, anger, pride, happiness, satisfaction, understanding, and reassurance are all feelings that military families must face during the months of separation. Hundreds of babies have been born while a parent was deployed to Afghanistan or to Iraq. Tragically, some will never know their parent who died while serving.

Yet, time continues on, missed birthdays, proms, graduations, holidays; the loss of a loved one is normal hardship that military families endure. Military families endure much hardship and sacrifice, and to that end, they too serve.

Reservists and National Guardsmen and their families often face similar problems when called to active duty. But Reservists and National guardsmen are also dependent on support from their employer. Thousands of employers across the country have gone the extra step and provided additional support in a number of ways. That includes paying the difference between civilian pay and military pay when an employee is activated, and continuing health care coverage for families that are left behind. Without the support of our Nation's employers, Reservists and National Guardsmen would not be able to volunteer to defend this Nation.

I believe that it is of paramount importance to support the troops, the men and women in uniform who are literally putting their lives on the line for our country. More than 200 service members have died since the global war on terrorism began, and over 700 have been wounded or injured, and eight were held as prisoners of war. These individuals and their families have sacrificed for our freedom, and our thoughts and our prayers are truly with them. The Nation will not forget the price they paid to defend our country and the freedoms we all enjoy.

While there are no words that can adequately express the Nation's appreciation for their sacrifice, our sympathies and our prayers go out to these families.

It does not take too many hours of watching our troops in action on television to know that they are demonstrating acts of personal sacrifice and heroism on a daily basis. We have an obligation to let them know that we appreciate and admire their contribution to our national security.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I would like to thank the gentleman from California (Mr. HUNTER) for sponsoring this resolution. I thank the gentleman from Missouri (Mr. SKELTON) for also cosponsoring it.

□ 1315

This resolution, I think, covers the ground of a way for us to say thanks to those people who answered the call to arms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend.

Will the conversations in the gallery please terminate.

The gentleman may proceed.

Mr. MCINNIS. Mr. Speaker, this is a very serious resolution, and I think it demands appropriate attention. Every generation is concerned about the generation behind them, will they answer to the call of arms, will they be able to protect this country, will they have this feeling of patriotism; and this resolution is going to pass unanimously because we can all say with a great deal of pride that generation did rise, they were prepared and they have responded and they have delivered.

I am so proud of those young men and women who did rise and were willing to serve this country and unfortunately in some cases were killed in action defending the principles and the people of this country.

As the chairman has pointed out, there is a lot of thanks not only to the people who are on the front line of combat but for the families across this country that support and believed in the American flag and the symbolism and the pride of this Nation and the history of this Nation, and also a special thanks as my colleague pointed out and as the gentleman from Missouri (Mr. SKELTON) has pointed out, thanks to all the civilian employees and all the defense employees and the people in the armed services that were not on the front line, but also participated in this nationwide effort and a big thanks to our communities. I know in Colorado, where I come from, all the small towns, it is a big parade. They are welcoming these people back, those brave men and women that have come home. They are coming home with open arms.

This is a Nation that strongly supports its military. This is a Nation that sends a message out to the rest of the world, and that is, when the call comes, this Nation will respond. This Nation has principles, and it is willing to defend those principles. It has friends, and it is willing to defend those friends; and it will defend freedom.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I want to thank the gentleman from California (Mr. HUNTER), the chairman; and the gentleman from Missouri (Mr. SKELTON), the ranking member, for bringing this important resolution to the floor today. Like all Members, I will strongly support this resolution; but let none of us forget, while the battle of Baghdad has been won, the peace that all of us hope for in Iraq is yet to be achieved and our brave men and women in uniform and our allies are still in harm's way.

Today, The Washington Post reports that another American soldier died on Tuesday after being attacked by a small arms fire and rocket-propelled grenade at an Army checkpoint 50 miles north of Baghdad. May God bless his soul and provide comfort to his family. Our grateful Nation will forever be indebted to his service and sacrifice, as it is to the service and sacrifice of those comrades mentioned by the gentleman from Missouri (Mr. SKELTON) who also lost their lives and were injured in the defense of freedom.

Mr. Speaker, having witnessed Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, there can be little doubt that the United States of America has the finest, best-led, best-equipped and best-educated fighting force in the history of the world. Our military is smarter, faster, and more lethal than it was 12 years ago during Desert Storm, and it was very good then. It took 250,000 troops to topple Saddam Hussein and liberate the Iraqi people. Twelve years ago, it took 500,000 troops to oust him from Kuwait. About 90 percent of our bombs and missiles were precision-guided in Operation Iraqi Freedom. In Desert Storm, that figure was 10 percent.

I want to congratulate the gentleman from California (Mr. HUNTER); I want to congratulate the gentleman from Missouri (Mr. SKELTON) and all the members of the Committee on Armed Services for giving our troops the tools to become better, better equipped, better able to defend freedom and protect themselves.

It is evident, therefore, that assertions regarding the American military being in decline, hollowed out, are not ready, are and always were patently wrong. Moreover, only an uninformed person, I think, would deny that our Commander in Chief led a fighting force which was bequeathed to him by his predecessor President Clinton and bequeathed to him by his predecessor George Bush and also by President Reagan.

As Vice President CHENEY remarked at the Air Force Academy 2 years ago, ''No President ever deploys the force he builds. There is nothing quick about preparation.'' That is a message that we must always remain ready, that we must always support the strength of our military and the safety of our personnel.

As the Taliban or the Hussein regime could attest, the myth of a hollowed-out American military is nothing more than that, a myth. I rise with my colleagues to thank, to support and commend our brave men and women in the Armed Forces of the United States of America.

Mr. HUNTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on Readiness.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from California (Mr.

HUNTER) and the gentleman from Missouri (Mr. SKELTON) for bringing this to us today.

After 9/11, the President stood right up there, and he said we will go anywhere we have to go to get people who would perpetrate the kind of action that occurred on September 11. We will go get him, and he meant what he said; and that is what we have been in the process of doing, and Iraq was part of that pattern. They were a threat to us, but they were a threat to the world; and we know they had weapons of mass destruction. What they have done with them we are not quite sure at this point, but we know they had those; and we know they had a hatred for the United States and would have had no compunction about giving or selling those weapons to people who would actually use them against the United States or the free world.

What we saw in 21 days of war and the aftermath that has come since then and the Afghanistan activity before that was the ultimate in professionalism and training and equipment and planning; and I think we can all be very proud of that. We do not want war, but we will defend ourselves wherever we have to go to do that. We have shown that we have the capability to get the job done.

We also have seen a tremendous dedication among these young troops that we have deployed. We are so proud of them and all the troops that we have over there that are willing to uproot their lives and leave their families and risk their lives in the pursuit of freedom.

I spend a lot of time, as the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) do, with the troops; and I have never seen a better attitude than they have today. They feel like they are doing something that is meaningful for world peace.

Our prayers and our support, of course, go to the families that have lost loved ones. We always hate that. We do not want to lose one single person, but we know in war we do lose some people and we are sorry for that, and we want to extend our appreciation to them for giving their loved ones to the cause.

So our thanks go to all of the coalition forces. What we are doing today is a small way to say thanks from a grateful Nation.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), who is one of the original cosponsors of this legislation together with the gentleman from California (Mr. CUNNINGHAM).

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me the time, and I commend him for his leadership on this issue and so many others.

Mr. Speaker, I rise in strong support of this resolution, which honors our troops and calls on communities all across the Nation to warmly welcome home the service women and men serving in Operation Iraqi Freedom and Operation Enduring Freedom.

Such an expression is critically important. Many of us who grew up during the Vietnam War are haunted by memories of the treatment afforded returning veterans of that conflict. Painted by an unpopular policy, many who risked their lives for their country and suffered physical and emotional wounds were ignored and their courage and sacrifice dishonored and ridiculed.

We must not let that happen again.

The resolution before us, like the one introduced earlier by the gentleman from California (Mr. CUNNINGHAM) and me, recognizes the service of more than 380,000 members of the United States Armed Forces, comprised of active component forces, National Guard and Reserve personnel, who were deployed thousands of miles from home as part of Operation Iraqi Freedom and Operation Enduring Freedom.

Thirty-five service members from the Los Angeles Air Force base located in my district were sent to the Persian Gulf. Many more were local Guard and Reserve members who were required to take indefinite leave from places of employment. All left loved ones behind and faced danger. And as my colleagues have heard, our Armed Forces suffered a number of casualties, including deaths, injuries and incarceration as prisoners of war.

One of the first casualties of Operation Iraqi Freedom was Marine Corps Lance Corporal Jose Gutierrez, who came from his native Guatemala to my district in California, lived with a foster family before joining the Marines to ''pay back a little of what he'd gotten from the U.S.'' Our condolences go out to his family and all families who lost loved ones during war.

Mr. Speaker, the homecomings have already begun. The city of Torrance, California, dedicated its May 17 Armed Forces Day parade to the returning servicemembers. Other cities have scheduled 4th of July festivities, and families throughout my district are planning neighborhood block parties and other celebrations to welcome home sons, daughters, brothers, sisters, fathers, and mothers.

I commend the Committee on Armed Services, its chair and ranking member especially, for bringing this resolution to the floor today. We must never forget the courage and selfless sacrifice of the women and men in our Armed Forces. We must always undertake efforts to protect their safety as they continue to be deployed in Iraq, Afghanistan, Korea, and other theaters in which they will continue to face danger; and we must afford them a warm welcome home.

These are important steps. This resolution does this. Again, I commend its passage and hope our vote will be unanimous.

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

I want to thank the gentlewoman and assure her that her and the gentleman from California's (Mr. CUNNINGHAM) resolution is very much embodied in what the committee produced and thank her for her great efforts.

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

Mr. BARTLETT of Maryland. Mr. Speaker, in a former life I worked for the military for 18 years in a number of capacities. During that time, I gained an enormous respect for our military personnel.

For the last 11 years since coming to the Congress, I have had the privilege and the honor of serving on the Committee on Armed Services where I gained even more respect for our military personnel.

I would have thought that this long association with the military would have prepared me for an event of a couple of years ago, but it really did not. This event was a paralyzed veterans reception in Cannon Caucus, and I knew what I was going to see when I went there, but I really was not prepared for the emotional response that I had.

I went to that big conference room, and there were many, many service personnel on crutches and in wheelchairs. It finally struck me that they were paralyzed, and they were there so that I could continue to live in this great free country, I and 280 million other Americans; and then I thought of those that were not so lucky, that were filling graves in foreign countries or in this country who, in Abraham Lincoln's words, gave that last full measure of devotion for their country.

Less than one person in a hundred serves in our military, but to this very small percent of our population this grateful Nation owes an enormous debt. I thank my colleagues for bringing this resolution to the floor today.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, how very timely is the old warning of Abraham Lincoln about those ''trusting to escape [the] scrutiny [of war] by fixing the public gaze upon the exceeding brightness of military glory.'' Our troops deserve our fullest support for their tremendous sacrifices, and they certainly have mine. Let us truly honor American sons and daughters in uniform, not with mere words, but with adequate health care and a thriving economy, not an Everest of public debt for their children. Let our nation-building begin here at home with adequate schools, jobs, and opportunity.

What this Administration calls a ''coalition'' is, in fact, the U.S., the UK, and hefty advertising. No war in American history has been better marketed.

□ 1330

The very weakness of our new ''first strike,'' ''security through attack'' policy and the repeated failure to connect Iraq with the outrage of 9/11 necessitates resolutions like this that must

borrow strength from the bold courage of our troops. Surely the thousands combing Iraq today for weapons of mass destruction will find at least a trace, but an honest assessment requires asking whether this second-rate tyrant, unable to effectively defend himself, really ever had the capability to endanger our families.

Americans continue to do most of the dying and will do almost all of the paying for this indefinite engagement. Let us guard against it becoming a war without end. With unlimited dollars, we have mastered so well the terrible technology of death, but true security demands wisdom as well as strength.

Mr. HUNTER. Mr. Speaker, I yield myself 1 minute to say to my colleague who just spoke, and I would like to get his attention, because when the gentleman gets up on these resolutions and implies that there is somehow a political agenda behind them, it tends, I think, to do a disservice to the resolutions.

This resolution came about because lots of Members, like the gentlewoman from the party of the gentleman who just spoke, have asked to put resolutions forward commending our troops and recognizing their sacrifice. The Committee on Armed Services, seeing all these resolutions being put out, with Members on the Democrat and Republican side wanting to commend this unit or that unit coming back to their country, we took all of those and we looked at them and we decided to do one large resolution that commended everyone in these operations. And we have, literally, at the end of this resolution, we have named every single American unit that participated in the operation.

There is no political agenda here. This is a consolidating of all of the efforts and the input from Members of this body, Democrat and Republican, some of them for the war, presumably some against the war, who wanted to commend the people who participated in it. It is that and it is nothing more. And by implying a political agenda, the gentleman, in fact, injects a political agenda into the debate.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from California (Mr. CUNNINGHAM), who is so closely associated with that great aircraft carrier which steamed into San Diego a couple of days ago at the end of its career, the Constellation, America's Navy, along with Willy Driscoll from the Vietnam War.

Mr. CUNNINGHAM. Mr. Speaker, a few weeks back, the gentlewoman from California (Ms. HARMAN) came to me with an idea for this resolution. It was not my idea, Mr. Speaker; I am just flying wing on the gentlewoman from California at this time, and I thank her for her foresight in bringing this forward.

Many of the words that the gentlewoman and myself placed in it are supported both by the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) in this resolution, and I thank them both.

The gentleman from California (Mr. HUNTER) spent his life supporting our troops, and what better person to bring a resolution. His father was a Marine, he was a combat veteran in Vietnam, and his young son is in the United States Marine Corps.

And, Mr. Speaker, I owe great homage to the gentleman from Missouri (Mr. SKELTON). I served on the authorization committee and learned to love and support him. When we were in the minority at one time, I was just hotter than a hatter because the majority was stopping me from an amendment, and I was about ready to go to battle stations. The gentleman from Missouri (Mr. SKELTON) pulled me aside and he sat me there in that third row chair and started talking to me about his heritage as a descendant of Daniel Boone. After 30 minutes of speaking and calming me down, he said, ''Duke, are you settled down now?'' It was his way of saying ''Ease up, Duke,'' and I will never forget that.

But many of us have tears in the well. It is difficult to send men and women to combat. And the most difficult thing is that we may have to do it again; that as long as we have an al-Qaeda, a Mujahedin, a Hamas, a Hezbollah, and people that want to hurt not only us overseas but even in our own homeland, it is a difficult choice.

I know that the gentleman from California (Mr. HUNTER) flew out to the U.S.S. Constellation, and then I heard the gentleman from Missouri (Mr. SKELTON) the other day say that he also flew out to the carrier that pulled into the East Coast, and the troops really appreciate that.

I know there was a lot of heyday made when the President flew out to a carrier, but I was with Major Dan ''Knuckles'' Shipley, this weekend when he flew in off the Connie. And he said, ''Duke, tell the President that we love him. We know that he supports us.'' Many of us criticized President Clinton at times, and sometimes I think we were wrong. I never did it after we got into conflict. But you need to stand behind the President, especially at a time of war, whether it is Bill Clinton or President George W. Bush.

Mr. Speaker, I want to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for this resolution.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume to first say that this resolution has no political agenda. We are here merely to say ''thank you.''

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

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

Mr. RANGEL. Mr. Speaker, I join in the praise of the chairman, the gentleman from California (Mr. HUNTER) and my dear friend, the gentleman from Missouri (Mr. SKELTON) in bringing this to the floor. I am one of the politicians that do not find anything wrong with politics. And if it is politically right to laud the efforts of our men and women overseas that are coming home, then no matter how it is described, I want to be among those that would do it.

These young men and women are dedicated, and we have to make certain that we give them a little more than praise and a parade. Because I recall in 1952, when I came home from Korea, those medals did not get me a job; it was people reaching out, trying to help me to put my life together. And so I think this is what we have to do.

My friend, the gentleman from California (Mr. CUNNINGHAM), says how difficult it is to send our young people into harm's way and that we may have to consider doing this more in the future. Well, I hope not, because if we take a good look at those that will be coming home, we will be taking a harder look at those that we sent.

Most of my colleagues know that I really truly believe that what is in the best interest of the United States of America is that we consider draft legislation, where everyone would be exposed to defending this great Republic, rather than seeing who will be coming home, and worse still who will not be coming home, those that come from our inner cities, our rural areas, and those that we are now trying to further recruit.

While patriotism is up in this House of Representatives, recruitment is not up. We are now giving mandatory extensions to those people who have volunteered, and we are bringing out the Reservists. Sure, they are dedicated, but we are asking them to serve two and three times a year, or a 2-year period, and of course, our National Guard are being called. So as we find expanded need for military, we ought to expand the pool from which they come.

So what I am saying is that I want to join in the spirit of this resolution. I will be there at the parades, I am there at the armories. But for God's sake, let us have something of substance in the legislation.

I know that most of the Members are not aware that that the tax bill that we passed on this floor excluded benefits for members of the military for extended child credits for those people that have incomes of $26,000 or less. Let me share with my colleagues the Catch 22 that our members of the Armed Forces are in.

One, if they were under $26,000, and we know most of them are, they were cut out of the bill. They were dropped out of the bill, and the leadership said they may not come back. For those people who served in combat and had a larger amount of their income to be tax exclusive, they would get over $26,000 and once again lose the tax credit.

Let us pay tribute, but let us have some substance and benefits for our beloved veterans.

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

It is good to hear Members such, as our friend from New York (Mr. RANGEL), the gentleman from California (Mr. CUNNINGHAM), the gentleman from California (Mr. HUNTER), all veterans, speaking so well today for the young men and young women in the armed services. We appreciate it and their words so very, very much.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, while I am pleased we are here to applaud our Nation's businesses and business owners for the support they have provided our troops and our military families, I am disappointed that in this resolution Congress is simply voicing thanks. We had an opportunity to do something truly meaningful when we considered the Defense authorization legislation 2 weeks ago. Rather than doing something to help our Reservists and National Guardsmen and -women, this resolution simply expresses empty thanks.

According to a survey conducted by the Pentagon, four in ten members of the Reserves or National Guard suffer a loss of salary when they are activated. For instance, Russell Wright, a father of two and a sergeant in the Marine Reserves, was activated for a year and, as a result, will lose about 50 percent of his civilian salary.

Mr. Speaker, I am sure my colleagues will agree that this is a deplorable comment on how our country treats its Reserves and National Guardsmen. Instead of merely praising the Nation's businesses for their support of our troops, we should be helping our activated men and women.

An amendment offered by my good friend, the gentleman from Texas (Mr. BELL), and myself to require the Federal Government to pay its employees the difference between their civilian and military salaries passed unanimously by voice vote in a recent Committee on Government Reform meeting. Unfortunately, Mr. Speaker, that amendment was excluded from consideration of the Defense authorization bill that we passed 2 weeks ago.

It is a grave disappointment to me that instead of making up the salary loss suffered by numerous Federal employees who are also Reservists, we are only offering a meaningless tribute to our Nation's businesses for doing what we in Congress are not willing to do.

Mr. Speaker, because I support House Resolution 201, I wanted to take a moment to commend the nearly 200 conscientious businesses that have taken the initiative to pay their employees the difference between their military and civilian salaries. These companies include the Oracle Corporation, located in my own congressional district.

Mr. Speaker, when my colleagues come down to vote on this resolution, I want them to think about the families which are suffering as a result of the pay gap, and I urge all of my colleagues to join me in rectifying this outrageous problem.

[From USA Today, May 15, 2003]

RESERVISTS UNDER ECONOMIC FIRE

(By Kathy Kiely)

WASHINGTON.—Drastic pay cuts. Bankruptcy. Foreclosed homes. They aren't exactly the kind of challenges that members of America's military reserves signed up for when they volunteered to serve their country.

But for many, the biggest threat to the home front isn't Saddam Hussein or Osama bin Laden. It's the bill collector.

Four in 10 members of the National Guard or reserves lose money when they leave their civilian jobs for active duty, according to a Pentagon survey taken in 2000. Of 1.2 million members, 223,000 are on active duty around the world.

Concern is growing in Congress, and several lawmakers in both parties have introduced legislation to ease it.

Janet Wright says she ''sat down and cried'' when she realized how little money she and her children, Adelia, 5, and Carolyn, 2, would have to live on when her husband was sent to the Middle East. In his civilian job with an environmental cleanup company, Russell Wright makes $60,000 a year—twice what he'll be paid as a sergeant in the Marine Forces Reserve. Back in Hammond, LA., his wife, who doesn't have a paying job, is pouring the kids more water and less milk. She is trying to accelerate Carolyn's potty training schedule to save on diapers.

She doesn't know how long she'll have to pinch pennies. Like his fellow reservists, Russell Wright has been called up for one year. He could be sent home sooner, or the military could exercise its option to extend his tour of duty for a second year. Even so, Janet Wright considers her family lucky: She can still pay the mortgage, and the children's pediatrician accepts Tricare, the military health plan.

Ray Korizon, a 23-year veteran with the Air Force Reserve and an employee of the Federal Aviation Administration, says his income will also be cut in half if his unit ships out. Korizon, who lives in Schaumburg, Ill., knows the financial costs of doing his patriotic duty from bitter experience. Before the Persian Gulf War in 1991, he owned a Chicago construction company with 26 employees. He was sent overseas for six months and lost the business.

Still, he never considered leaving the reserve. Korizon says he enjoys the work and the camaraderie. But he worries about whether his two kids can continue to see the same doctor when he shifts to military health coverage. ''It's hard to go out and do the job you want to do when you're worried about things back home'' he says.

Once regarded as ''weekend warriors,'' they have become an integral part of U.S. battle plans. Call-ups have been longer and more frequent.

''The last time you saw this type of mobilization activity was during World War II,'' says Maj. Charles Kohler of the Maryland National Guard. Of the Maryland Guard's 8,000 members, 3,500 are on active duty. Kohler knows several who are in serious financial trouble. One had to file for bankruptcy after a yearlong deployment, during which his take-home pay fell by two-thirds.

Stories like that are the result of a shift in military policy. Since the end of the Cold War, the ranks of the full-time military have been reduced by one-third. The Pentagon has increasingly relied on the nation's part-time soldiers. More than 525,000 members of the Guard and reserves have been mobilized in the 12 years since the Persian Gulf War. For the previous 36 years, the figure was 199,877.

The end of fighting in Iraq isn't likely to lessen the pressure on the Guard and reserves. They'll stay on with the regular military in a peacekeeping role. Nobody knows how long, but in Bosnia, Guard members and reservists are on duty seven years after the mission began.

Korizon, who maintains avionics systems on C–130 cargo planes, has been told his Milwaukee-based reserve unit may be called up for humanitarian missions.

Some of the specialists who are in the greatest demand—physicians and experts in biological and chemical agents—command six-figure salaries in civilian life. The average pay for a midlevel officer is $50,000 to $55,000.

''They were prepared to be called up. They were prepared to serve their country,'' Sen. BARBARA MIKULSKI, D–MD, says. ''They were not prepared to be part of a regular force and be away from home 200 to 300 days a year.''

Concerns are growing on Capitol Hill. As the nation's reliance on the Guard and reserves has increased, ''funding for training and benefits simply have not kept up,'' says Republican Sen. SAXBY CHAMBLISS of Georgia, a member of the Armed Services Committee.

The General Accounting Office, Congress' auditing arm, is studying pay and benefits for Guard members and reservists. A report is due in September. Meanwhile, members of Congress are pushing several bills to ease the burden:

Closing the pay gap.—Some employers make up the difference in salary for reservists on active duty. But many, including the federal government, do not. A bill sponsored by Democratic Sens. MIKULSKI, DICK DURBIN of Illinois and MARY LANDRIEU of Louisiana would require the federal government to make up lost pay. LANDRIEU is doing that for one legislative aide who has been called up for active duty.

She has also introduced a bill to give private employers a 50% tax credit if they subsidize reservists' salaries.

Closing the health gap.—Once on active duty, reservists, Guard members and their families are covered by Tricare.

But for the 75% of reserve and Guard families living more than 50 miles from military treatment facilities, finding physicians who participate in Tricare can be difficult. A measure sponsored by Sen. MIKE DEWINE, R–Ohio, would give reservists and Guard members the option of making Tricare their regular insurer or having the federal government pay premiums for their civilian health insurance while they are on active duty. Several senior Democratic Senators, including Minority Leader TOM DASCHLE and EDWARD KENNEDY of Massachusetts, support the idea.

Keeping creditors at bay.—The Soldiers and Sailors Relief Act caps interest rates on mortgages, car payments and other debts owned by military personnel at 6% while they are on active duty. But Sen. LINDSEY GRAHAM, a South Carolina Republican who is the Senate's only reservist, says the act doesn't apply to debts that are held in the name of a spouse who is not a member of the military. He plans to introduce legislation to cover spouses.

Despite a groundswell of support for troops, none of the bills is assured of passage. There's concern among some administration officials about the cost of some of the proposals. In addition, some at the Pentagon think morale would be hurt if some reservists end up with higher incomes than their counterparts in the regular ranks.

Mr. HUNTER. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore (Mr. BASS). The gentleman from California (Mr. HUNTER) has 6½ minutes remaining, and the time of the gentleman from Missouri (Mr. SKELTON) has expired.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume, and I will be happy to yield some time to my colleague in a minute.

But I want to say to the gentleman from California (Mr. LANTOS), before he leaves the floor, that he mentioned this important issue, that I know he had taken up with me and he feels is very important, to try to give what I think we could call pay parity to folks in the Guard and the Reserve. I think there is merit in his proposal. But I did want to mention that we do some meaningful things in this Defense bill in which we marked up this particular resolution.

□ 1345

Mr. Speaker, it was not just commendations that we gave our troops. We also marked up a 4.1 percent pay raise, decreased the out-of-pocket expenses for our folks, increased the amount of money for family housing, and we did a number of things that will accrue to the benefit of our troops, both active Guard and Reserve.

Having said that, Mr. Speaker, I thought one thing that I might do at this point is yield to the gentleman from Missouri (Mr. SKELTON) to close, and then I wanted to read the units that participated in Operation Iraqi Freedom and Operation Enduring Freedom and put on the record the folks who participated in these operations.

Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), who is my partner on the Committee on Armed Services who has done so much great work.

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

Mr. Speaker, a great Roman orator once said that gratitude is the greatest of all virtues, and that is what this resolution does; no more, no less. It expresses gratitude, appreciation and thankfulness to those young men and women in uniform, to those civilian employees who back them up, as well as civilian contractors. It is our way of saying thank you from the Congress of the United States. They are the pride of our country, and we wish to express our deep and sincere appreciation to them through this means.

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

Mr. Speaker, let me just conclude this resolution by reciting the units that participated in Operation Iraqi Freedom. From the Army: Army Forces Central Command—3rd United States Army; V Corps Command Element; 3rd Infantry Division (Mechanized); 101st Airborne Division (Air Assault); 82nd Airborne Division; 4th Infantry Division (Mechanized); Elements of the 1st Infantry Division; 10th Mountain Division, and 1st Armored Division; 2nd Armored Cavalry Regiment; 3rd Armored Cavalry Regiment; 173rd Airborne Brigade (Sep); 11th Aviation Group.

From the Marine Corps: Marine Forces Central Command; 1st Marine Expeditionary Brigade; 1st Marine Division; 3rd Marine Air Wing; 1st Force Service Support Group; 2nd Force Service Support Group/Marine Logistics Command; 2nd Marine Expeditionary Brigade (Task Force Tarawa); 15th, 24th, and 26th Marine Expeditionary Units.

From the Navy: Naval Forces Central Command—United States 5th Fleet; Theodore Roosevelt Carrier Strike Force; Nimitz Carrier Strike Force; Abraham Lincoln Carrier Strike Force; Constellation Carrier Strike Force; Kitty Hawk Carrier Strike Force; Harry S. Truman Carrier Strike Force; Amphibious Task Force East; Amphibious Task Force West; Nassau Amphibious Ready Group; Tarawa Amphibious Ready Group; Iwo Jima Amphibious Ready Group; Amphibious Group 3; Maritime Prepositioning Squadrons 1, 2, and 4.

From the Air Force: Air Forces Central Command—9th Air Force; 9th Air Expeditionary Task Force; 16th Air Expeditionary Task Force; and the following air expeditionary wings: 39th, 40th, 64th, 320th, 321st, 332nd, 363rd, 376th, 379th, 380th, 384th, 386th, 401st, 405th, 410th, 484th, 485th, 486th, and 487th Air Expeditionary Wing. And the following Air Expeditionary groups: 387th, 398th, 407th, 409th, 444th, 447th, 449th, 457th, 449th, 457th, 458th, and 506th.

The following Expeditionary Air Support Operations Groups: 3rd, 4th, 18th, 1st Expeditionary RED HORSE Group, the 86th Contingency Response Group, 15th Expeditionary Reconnaissance Squadron.

From the United States Special Operations Command: Special Operations Command Central; 5th Special Forces Group (Airborne); 3rd Special Forces Group (Airborne); 10th Special Forces Group (Airborne); 160th Special Operations Aviation Regiment; 75th Ranger Regiment; 352nd Civil Affairs Command; 350th Civil Affairs Command; 304th, 308th, and 358th Civil Affairs Brigades.

From the Naval Special Warfare Command: Naval Special Warfare Group One; Naval Special Warfare Group Three.

From the Air Force Special Operations Command: 16th Special Operations Wing; 919th Special Operations Wing; 193rd Special Operations Wing; 720th Special Operations Group; 352nd Special Operations Group; 123rd Special Tactics Squadron; 280th Command Control Squadron.

From the Coast Guard: U.S. Coast Guard Cutters Boutwell, Dallas, Walnut, Aquidneck, Adak, Wrangell, Baranof, Bainbridge Island, Grande Isle, Knight Island, Pea Island, and Sapelo.

The following port security units: Port Security Units 313, 311, 309, 305.

Law Enforcement Detachments 101, 202, 204, 205, 404, 406, and 411; Atlantic Strike Team Detachment; Law Enforcement Attachment; Harbor Defense Command Units 114 and 206.

Operation Enduring Freedom—

From the Army: Army Forces Central Command, Combined Joint Task Force 180; 10th Mountain Division; 101st Airborne Division; and 82d Airborne Division.

From the Marine Corps: Marine Forces Central Command; Commander Joint Task Force—Horn of Africa; Combined Joint Task Force 58; and the following Marine Expeditionary Units: 11th, 13th, 15th, 22nd, 26th.

Detachments: 4th Marine Expeditionary Brigade.

From the Navy: Navy Forces Central Command—U.S. 5th Fleet; Theodore Roosevelt Carrier Strike Force; Kitty Hawk Carrier Strike Force; Abraham Lincoln Carrier Strike Force; Enterprise Carrier Strike Force; Carl Vinson Carrier Strike Force; John C. Stennis Carrier Strike Force; John F. Kennedy Carrier Strike Force; George Washington Carrier Strike Force; Bonhomme Richard Amphibious Ready Group; Bataan Amphibious Ready Group; Peleliu Amphibious Ready Group; Wasp Amphibious Ready Group.

From the Air Force: Air Forces Central Command—9th Air Force. The following Air Expeditionary task forces: the 9th and the 13th. The following Air Expeditionary Wings: 28th, 40th, 64th, 320th, 321st, 322nd, 363rd, 366th, 376th, 379th, 380th, 384th, 386th, 405th, and the 455th.

The following Air Expeditionary Groups: 416th, 438th, 451st, the First Expeditionary RED HORSE Group.

From the United States Special Operations Command: 5th Special Forces Group (Airborne); 3rd Special Forces Group (Airborne); 19th Special Forces Group (Airborne); 20th Special Forces Group (Airborne); 2nd Battalion, 7th Special Forces Group (Airborne); 160th Special Operations Aviation Regiment; 75th Ranger Regiment; 350th Civil Affairs Command; 354th, 360th, and 403rd Civil Affairs Brigades; 310th Psychological Operations Brigade.

From the Naval Special Warfare Command: Group 1 and Naval Special Warfare Group Three; 16th Special Operations Wing; 352nd Special Operations Group; 919th Special Operations Wing; 193rd Special Operations Wing; 720th Special Operations Group; and 123rd Special Tactics Squadron.

Mr. Speaker, thank you for allowing us to, in the words of the gentleman from Colorado (Mr. HEFLEY), give this thanks from a grateful Nation to the people who carried freedom to very difficult and remote parts of the world in Operation Enduring Freedom and Operation Iraqi Freedom. I thank the gentleman from Missouri (Mr. SKELTON) for his participation.

Ms. SCHAKOWSKY. Mr. Speaker, today I choose to vote present on H. Con. Res. 177. I support our brave soldiers who served or are currently serving in the war against terrorism.

Whether they are in Iraq, In Afghanistan, or here at home, I praise our courageous men and women for risking their lives to defend our country and our freedom. However, I believe that the war on Iraq was unnecessary. I cannot vote in favor of a resolution that commends the President for putting American soldiers' lives in harm's way because of bad policy and misguided decision making.

I will continue to support efforts that support our troops, their families, and our veterans. Each one of them is an American hero and each one of them makes me proud to be an American.

Mr. NUSSLE. Mr. Speaker, Iowans should be proud of the tremendous accomplishments of our dedicated troops over the last couple of years, particularly those serving with Operation Enduring Freedom and Operation Iraqi Freedom. These men and women have risked their lives and made sacrifices to keep their country safe and secure.

We should thank each and every one of them, and welcome them home with honor.

Our thanks must also extend to the loved ones of those who serve. Family members do their best to carry on with their lives while they wait, worry, and sometimes watch, what their son, daughter, wife, husband, father or mother is facing on the other side of the world. Some families have been changed forever by tragic loss. Steve and Marilyn Korthaus of Davenport, Iowa will always miss their son Bradley, a Marine sergeant who died bravely in Iraq in March. They will also be forever proud of him. May they find comfort in knowing he died with honor, and may all of us join them in appreciating the sacrifice he made in the name of freedom.

While our men and women in uniform have accomplished so much in Iraq and in the overall war on terror, important work remains. They may not be in front of us 24 hours a day on television, but it is vital to remember and support those troops still deployed to the Persian Gulf and other areas around the world.

The Ohnesorge family of Dubuque, Iowa is keenly aware that many of our troops remain in danger. Their son, Army Specialist Abraham Ohnesorge, was seriously injured just last week by a rocket-propelled grenade in Iraq.

As members of Congress, we can show our gratitude to Brad, Abraham and the thousands of other troops serving us by providing whatever resources are necessary to defend our nation and win the continuing war against terrorism. It is an unquestioned priority for Iowans and for all Americans. Our armed forces need the newest and best tools available to meet the challenges they face. We should also provide fair and equitable pay, housing and tax policies for members of the military. As House Budget Committee chairman, I take each of these responsibilities very seriously.

The excellent work accomplished in support of both Operation Enduring Freedom and Operation Iraqi Freedom by the employees of the Rock Island Arsenal also deserves our gratitude. These dedicated workers rose to the challenge.

Many members of military reserve units and the National Guard were called from the civilian world. The employers and coworkers who support their service should also be commended.

America is blessed to have such well-trained individuals of excellence who are willing to serve not only our interests, but the interests of the entire world. May we see a day when all our troops deployed in the far reaches of the world are home safely with the people they love.

Mr. PAUL. Mr. Speaker, I rise to commend the members of our armed forces, who serve our country in the most difficult of circumstances. They endure terrible hardships in the course of their service: they are shipped thousands of miles across the globe for everything from border control duty to combat duty, enduring terribly long separations from their families and loved ones.

I believe it is appropriate for Congress to recognize and commend this service to our country and I join with my colleagues to do so. I am concerned, however, that legislation like H. Con. Res. 177 seeks to use our support for the troops to advance a very political and controversial message. In addition to expressing sympathy and condolences to the families of those who have lost their lives in service to our country, for example, this legislation endorses the kind of open-ended occupation and nation-building that causes me great concern. It ''recommits'' the United States to ''helping the people of Iraq and Afghanistan build free and vibrant democratic societies.'' What this means is hundreds of thousands of American troops remaining in Iraq and Afghanistan for years to come, engaged in nation-building activities that the military is neither trained nor suited for. It also means tens and perhaps hundreds of billions of American tax dollars being shipped abroad at a time when our national debt is reaching unprecedented levels.

The legislation inaccurately links our military action against Afghanistan, whose government was in partnership with Al-Qaeda, with our recent attack on Iraq, claiming that these were two similar campaigns in the war on terror. In fact, some of us are more concerned that the policy of pre-emptive military action, such as was the case in Iraq, will actually increase the likelihood of terrorist attacks against the United States—a phenomenon already predicted by the CIA.

Mr. Speaker, it is unfortunate that some would politicize an issue like this. If we are to commend our troops let us commend our troops. We should not be forced to endorse the enormously expensive and counter-productive practice of nation-building and pre-emptive military strikes to do so.

Ms. DEGETTE. Mr. Speaker, I rise to express my support for H. Con. Res. 177, a resolution commending the members of the United States armed forces for their brave and successful actions against the Taliban in Afghanistan and the forces of Saddam Hussein in Iraq. I support this bill because I believe it is important for the U.S. Congress to express its thanks to the tireless men and women of our armed forces. I also believe Congress has an absolute duty to demand that outstanding questions be answered by the Administration about the evidence used to justify a war in Iraq that put our troops in great danger.

The valiant men and women of the U.S. armed forces left their homes and families to take up arms against two tyrannical regimes. Some members of the Reserves were activated for the war and took time away from their jobs—often taking significant cuts in their pay—to contribute to this endeavor. These men and women were given the call to duty, met it confidently, and returned as victors.

Although the United States was victorious in Iraq, our job is far from over. Indeed, some members of our military remain in Iraq, attempting to establish law and order and a true peace. I believe the Administration owes it to the brave men and women of our military and to the American people to answer difficult questions about its justifications for war.

Leading up to the Iraq war, President Bush, Vice President DICK CHENEY, and Secretary of State Colin Powell repeatedly stated that Iraq's possession of weapons of mass destruction and ties to Al Qaeda posed a direct threat to American national security.

On March 16, 2003, Vice President CHENEY unambiguously told Meet the Press that Iraq had ''reconstituted nuclear weapons.'' Despite American control of Iraq, the United States has found no evidence of an Iraqi nuclear program. Even worse, some of the intelligence cited by the Administration about Iraq's nuclear program has turned out to be fraudulent.

Between January and March 2003, both President Bush and Secretary Powell linked Iraq to Al Qaeda. In the State of the Union, the President warned that Iraq was harboring members of Al Qaeda. At the United Nations, Powell claimed that Iraq was sheltering Al Qaeda lieutenant Abu Musab Zarqawi, proving a ''sinister nexus between Iraq and the Al Qaeda terrorist network.'' No proof has been produced to verify either of these statements.

The lynchpin of the Administration's justification for war in Iraq was the presence of biological and chemical weapons of mass destruction. The President, Vice President CHENEY and Secretary Powell all repeatedly spoke of Hussein's stockpile of biological and chemical munitions. Iraq was described as having such weapons labs across the country. No evidence has been found that Hussein possessed or was producing any biological or chemical weapons, much less the stockpiles asserted by the Administration.

Congress has an obligation to ask questions about the statements made by the Administration to justify the war in Iraq and the Administration has a responsibility to answer them truthfully and honestly. The justifications for war matter. They matter to the men and women of the armed forces, whom we are saluting today, because the Administration used them to destroy a threat it maintains existed against the United States. They matter to the families and friends of those brave men and women who watched as their loved ones shipped off to war. They matter to the American people who are, after all, the final authority in this government.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of this resolution to recognize the efforts of those who have contributed to Operation Enduring Freedom and Operation Iraqi Freedom.

Today we recognize and thank those soldiers, sailors, airmen, marines, and all the individuals in our defense and intelligence communities whose commitment and dedication ensure our continued success. They are members of the greatest fighting force the world has known, representing not only our Nation's strength, but our bravery, skill, honor and resolve. We also thank their families, who so graciously share their loved ones with their country.

Liberty must be guarded and defended, and no nation has given more in this defense than America. Throughout our history, our Nation has been blessed to have individuals willing to

make the ultimate sacrifice in order to keep the flames of freedom and liberty burning brightly throughout the world. They selflessly dedicate their life to protecting freedom, ensuring liberty, and defending the principles of this country through great personal sacrifice. On behalf of a grateful Nation, we pay tribute to these brave men and women.

Today, as we recognize and commend the actions already taken, we also renew our commitment to ensuring the security of our homeland. We renew our commitment to destroying Al Qaeda and other terrorist organizations that threaten the free world. We do not know what the future holds, however we can say with certainty that because of the men and women we honor with this resolution, we will prevail.

Mr. CASTLE. Mr. Speaker, I thank Chairman HUNTER for introducing this important resolution. Today, we recognize, support, and commend our brave service men and women for their dedication, for their sacrifice, and for their supreme love of country. We thank and honor those, including our allies, who serve on behalf of liberty and freedom, and remember those who have been wounded or died in the line of duty.

Our Nation has committed our military to defend the world from grave danger and to assure the security for all nations. These men and women have risen to the highest level and have succeeded in overthrowing the Taliban in Afghanistan and the regime of Saddam Hussein in Iraq. While they are working diligently to bring peace, stability and prosperity to the people of Afghanistan and Iraq, our men and women of our armed forces continue to face danger each and every day.

In the coming weeks and months, it will be critically important for our Nation to continue our support and pray for the safety of our troops. Their mission may not be completed for a long time, and it is important that we reiterate our strong support. At the same time, I would like to commend the military families, the employers and the communities around the United States for their sacrifices and patriotism.

Our focus must be on working with the world community to fight the war against terrorism, and to rebuild Afghanistan and Iraq following the military actions. As we move forward in Iraq, and in other crisis spots around the world, I am hopeful that the United States will continue to strengthen its unity with the international community and provide hope to those nations that have been trapped under dictatorial regimes.

Today, we stand firmly behind our armed forces and our allies. We thank the brave men and women who risk their lives to keep our Nation free and safe. We offer our respect, our utmost gratitude, and the promise that we shall not forget your bravery and your sacrifice. We are proud of you. May God bless you and keep you safe.

Mr. KIND. Mr. Speaker, I rise today in support of this resolution honoring our brave men and women of the Armed Services. Their duty and sacrifice in Iraq and Afghanistan are appreciated by all Americans.

New challenges facing our Nation demand increased vigilance on the part of our Armed Services. With these increased demands, the role of the National Guard and Reserve Forces is critical in providing the total force necessary to ensure our security. Over the past year, I have had the opportunity to meet with many National Guard and Reserve members from western Wisconsin who have been called up for service Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq.

Over 2,300 members of the Wisconsin Air and Army National Guard are serving on active duty. The people of western Wisconsin are proud of their service and the service of all the men and women of our Armed Forces during this important time in our Nation's history.

We still have much to do in terms of peacekeeping and rebuilding in Iraq and Afghanistan. In this effort, it is important that we engage our allies to share responsibility and pursue an effective, sustained commitment to peace and stability in the region. If we can do this right, we will not have to again, sometime down the road, send our military forces over to fight.

In addition, we recognize today all of the 'round-the-clock' work put in by the military personnel and DoD civilian employees at military mobilization platforms around our Nation. In western Wisconsin, I represent Fort McCoy, one of the Army Reserves' power projection platforms. Ft. McCoy has been continuously processing and training mobilized members of the National Guard and Reserve for the past six months. Their efforts have been key in getting our forces ready for combat.

It is also important that we recognize the support and sacrifice of the families and employers of our troops. They are the backbone of our fighting forces, and we appreciate their commitment during these challenging times.

The American people and the Congress of the United States stand behind our Armed Service Members and those that support them. As our military effort continues, I and other Members of Congress will continue to work to ensure that our service men and women have all the resources necessary to fulfil their mission.

My thoughts and prayers are with those serving our Country overseas, as well as their families. America is firmly behind our troops, and we're all hoping to see them home safe, secure and soon.

May God continue to bless the United States of America.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 177, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2180

Mr. GORDON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2180.

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

There was no objection.

SENSE OF THE HOUSE COMMENDING NATION'S BUSINESSES AND BUSINESS OWNERS FOR SUPPORT OF OUR TROOPS AND THEIR FAMILIES

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) expressing the sense of the House of Representatives that our Nation's businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world.

The Clerk read as follows:

H. RES. 201

Whereas over 216,931 members of the reserve components of the Armed Forces have been called to leave their families and their jobs, in service to this country and her citizens;

Whereas businesses of every size and scope have been impacted as their employees who are members of the reserve components of the Armed Forces have been called away from their employment in local business and industry;

Whereas businesses across the Nation have been exceptionally accommodating to the unique demands on the time, resources, and responsibilities of employee spouses and families of active duty military personnel who have been deployed for service; and

Whereas business owners have made sacrifices so that they might ensure observance of the letter and the spirit of the Uniformed Services Employment and Reemployment Rights Act in many ways including: restoring employment status after military service obligation has been fulfilled, providing continuation of health benefits to active duty employees and their dependents, and committing uninterrupted pension and retirement benefits: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the businesses that establish the backbone of our Nation in times of peace and rise to a greater standard of resolve in times of challenge do so by—

(A) carrying on the good work of commerce, industry, and innovation; and

(B) steadfastly supporting the members of our military and their families; and

(2) the business owners of our Nation deserve our commendation and sincere expression of gratitude.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. 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. Res. 201.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 201, authored by the gentleman from Michigan (Mr. ROGERS). The resolution commends America's businesses and business owners for their support of our troops and their families, in particular their support for the Reservists and National Guardsmen called into active duty.

As of today, nearly 220,000 members of the Reserve component of our Armed Forces have been called to active duty, leaving their families, homes, and their jobs to serve their country. Over 5,300 of those brave, part-time soldiers are from my home State of Florida. These men and women have volunteered to lay down their lives in defense of our country and the principles for which it stands, and have done so in their capacity as ordinary citizens, not professional soldiers.

They are extraordinary citizens with ordinary jobs. They are cooks, teachers, mechanics, doctors, salesmen, truckers, secretaries, lawyers, technicians and so forth, that when called to serve their country, became extraordinary citizens and full-time warriors sacrificing greatly, both personally and, of course, financially.

Our military today is dependent on these extraordinary citizens and of course these part-time soldiers. The 1.2 million Guard and Reserve personnel now make up nearly 46 percent of all U.S. military forces. When activated, Reservists and National Guardsmen have to leave their jobs abruptly, forcing their employers to face the serious challenge of losing a very valuable employee.

American businesses have stood by their employees called to serve their country. H. Res. 201 aptly states American businesses ''have made sacrifices so that they might ensure observance of the letter and the spirit of the Uniformed Services Employment and Reemployment Rights Act in many ways including: restoring employment status after military service obligation has been fulfilled, providing continuation of health benefits to active duty employees and their dependents, and committing uninterrupted pension and retirement benefits.''

□ 1400

Indeed, Mr. Speaker, many American businesses, recognizing the hardship placed on the families of these servicemen due to the differential in their civilian and military incomes while on active duty, make up that difference for a period of between several days and a year or more. A recent survey by the Reserve Officers Association of the United States found that of the 154 Fortune 500 corporations that responded to the survey, 105 companies, or 68 percent, make up the difference in that pay. Last year, just 75 of the 132 responding companies, or 56 percent, did so. And in the year 2001, the number was 53 of 119, or 45 percent of the responding companies.

Mr. Speaker, I conclude by wishing our men and women of the Armed Forces Godspeed and commending American businesses that have supported them, especially our Reservists and National Guardsmen, the extraordinary citizen. I urge my colleagues to support this piece of legislation.

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

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume to make a few brief comments in support of H. Res. 201.

House Resolution 201 honors businesses and business owners across our great Nation for their unwavering support for the men and women of the Reserves who have been called into service in unprecedented numbers to fight the war against terrorism at home and abroad. Businesses large and small have been exceptional in their commitment to supporting active duty Reservists and their families. Because of their support, the men and women of the Reserves can be secure in knowing that their job will be waiting for them when their service is fulfilled, with no loss of pension and retirement benefits or promotion opportunities, and that their families' needs were provided for in their absence.

These businesses embody the true spirit of America. For these reasons I urge adoption of House Resolution 201.

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

Mr. STEARNS. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I am very, very pleased that we are here commending America's businesses and, more specifically, American business men and women for what they have done in their places of work to help support our war effort in the war in Iraq, the war in Afghanistan, and the war against terror, because, frankly, the war against terror has placed an enormous burden on our economy.

According to the United States Chamber of Commerce, fear of terrorism since September 11, fear of the war in Iraq and now a mysterious respiratory disease called SARS have disrupted both business and leisure travel to the extent that half of all jobs lost since September 11 have been in the travel and tourism industry. One out of every seven people in the U.S. private sector workforce—or 18 million people—are employed directly or indirectly in travel and tourism jobs. This industry is a big industry. It is a $100 billion industry, not in revenue, not in assets, but in taxes paid to Federal, State and local governments.

Losing so many jobs in this industry is obviously a victory for the terrorists, but it is a victory that will be short-lived. Obviously, when people stop flying, when they stop traveling, they obviously stop staying in hotels, stop going to restaurants, visiting museums or theme parks, renting cars or shopping. This economic toll is precisely what the terrorists had in mind.

If the damage on September 11 had been limited to the thousands of lives lost and the property damage suffered, as horrible as that would have been, we would not be experiencing these downstream victories for the war waged by terrorists against the United States. I do not think we can make any mistake about this. Beyond murdering Americans, the terrorists wish to destroy America's economy.

The way for America to fight back is for working men and women, for small business owners, for entrepreneurs, for businesses of all sizes to go about their business, to show up for work early, to do a little more, to take the family vacation, to do those things that make us Americans and to keep our life normal because it is the disruption of normalcy that the terrorists seek to accomplish.

As chairman of the Select Committee on Homeland Security in the Congress, I can tell Members that 50 of our colleagues, including eight chairmen of standing committees in this House of Representatives, are working diligently with the Department of Homeland Security to ensure Americans' safety. We are engaged in oversight to ensure that Secretary Ridge and his new department succeed.

Secretary Ridge testified before the Select Committee on Homeland Security at a recent hearing on what we have accomplished in a few short months. We have orchestrated and launched Operation Liberty Shield, the first comprehensive, national plan to increase protection of America's citizens and infrastructure. We have deployed new technologies and tools at land, air and sea borders. We have established the Homeland Security Command Center, a national 24/7 watch operation. We have initiated a comprehensive reorganization of the border agencies, as well as other administrative measures to enhance departmental services and capabilities. We have completed the transition of 21 out of 22 component agencies of the Department of Homeland Security, none of which were previously focused primarily on preventing domestic terrorism.

We have conducted hearings, and the department itself has conducted on-site visits at strategic ports throughout the United States and begun the development of security measures and plans for vessels, facilities and ports that we put in place in the Maritime Security Act of 2002. And, of course, the department has completed TOPOFF II, the largest terrorist response exercise in our Nation's history.

Mr. Speaker, American workers and consumers are safer today than we were before September 11, but we are still threatened by terrorists who seek to destroy American lives and our economy, the very basis of American power. We must work together as consumers, as workers, as business proprietors to make sure that the terrorists

do not succeed. Keeping America at work is job one in that effort. I thank American business for what they have done in these wars.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. ROGERS), the author of the bill.

Mr. ROGERS of Michigan. Mr. Speaker, I thank my colleagues on both sides of the aisle at what I think is an important moment to recognize some other unsung heroes.

Earlier today we recognized those very brave men and women who wear the uniform of the United States military and all of their sacrifices, and certainly rightly so. We have also discovered, I think recently, the many forms that patriotism can take. Maybe it is the spouse of a soldier who keeps the home fires burning. It is every American who believes in liberty's blessings and who cares to pursue every opportunity and every challenge that democracy offers. But during Iraqi Freedom and Enduring Freedom, both of those operations, we have seen a new patriot emerge.

You can imagine, Mr. Speaker, at the time of your notice as a Reservist or a National Guardsman or -woman all across this country when that notice comes in and your country calls. You have trained for it, you have prepared for it, you are willing to serve. But there is always in the back of your mind that great concern about the family that you leave behind. Will they be taken care of? Will my employment be there when I get home? The law requires that at least your employment be there when you get home, but really nothing more. What we saw is that when those soldiers gathered up their family and kissed and hugged them good-bye and went off to do America's good service, our employers, from smaller companies to large companies, stood tall. Because the people who were called up were building cars for GM and Ford, they were delivering packages for United Parcel Service, they were mechanics, they were nurses, they were doctors, they were paramedics, police officers; they were machinists in small shops all across America. Maybe they were working retail. Maybe they were financial advisers.

In all of those cases, in many, many cases all across this country these companies stood up and have gone beyond the call of duty in an effort to maintain their aid and comfort to the soldiers who serve our great Nation. In many cases, they provided differential pay for these soldiers and sailors and Marines and airmen and women, those in the Coast Guard. They provided continued health care for those families. They continued insurance, all on their own accord. Some even offered full payment of their services even though they were not working. We had a smaller company, a fourth-generation company, Magnolia Marketing Company in Louisiana, who offered its employees when they were notified that they would leave, that upon their departure they would be paid in full in addition to their military salaries, and stepped up even further by setting up a fund with the United Way and challenged everybody on a matching grant of $35,000 for those companies who could not afford those kinds of things to provide some help to those families who were left behind when their country called. This happened again and again and again, from Michigan to California, from Maine to Florida, and everybody in between.

Mr. Speaker, there is a new breed of patriot in America, somebody that understands that the war on terror is fought by every one of us, not just those who wear the uniform so proudly and so bravely, but those of us at home who need to stand tall and make sure that the home fires are burning, that they know that our love and compassion for them usurps our sole concern for the bottom line.

We need to stand tall today together supporting H. Res. 201, to stand tall for every business who went beyond the call of duty and stood firm for the men and women who serve so that their families would not have to worry when they got home. Mr. Speaker, they deserve our praise and our admiration. They deserve the call of patriot as we stand here and recognize them today with the passage of H. Res. 201.

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

Mr. STEARNS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I am proud today to rise to support this resolution honoring our Nation's business owners for their very strong support of our employees who are members of the National Guard and Reserve.

The world really witnessed the capability of our troops as they brought down the repressive Taliban regime in Afghanistan and, of course, brought freedom to the Afghan people. We again saw recently the brilliant performance of our troops as they drove out the brutal regime of Saddam Hussein and freed the Iraqi people. A major component of both of those efforts was the contribution of the members of the National Guard and Reserve.

I come from Macomb County, Michigan, very proud home to Selfridge Air National Guard Base. In fact, Selfridge is somewhat unique in the inventory, I think nationally, because almost every facet, in fact every facet of the military is represented there. As I say, it is a Guard and Reserve base and it became sort of a staging area almost in the region, and we watched so many of those very brave citizen-soldiers mobilizing to defend our Nation. They left behind their jobs, they left behind their families to unselfishly serve to protect our freedom at home and abroad.

This service absolutely could not have been possible without the commitment, without the support of the business owners who do their patriotic duty and support their employees who are called upon by their Nation.

This, of course, is some hardship to many of these employers. And oftentimes we see that the Guard and Reserve, many members of them are members of their local fire fighting force, members of their local police agency or law enforcement; yet they have the full support of their employers. The Guard and Reserve are such an important component of our national defense, as many times has been said, a critical component of the total force concept. We must continue to fully support them in their vital mission.

I certainly join my distinguished colleague from Michigan. Both of us are so proud of having Selfridge. Of course it is in my district, but MIKE ROGERS is almost right next door there. He is very familiar, as I am, with the incredible mission of Selfridge Air National Guard Base as we see what is happening in our Great Lakes State of Michigan and throughout our Nation with our Guard and Reserve. I join him in recognizing the commitment of our Nation's employers because without their continuing support, none of the service of the outstanding Guard and Reserve members would be possible.

□ 1415

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

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

Mr. Speaker, in my home congressional district, I have the headquarters for the National Guard at Camp Blanding in North Central Florida; so I am well aware of the sacrifices these folks make when they go off to war. Interestingly enough, a lot of Americans do not realize this, so I think it is altogether appropriate today that we recognize the businesses and National Guard, because prior to this we had the resolution honoring the military who participated over in the war in Iraq, and we mentioned the National Guard. But, of course, this resolution is concentrating on the businesses.

There are 216,931 members of the Reserve components of the Armed Forces. When you think about each one of these people leaving their families and jobs in service to their country to go off to the war in Iraq, of course they leave behind employment.

We are talking about hundreds of thousands of employers that had these people employed. It might be a small business of five people, and it might be a business of 5,000 or 6,000 employees. But if you take a small business and you have one individual that leaves it, he represents 20 percent of the employees of the business. That is a major sacrifice.

So I think it is altogether fitting this afternoon that we take this time to recognize these businesses for their exceptional accommodation for these men and women and to honor them for what they are trying to do. Of course,

under the Uniformed Service Employment and Reemployment Rights Act, they have many responsibilities. Again, these responsibilities are mandated by Congress, but in many ways most of these businesses, almost all of them, are obligated through patriotism and a sense of resolve to the war in Iraq to take these people back, to care for them and, in many cases, give them their back pay. So I think it is altogether fitting that we this afternoon honor the businesses.

Mr. Speaker, I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and agree to the resolution, H. Res. 201.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Mr. 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.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 361) to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission, as amended.

The Clerk read as follows:

H.R. 361

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 ''Sports Agent Responsibility and Trust Act''.

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) AGENCY CONTRACT.—The term ''agency contract'' means an oral or written agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports contract or an endorsement contract.

(2) ATHLETE AGENT.—The term ''athlete agent'' means an individual who enters into an agency contract with a student athlete, or directly or indirectly recruits or solicits a student athlete to enter into an agency contract, and does not include a spouse, parent, sibling, grandparent, or guardian of such student athlete, any legal counsel for purposes other than that of representative agency, or an individual acting solely on behalf of a professional sports team or professional sports organization.

(3) ATHLETIC DIRECTOR.—The term ''athletic director'' means an individual responsible for administering the athletic program of an educational institution or, in the case that such program is administered separately, the athletic program for male students or the athletic program for female students, as appropriate.

(4) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(5) ENDORSEMENT CONTRACT.—The term ''endorsement contract'' means an agreement under which a student athlete is employed or receives consideration for the use by the other party of that individual's person, name, image, or likeness in the promotion of any product, service, or event.

(6) INTERCOLLEGIATE SPORT.—The term ''intercollegiate sport'' means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of college athletics.

(7) PROFESSIONAL SPORTS CONTRACT.—The term ''professional sports contract'' means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(8) STATE.—The term ''State'' includes a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(9) STUDENT ATHLETE.—The term ''student athlete'' means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. An individual who is permanently ineligible to participate in a particular intercollegiate sport is not a student athlete for purposes of that sport.

SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE CONTACT BETWEEN AN ATHLETE AGENT AND A STUDENT ATHLETE.

(a) CONDUCT PROHIBITED.—It is unlawful for an athlete agent to—

(1) directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by—

(A) giving any false or misleading information or making a false promise or representation; or

(B) providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract, including any consideration in the form of a loan, or acting in the capacity of a guarantor or co-guarantor for any debt;

(2) enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in subsection (b); or

(3) predate or postdate an agency contract.

(b) REQUIRED DISCLOSURE BY ATHLETE AGENTS TO STUDENT ATHLETES.—

(1) IN GENERAL.—In conjunction with the entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is under the age of 18, to such student athlete's parent or legal guardian, a disclosure document that meets the requirements of this subsection. Such disclosure document is separate from and in addition to any disclosure which may be required under State law.

(2) SIGNATURE OF STUDENT ATHLETE.—The disclosure document must be signed by the student athlete, or, if the student athlete is under the age of 18, by such student athlete's parent or legal guardian, prior to entering into the agency contract.

(3) REQUIRED LANGUAGE.—The disclosure document must contain, in close proximity to the signature of the student athlete, or, if the student athlete is under the age of 18, the signature of such student athlete's parent or legal guardian, a conspicuous notice in boldface type stating: ''Warning to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future you may lose your eligibility to compete as a student athlete in your sport. Within 72 hours after entering into this contract or before the next athletic event in which you are eligible to participate, whichever occurs first, both you and the agent by whom you are agreeing to be represented must notify the athletic director of the educational institution at which you are enrolled, or other individual responsible for athletic programs at such educational institution, that you have entered into an agency contract.''.

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

SEC. 5. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any athlete agent in a practice that violates section 3 of this Act, the State may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act; or

(C) obtain damage, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for a violation of section 3, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action.

(e) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(f) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(1) is an inhabitant; or

(2) may be found.

SEC. 6. PROTECTION OF EDUCATIONAL INSTITUTION.

(a) NOTICE REQUIRED.—Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the athlete agent and the student athlete shall each inform the athletic director of the educational institution at which the student athlete is enrolled, or other individual responsible for athletic programs at such educational institution, that the student athlete has entered into an agency contract, and the athlete agent shall provide the athletic director with notice in writing of such a contract.

(b) CIVIL REMEDY.—

(1) IN GENERAL.—An educational institution has a right of action against an athlete agent for damages caused by a violation of this Act.

(2) DAMAGES.—Damages of an educational institution may include and are limited to actual losses and expenses incurred because, as a result of the conduct of the athlete agent, the educational institution was injured by a violation of this Act or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate actions likely to be imposed by such an association or conference.

(3) COSTS AND ATTORNEYS FEES.—In an action taken under this section, the court may award to the prevailing party costs and reasonable attorneys fees.

(4) EFFECT ON OTHER RIGHTS, REMEDIES AND DEFENSES.—This section does not restrict the rights, remedies, or defenses of any person under law or equity.

SEC. 7. LIMITATION.

Nothing in this Act shall be construed to prohibit an individual from seeking any remedies available under existing Federal or State law or equity.

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that States should enact the Uniform Athlete Agents Act of 2000 drafted by the National Conference of Commissioners on Uniform State Laws, to protect student athletes and the integrity of amateur sports from unscrupulous sports agents. In particular, it is the sense of Congress that States should enact the provisions relating to the registration of sports agents, the required form of contract, the right of the student athlete to cancel an agency contract, the disclosure requirements relating to record maintenance, reporting, renewal, notice, warning, and security, and the provisions for reciprocity among the States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. 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. 361, as amended.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 361, the Sports Agent Trust and Responsibility Act.

Mr. Speaker, this legislation is sponsored by my friend and colleague on the Committee on Energy and Commerce, the gentleman from Tennessee (Mr. GORDON), for whom this has been a long-standing concern. Additionally, our colleague, the gentleman from Nebraska (Mr. OSBORNE), also has first-hand experience in dealing with the problem in this bill in his prior career and is a major cosponsor.

The Subcommittee on Commerce, Trade and Consumer Protection held hearings on this legislation last year and heard from many experts regarding the problems facing promising student athletes in this country. My colleagues and I on the Committee on Energy and Commerce agree there is a problem and that this bill, H.R. 361, is a responsible and necessary legislative solution. We passed the legislation out of our committee unanimously in the 107th Congress.

For my colleagues who may be unaware of the nature of the problem, let me briefly explain this afternoon. I am sure the gentleman from Tennessee (Mr. GORDON) and the gentleman from Nebraska (Mr. OSBORNE) will also amplify my comments on how destructive this behavior can be to the student athletes, their families, and to the schools.

I share their concern that student athletes are often targeted by unscrupulous agents who suffer little or no consequence for their continued deception. In today's multibillion dollar professional sports industry, collegiate athletes with even the slightest potential of becoming a highly paid professional athlete often find themselves in the cross hairs of sports agents. Because the odds of an athlete making it to the professional ranks is very, very low, the financial reward for those who do make it can be extraordinary, and the financial windfall to an agent representing the athlete is highly significant.

For an agent who may not be an established name in the business, success for this agent may be dependent upon either signing a superstar or playing the simple percentages and representing multiple promising athletes in hopes of at least one making it to the professional leagues.

Unfortunately, Mr. Speaker, the agents looking to make a quick buck are often the same ones who do not have the athlete's best interest in mind. While the reputable agents respect the athletes, and, of course, they follow the rules, the unscrupulous agents have been reported to take extreme measures to sign the athlete with little regard for the consequences to the athlete. Why do they do this? For those agents lacking any integrity, the financial payout can be very, very large; and there are few, if any, consequences to dissuade them.

While we do not currently have a Federal remedy to address these problems, many of our States do. They have recognized the problem and have varying State laws to address the behavior of these sports agents. Because the inconsistency of the State laws has prevented meaningful enforcement, the States recently approved a uniform State athlete agent act in the Year 2000. More than a dozen States have since enacted the law, and it is working its way through many other State legislatures.

As promising as this sounds, it is a long process that does not guarantee that all of the States will adopt it. While this may not sound significant to my colleagues, the law can only be completely effective if it is enforced uniformly in every State in this Nation.

The States deserve credit for addressing this problem. Yet, Mr. Speaker, the reality is that there is still a gaping hole that this legislation will finally fill. Not only does this legislation provide the Federal Trade Commission with the authority to enforce the act, but it also provides the States with the authority to bring civil action against violators in the Federal courts. Additionally, the legislation requires a new disclosure to the student athlete, and, finally, places a measure of responsibility on the agent himself so that there should be no misunderstanding regarding the signing of a contract.

Mr. Speaker, this legislation provides a Federal remedy to a problem that many of us did not know about, but it is no less deserving of a cure this afternoon. H.R. 361 provides a measured response. I urge my colleagues to support it.

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

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

Mr. Speaker, I intend to make a few brief remarks in support of H.R. 361, the Sports Agent Responsibility and Trust Act, or SPARTA. The combination of a patchwork of weak State laws and the lure of big money has made student athletes an irresistible target for certain unscrupulous sports agents willing to break the rules concerning amateur athletics. Such agents use any means necessary to convince a student athlete who has even a remote chance of playing professional sports to drop out of school and go pro early, including deceptive information about their chances in the draft, secret payments to their friends and families, lavish gifts, and sometimes even blackmail.

This kind of elicit behavior can quickly cost student athletes their scholarships and eligibility to play college sports. The school may face substantial fines and other economic losses.

The only person not held accountable is the sports agent. Unfortunately, under the current patchwork of State sports agent laws, the agents face little or no consequences for damages they have caused.

H.R. 361 addresses this problem head on by providing baseline Federal remedies to protect student athletes and educational institutions, particularly in those States with no existing law regulating sports agent conduct.

Specifically, the bill would make a number of unethical recruiting tactics unfair and deceptive trade practices under the Federal Trade Act. This includes making false or misleading promises or representations, providing anything of value to the student athletes or anyone associated with the athlete in order to entice them into an agency contract, failing to tell the student signing the contract that it will end their college eligibility, and predating or post-dating contracts.

The pressures on student athletes and colleges are tremendous. We have a responsibility to educate our student athletes and protect them from unscrupulous sports agents who try to trick or trap them into dropping out of school. This legislation will send a strong signal to the rotten apple agents that they will be held accountable for unethical recruiting practices. I urge all Members to support this bill.

Finally, Mr. Speaker, let me give my sincere thanks to the gentleman from the State and University of Nebraska (Mr. OSBORNE). The gentleman has brought a unique perspective to this bill and persuasiveness that has helped us get this passed.

Also I want to thank the subcommittee chairman from the Committee on Energy and Commerce, the gentleman from Florida (Mr. STEARNS), for expediting this procedure and helping us move through his committee, as well as the ranking member, the gentleman from New York (Mr. TOWNS).

I also want to thank the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their help. Certainly with joint jurisdiction with the Committee on the Judiciary, the gentleman from Wisconsin (Chairman SENSENBRENNER) should be thanked for his help; as well as the subcommittee chairman, the gentleman from Utah (Mr. CANNON); the ranking member, the gentleman from North Carolina (Mr. WATT); and the ranking member, the gentleman from Michigan (Mr. CONYERS).

Finally, let me thank a diligent member of my staff, Dana Lichtenberg, who has done an outstanding job with her tenaciousness in moving this bill forward, and also a friend of mine from home, Ken Shipp. Coach Shipp came by my office a few years ago on the Square in Murfreesboro and told me about this problem; and, like so many things, I get my best advice from home, and so I thank Coach Shipp for his advice.

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

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of H.R. 361. This legislation, which is known as the SPARTA Act, is important for the sports industry, which in recent years has become ever more just so that, an industry. The thrill of pure athletic accomplishment has been overwhelmed as a motivating incentive by the desire for economic gain. While understandable, we cannot allow this desire to lead to the abuse of individuals, the public and private universities and colleges, and the system itself.

We as Americans love sports. Who does not enjoy sitting back on a relaxing weekend watching their favorite college and professional sports teams performing? In Wisconsin, every Sunday during the fall we watch the Green Bay Packers with the intensity and caring of a mother bear watching her cubs. We have dedicated a month to an American tradition called March Madness and watch some of the most athletically gifted students in the Nation compete in the drama which can have only one victor at the day's end.

□ 1430

However, even with all this talent, only 1 percent of the NCAA athletes make it to the professional level, and then often only in a back-up role. For those who do make it to the big leagues, the rewards are great.

Athlete agents want to reap this reward, as well. As a result, some agents deploy questionable tactics in a generally unregulated field. They send runners to befriend these athletes and give them money and other enticements, and support the friends and family of the athlete with money and gifts.

This is done in consideration of an agreement for future representation, which is illegal by NCAA standards and causes the athlete to lose their collegiate eligibility. In many States, the penalty to the agent is nothing.

Mr. Speaker, the Uniform Athlete Agents Act, which addresses this situation, has been adopted by over 20 States. However, given the nature of intercollegiate sports, State boundaries are crossed constantly. Agents can forum-shop by waiting in a State that has not adopted the UAAA and wait for the visiting team to arrive before approaching college stars.

Because of this unique situation, this Federal solution is necessary. Geographic loopholes must be closed so that agents will comply with the modest guidelines set forth for recruitment by the NCAA.

Mr. Speaker, this bill deserves the full support of the House, and I urge its adoption.

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all give much applause to the gentleman from Tennessee (Mr. GORDON) for a very thoughtful, but very important legislative initiative. I am very proud as a member of the Committee on the Judiciary to have had an opportunity to have had oversight and jurisdiction over this legislation. I am also grateful for the response of the gentleman from Florida (Chairman STEARNS) in bringing this legislation to the floor.

Let me speak from a personal perspective, I guess, because I have an 11th grader whose almost every waking moment deals with what is happening on the basketball court. I work very hard as a parent to ensure that his academics are safe and secure.

We realize that America loves sports, young people love sports, but particularly in rural and inner-city communities many of our young people find their way out of poverty by seeking opportunities in a sports arena. I remember being with a family just a few weeks ago who was praying that their young man would be able to get into a certain college, and they were prayerful that his future would be great in some sports arena.

So this bill, I say to the gentleman from Tennessee (Mr. GORDON), is extremely important because what it does is it provides an even playing field for the innocent youngster, the young person whose parents are hopeful that their lives will be different than the lives of their parents, struggling every day to work and provide resources for the family.

The unscrupulous will be charged and the Federal Government, which I believe should be the major problem-solver of this Nation, will be right in the midst. We will not blame and see the headlines of the young people who may have gotten a car or may have been somewhere where they should not have been, while the other guy, who continues to have his fabulous rings and fancy cars, the sports agent, of which I do not label all of them, goes without penalty.

Let me give a compliment to many sports agents that I know who work very hard to speak accurately to the families, and work with the young people. But I believe this legislation will set a litmus test to ensure that we balance these hopes and dreams and aspirations, these goals for these young people, and the right thing to do.

So I applaud this legislation and I rise enthusiastically to support it. I know it will make life better for those who are trying to make life better for themselves.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. OSBORNE), who has actually run premier athletic programs and has run multiple national college football championships at the University of Nebraska. If anyone knows about this problem of unscrupulous sports agents, the gentleman from Nebraska would know that.

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding time to me, and I appreciate his help very much.

I would also like to thank the gentleman from Tennessee (Mr. GORDON) and his staff for all the work they have put in; the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Wisconsin (Chairman SENSENBRENNER) and their staffs; and also Lisa Knott from my staff. Many people have cooperated.

As has been mentioned, currently only 20 States have comprehensive laws regulating sports agents; 17 States have no laws at all. My State, Nebraska, is one of those. Thirteen States have a patchwork of laws governing sports agents.

Here is the problem. I will use primarily a football illustration, because that is what I understand the best. As of April, 2002, the National Football League Players Association reported 1,200 certified agents to represent NFL players. The problem is that of those 1,200, only 400 had clients, so we have 800 people who say they are agents and they have nobody to represent.

There are also several hundred other agents who are not even certified by the National Football League who also call themselves agents. So if they call themselves agents and do not have a client, they are pretty desperate. What these guys do is, they will go after undergraduates, and they will sometimes be very unscrupulous in doing so. There are some good agents, but many are not. So here are some of the things that happen.

They will offer an undergraduate athlete cars, clothes, cash, sometimes even drugs, to sign an agency contract. Of course, immediately this renders the student athlete ineligible.

They promise an athlete that he will be drafted higher. The National Football League tells them they will be drafted in the fourth round, and the agent says, that is a lot of baloney. I will get you a personal trainer, I will get you a nutritionist, we will go to California, we will work hard, you are going to get bigger, faster, stronger, you are going to be a first-round pick, and you are going to make $6 million just to sign your name.

Of course, that is totally untrue. They cannot get a player drafted higher because of the agent's activities. So the player drops out of school at that point, and he gets a nutritionist, and nothing happens.

They use runners, as has been mentioned. These are usually former players. These are student athletes in the school. Sometimes they are simply students in the school. The player has no idea that he is dealing with somebody who represents an agent. So the runner takes him out to dinner and gets him obligated.

They sometimes threaten athletes with physical harm.

Lastly, they often tell a student athlete they will predate or postdate a contract so they will not jeopardize their eligibility, which is absolutely untrue. The minute they verbally agree to a contract or sign it, no matter whether it is predated or postdated, they are ineligible. These are some of the problems.

With these problems in mind, the gentleman from Tennessee (Mr. GORDON) and I have introduced H.R. 361, which has been referred to previously as SPARTA. It makes it illegal for sports agents to entice student athletes with false or misleading information, promises, or representations.

SPARTA requires the agent to inform the undergraduate athlete and his school in writing that the player has signed an agency contract and is ineligible. What often happens is a school does not know that they have got a guy out there playing who is ineligible, that he has already signed a contract, so this forces the agent to let the school know in writing that he has a player under contract and that player is ineligible.

Under SPARTA, sports agents who engage in illegal recruiting will be fined up to $11,000 per incident per day. The Committee on Energy and Commerce passed this legislation by voice vote. The Committee on the Judiciary passed SPARTA by voice vote. So this legislation is bipartisan and it is noncontroversial.

I urge my colleagues to support this legislation. I do not know any college athletic director, coach, reputable athlete, or most reputable agents themselves who would oppose this legislation.

Again, I want to thank my colleague, the gentleman from Tennessee (Mr. GORDON), all those involved, and urge passage of this, what I think is a very important Federal backstop, very important legislation.

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

Mr. Speaker, let me once again thank the gentleman from Nebraska (Mr. OSBORNE) for his efforts. To just elaborate a little on his comments, this legislation has been endorsed by virtually every organization that is affected in the country, by the American Football Coaching Association, the Black Coaches Association, the Knight Foundation Commission on Intercollegiate Athletics, the National Association of Basketball Coaches, the National Association of College Directors of Athletics, the NCAA, the Junior College Athletic Association, the Big 12, the Big East, the Pac-10, the Sunbelt Conference, and coaches and athletic departments all across the country.

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

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 361.

This bill is important for all of the reasons that have already been discussed. An athletic agent is in a unique position in that while he stands to gain from his relationship with the student athlete, that student athlete client shoulders much of the risk when rules are not followed.

H.R. 361 evens the responsibilities and will help to act as a deterrent for agents who would otherwise not play by the rules of the game.

H.R. 361 will prohibit an athlete agent from recruiting or soliciting a student athlete to enter into an agency contract through the use of false or misleading information, or by the provision of anything of value to the athlete or those associated with him.

In addition, the bill would require the contract between the agent and the student athlete to have a conspicuous notice in bold typeface stating that the agreement for agent representation may result in the termination of the student athlete's eligibility to compete in collegiate sports.

Violations of this act may be addressed by the Federal Trade Commission or the attorney general of the State of occurrence. The FTC may pursue an action as an unfair or deceptive act or practice. States are authorized to commence civil actions against the agent who is in violation of this act and seek remedies, including enjoining the practice, enforcing compliance, obtaining damages, restitution, or other compensation on behalf of the State's residents.

In addition, this bill allows for educational institutions to seek damages in the event that a university athletic director is not informed of a new contractual relationship within 72 hours, either of the signing or the first event that the athlete is eligible to participate in.

Failure to so instruct may allow the ineligible athlete to compete, thus causing exposure for the institution to be liable or penalized under sanctions, fines, forfeitures, or disqualifications. The bill allows the institution to file suit against the agent for his failure to disclose, and to seek compensation for those damages which the educational institution suffered.

At the subcommittee, with the support of the gentleman from Tennessee (Mr. GORDON) and the gentleman from Nebraska (Mr. OSBORNE), working with the minority and with the distinguished ranking subcommittee member, the gentleman from North Carolina (Mr. WATT), I offered an amendment in the nature of a substitute which made this bill better.

The amendment clarified several portions of the bill to make it clear what behavior will and will not be tolerated. The amendment clarified that the only representation to be prohibited is that of an agent, and should not otherwise prohibit or discourage an athlete from seeking legal representation.

Further, the amendment included a specific ban on the giving of loans or acting as guarantor or co-guarantor for anything of value to the athlete or those associated with those athletes. This subterfuge is currently a common way of skirting NCAA rules.

Finally, the amendment clarified that nothing in this bill was meant to prohibit an individual from seeking Federal, State, or equity remedies under existing law, thus strengthening the student athlete's right to pursue a claim under existing contractual law.

Mr. Speaker, I join with my colleagues in urging the House to give its full support to the adoption of H.R. 361.

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

Finally, Mr. Speaker, let me just say that this bill does not penalize the many legitimate sports agents. This bill does not stop any athlete from, with full information, going pro. Also, this bill does not set up a national sports police.

What it does is it deputizes the various States' attorneys general to follow up on the deceptive acts, and deal with these incidents or these problems on a local basis.

Once again, my thanks to all the Members that have made this bill possible to come to the floor and possibly pass today.

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

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

Mr. Speaker, just in conclusion, maybe just a quick history on this bill.

The gentleman from Tennessee (Mr. GORDON) dropped the bill in the 107th Congress. We had a hearing out of the subcommittee that I chair, the Subcommittee on Commerce, Trade, and Consumer Protection. We had the NCAA and we had lots of witnesses. Everybody endorsed this bill.

I think for those who are worried that this is a Federal mandate, it is basically a bill to give a little bit more support to the States, particularly those States, perhaps in Nebraska, where they do not have any law, and give those State attorneys general the opportunity to prosecute those unscrupulous sports agents.

I think the gentleman from Tennessee (Mr. GORDON) is to be commended for his hard work on this over a long period of time, and for pushing it forward.

Also, I want to thank the gentleman from Louisiana (Mr. TAUZIN) for allowing a hearing on this. Eventually we are here this afternoon. I wish we could have passed this in the 107th Congress, but we are here in the 108th Congress, and hopefully we will get this bill passed.

Again, I commend all those who have been involved.

Mr. DINGELL. Mr. Speaker, I am a proud cosponsor of H.R. 361, the "Sports Agent Responsibility and Trust Act" (SPARTA). This legislation will hold unscrupulous sports agents responsible for their actions by authorizing the Federal Trade Commission and State attorneys general to enforce common sense protections for amateur athletes. I commend the chief sponsor of this bill, the gentleman from Tennessee, for his hard work on this bill.

This legislation empowers students with the ability to decide when and where they become professionals and protects them from the underhanded tactics that have become all too common in this field. Under this legislation, student athletes can no longer be tricked into signaling contracts through the deception or bribery of a sports agent. And agents must clearly disclose to students that they will no longer be amateurs if they sign an agency contract, before they sign the contract.

SPARTA enjoys wide support in the academic community and has been endorsed by the NCAA and over 30 colleges and universities, including the University of Michigan. I urge my colleagues to support this legislation and send a strong message to the unprincipled sports agents who prey on our youth.

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

□ 1445

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 361, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARMED FORCES NATURALIZATION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1954) to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1954

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 "Armed Forces Naturalization Act of 2003".

SEC. 2. NATURALIZATION THROUGH SERVICE IN ARMED FORCES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—

(1) IN GENERAL.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years," and inserting "one year,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to applications for naturalization filed or pending on or after the date of the enactment of this Act.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(A) in section 328(b)—

(i) in paragraph (3)—

(I) by striking "honorable. The" and inserting "honorable (the"; and

(II) by striking "discharge." and inserting "discharge); and"; and

(ii) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the person for filing the application, or for the issuance of a certificate of naturalization upon being granted citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected."; and

(B) in section 329(b)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the person for filing the application, or for the issuance of a certificate of naturalization upon being granted citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to applications for naturalization filed, and certificates of naturalization issued, on or after the date of the enactment of this Act. Such amendments shall not be construed to require the refund or return of any fee collected before such date.

(c) REVOCATION OF CITIZENSHIP FOR SEPARATION FROM MILITARY SERVICE UNDER OTHER THAN HONORABLE CONDITIONS.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(A) by adding at the end of section 328 the following:

"(f) Citizenship granted pursuant to this section may be revoked in accordance with section 340 if the person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years. Such ground for revocation shall be in addition to any other provided by law, including the grounds described in section 340. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation. Any period or periods of service shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service."; and

(B) by amending section 329(c) to read as follows:

"(c) Citizenship granted pursuant to this section may be revoked in accordance with section 340 if the person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years. Such ground for revocation shall be in addition to any other provided by law, including the grounds described in section 340. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation. Any period or periods of service shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to citizenship granted on or after the date of the enactment of this Act.

(d) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense

shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces are available, to the maximum extent practicable, through United States embassies, consulates, and United States military installations overseas.

(e) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking ''Attorney General,'' and inserting ''Secretary of Homeland Security,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.

SEC. 3. POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE IN ARMED FORCES.

(a) PROHIBITION ON IMPOSITION OF FEES; BENEFITS FOR SURVIVORS.—

(1) IN GENERAL.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) is amended by striking subsection (e) and inserting the following:

''(e) PROHIBITION ON IMPOSITION OF FEES.—Notwithstanding any other provision of law, no fee shall be charged or collected from a person for filing a request for the granting of posthumous citizenship under subsection (c), or for the issuance of a document under subsection (d).

''(f) BENEFITS FOR SURVIVORS.—

''(1) APPLICABILITY.—Notwithstanding any other provision of this subsection, this subsection shall apply only to the surviving spouses, children, and parents of persons dying on or after September 11, 2001.

''(2) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i), a person who is the surviving spouse of a person granted posthumous citizenship under this section, and who was living in marital union with the citizen spouse at the time of death, shall be considered, for purposes of section 201(b), to remain an immediate relative after the date of the citizen's death, but only until the date on which the surviving spouse remarries.

''(3) CHILDREN.—Notwithstanding the second sentence of section 201(b)(2)(A)(i), a person who is the surviving child of a person granted posthumous citizenship under this section, and who is an unmarried person under 21 years of age on the date of such grant, shall be considered, for purposes of section 201(b), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status after the date of such grant).

''(4) PARENTS.—Notwithstanding the first sentence of section 201(b)(2)(A)(i), a person who is the surviving parent of a person granted posthumous citizenship under this section, and who is lawfully authorized to be present in the United States on the date of the citizen's death (disregarding any departure for a temporary visit abroad), shall be considered, for purposes of section 201(b), to remain an immediate relative after such date, and the requirement that the citizen be at least 21 years of age shall not apply.

''(5) SELF-PETITIONS.—

''(A) IN GENERAL.—In the case of a surviving spouse, child, or parent who remains an immediate relative after the date of a citizen's death pursuant to paragraph (2), (3), or (4), any petition under section 204 otherwise required to be filed by the citizen to classify the spouse, child, or parent under section 201(b)(2)(A)(i) may be filed instead by the spouse, child, or parent. A surviving spouse's petition may include derivative children in the same manner as is permitted under section 204(a)(1)(A)(ii).

''(B) MINOR CHILDREN.—In the case of a child under 18 years of age on the filing date, any nonderivative petition described in subparagraph (A) shall be filed on behalf of the child by a parent or legal guardian of the child.

''(6) DEADLINE.—Paragraphs (1) through (5) shall apply only if the petition under paragraph (5) is filed not later than 2 years after the date on which the request under subsection (c) is granted.

''(7) CONVERSION OF PETITIONS.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the alien's petitioning spouse or parent being lawfully admitted for permanent residence, upon the grant of posthumous citizenship under this section to the petitioner, the Secretary of Homeland Security, unless the alien otherwise has attained the status of an alien lawfully admitted for permanent residence—

''(A) shall convert such petition to a petition filed under paragraph (5) to classify the alien as an immediate relative under subsection (b)(2)(A)(i); and

''(B) shall ensure that the filing date of the original petition is maintained.

''(8) WAIVER OF PUBLIC CHARGE GROUND FOR INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under this subsection, the grounds for inadmissibility specified in section 212(a)(4) shall not apply.

''(9) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.''.

(2) CONVERSION OF PETITIONS.—In the case of a surviving spouse or child accorded an immigration benefit under section 329(f) of the Immigration and Nationality Act, as added by paragraph (1), if the spouse or child was the beneficiary of a petition described in paragraph (7) of such section, unless the beneficiary otherwise has attained the status of an alien lawfully admitted for permanent residence, the Secretary of Homeland Security shall provide for—

(A) the reinstatement of such petition, if it was revoked or terminated (or otherwise rendered null), either before or after its approval, due to the death of the petitioner; and

(B) the conversion of such petition in accordance with such section.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by paragraph (1) shall apply with respect to posthumous citizenship granted before, on, or after the date of the enactment of this section.

(B) FEES.—Section 329A(e) of the Immigration and Nationality Act, as amended by paragraph (1), shall apply with respect to requests for posthumous citizenship filed, and documentation of posthumous citizenship issued, on or after the date of the enactment of this Act. Such section shall not be construed to require the refund or return of any fee collected before such date.

(b) NATURALIZATION FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—Section 319(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) is amended by adding at the end the following: ''For purposes of this subsection, the terms 'United States citizen' and 'citizen spouse' include a person granted posthumous citizenship under section 329A.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to persons granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) due to death on or after September 11, 2001.

(c) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) is amended by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.

SEC. 4. IMMIGRATION BENEFITS FOR SURVIVING ALIEN SPOUSES, CHILDREN, AND PARENTS OF CITIZENS WHO DIE DURING SERVICE IN ARMED FORCES.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) IN GENERAL.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

''(4) SURVIVING ALIEN SPOUSES, CHILDREN, AND PARENTS OF CITIZENS WHO DIE DURING SERVICE IN ARMED FORCES.—

''(A) BENEFITS FOR SURVIVORS.—

''(i) IN GENERAL.—The benefits under this paragraph shall apply only to a surviving spouse, child, or parent of a person who, while a citizen of the United States, died on or after September 11, 2001, during a period of honorable service in the Armed Forces as a result of injury or disease incurred in or aggravated by such service.

''(ii) DETERMINATIONS.—The executive department under which the citizen so served shall determine whether the citizen satisfied the requirements of clause (i).

''(B) SPOUSES.—Notwithstanding the second sentence of subsection (b)(2)(A)(i), a person who is a surviving spouse described in subparagraph (A), and who was living in marital union with the citizen described in such subparagraph at the time of death, shall be considered, for purposes of subsection (b), to remain an immediate relative after the date of the citizen's death, but only until the date on which the surviving spouse remarries.

''(C) CHILDREN.—Notwithstanding the second sentence of subsection (b)(2)(A)(i), a person who is a surviving child described in subparagraph (A), and who is an unmarried person under 21 years of age on the date on which a petition described in subparagraph (E) to classify the alien as an immediate relative is filed, shall be considered, for purposes of subsection (b), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status after such filing date).

''(D) PARENTS.—Notwithstanding the first sentence of subsection (b)(2)(A)(i), and subject to subparagraph (E), a person who is a surviving parent described in subparagraph (A) shall be considered, for purposes of subsection (b), to remain an immediate relative after such date, and the requirement that the citizen be at least 21 years of age shall not apply.

''(E) TREATMENT OF PETITIONS.—

''(i) CONTINUATION OF PETITIONS.—A petition properly filed on behalf of a spouse, child, or parent under section 204(a)(1)(A)(i) by a citizen described in subparagraph (A) prior to the citizen's death shall be valid to classify the spouse, child, or parent as an immediate relative pursuant to this paragraph. No new petition shall be required to be filed, and any filing date assigned prior to the death shall be maintained.

''(ii) SELF-PETITIONS.—

''(I) SPOUSES.—In the case of a surviving spouse who remains an immediate relative after the date of a citizen's death pursuant to subparagraph (B), the spouse may file a petition under section 204(a)(1)(A)(ii) for classification of the spouse (and the spouse's

children) under subsection (b)(2)(A)(i). The spouse shall be treated as an alien spouse described in the second sentence of subsection (b)(2)(A)(i) for such purpose.

''(II) CHILDREN.—In the case of a surviving child who remains an immediate relative after the date of a citizen's death pursuant to subparagraph (C), any petition under section 204 otherwise required to be filed by the citizen to classify the child under subsection (b)(2)(A)(i) may be filed instead by the child. In the case of a child under 18 years of age on the filing date, the petition described in this subclause shall be filed on behalf of the child by a parent or legal guardian of the child.

''(III) PARENTS.—In the case of a surviving parent who remains an immediate relative after the date of a citizen's death pursuant to subparagraph (D), any petition under section 204 otherwise required to be filed by the citizen to classify the parent under subsection (b)(2)(A)(i) may be filed instead by the parent, but only if the parent was lawfully authorized to be present in the United States on the date of the citizen's death (disregarding any departure for a temporary visit abroad).

''(iii) DEADLINE.—In the case of petition under clause (ii), subparagraphs (B), (C), and (D) shall apply only if such petition is filed not later than 2 years after the date of the citizen's death.

''(F) WAIVER OF PUBLIC CHARGE GROUND FOR INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under this paragraph, the grounds for inadmissibility specified in section 212(a)(4) shall not apply.''.

(2) CONTINUATION OF PETITIONS.—

(A) IN GENERAL.—The Secretary of Homeland Security shall provide for the reinstatement of any petition filed by a deceased person described in subparagraph (A) of section 201(f)(4) of the Immigration and Nationality Act, as added by paragraph (1), if such petition is described in subparagraph (E)(i) of such section and was revoked or terminated (or otherwise rendered null), either before or after its approval, due to the death of such person, unless the beneficiary otherwise has attained the status of an alien lawfully admitted for permanent residence.

(B) EXCEPTION.—A petition otherwise satisfying the requirements of subparagraph (A) and filed by a citizen on behalf of a parent shall not be reinstated unless the parent was lawfully authorized to be present in the United States on the date of the citizen's death (disregarding any departure for a temporary visit abroad).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 201(f)(1) of the Immigration and Nationality Act (8 U.S.C. 201(f)(1)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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. 1954, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, since the beginning of Operation Iraqi Freedom and the news that 10 members of our Armed Forces who died in combat were not U.S. citizens, several bills have been introduced to either ease the naturalization requirements of legal permanent residents in the Armed Forces or to provide immigration benefits to the surviving family members of those killed in service to America, or both.

We can never adequately express our gratitude to those noncitizen members of our military who made the ultimate sacrifice, but we can bring reasonable changes to the naturalization process for other permanent resident service members willing to make the same sacrifice and to provide immigration benefits to family members of those who died.

The Committee on the Judiciary has worked closely with those who have introduced bills on this issue, including the gentleman from Washington (Mr. HASTINGS), the gentleman from Texas (Mr. FROST), the gentleman from North Carolina (Mr. JONES), the gentlewoman from California (Ms. SOLIS), the gentleman from Illinois (Mr. GUTIERREZ), and the gentleman from California (Mr. ISSA), as well as the ranking member, the gentleman from Michigan (Mr. CONYERS) and Subcommittee on Immigration, Border Security, and Claims ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE), to come up with a bipartisan compromise bill.

In addition, six Members not on the Committee on the Judiciary testified at a hearing before the Subcommittee on Immigration, Border Security, and Claims regarding their legislation.

H.R. 1954, the Armed Forces Naturalization Act is a consensus bill in which I have done my best to address the concerns of the other interested Members and to balance competing priorities. I am grateful that the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Texas (Ms. JACKSON-LEE) have signed on as original cosponsors.

Not every Member got everything they wanted in this bill, but each of the Members we consulted with got something that they wanted. As a result, we have a bill that should easily be able to pass the House with support from Members with widely varying views on immigration who all want to honor the service to our country of permanent residents in the Armed Forces.

H.R. 1954 reduces the military service requirement to apply for naturalization during peacetime from 3 years to 1 year. Some of the earlier bills reduced the requirement to 2 years and another bill reduced it to zero years. One year is an obvious compromise.

It lowers the required years of service while maintaining the requirement that a military member must still establish their worthiness for expedited naturalization through a period of honorable military service during peacetime. For soldiers, this bill also waives the fees for the naturalization petition or naturalization certificate, along with related State fees and waives the fees for the posthumous citizenship application. This will ease the financial burden for military members who perform an outstanding service for our country and receive little money in return.

The bill permits the revocation of citizenship if a person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for 5 years in either peacetime or wartime. In addition to the 5-year military revocation, an alien would remain subject to denaturalization at any time if, for example, the alien committed fraud to gain citizenship or the underlying green card.

I would also add that this bill does not allow for the naturalization or acquisition of permanent resident status to undocumented aliens.

H.R. 1954 would require the Departments of Homeland Security, State and Defense to ensure that naturalization applications, interviews, filings, oaths and ceremonies are available to the maximum extent practicable at U.S. embassies, consulates and military installations. Currently, a soldier must be physically present in the United States to file a naturalization application, to be interviewed for the application and to take the oath of citizenship. This requirement causes some soldiers who are stationed outside the United States to leave their post abroad and to return the United States at their own expense. This is both expensive and causes unnecessary interruption in their military service.

The bill would also permit surviving immediate family members of both military members who are U.S. citizens before death and immigrant military members who are granted citizenship posthumously to apply for immigration benefits as if the military family member had not died. Under current law, family members of posthumous citizens cannot apply for immigration benefits through the posthumous citizen. This bill would permit the spouse, the children and certain parents to do so.

Under current law, a lawful permanent resident spouse of a U.S. citizen may apply for naturalization in 3 years instead of 5 years. If the U.S. citizen spouse happens to be in the military and dies during military service, the lawful permanent resident spouse may apply for naturalization immediately rather than wait 3 years.

H.R. 1954 extends this immediate eligibility for naturalization to lawful permanent resident spouses of military members who gain U.S. citizenship posthumously.

Finally, the bill would waive the affidavit of support/public charge ground of inadmissibility for family members applying for adjustment of status. If the military member was the breadwinner, we elected not to penalize the immediate relative because their means of support died during service to our country.

I urge my colleagues to support this carefully crafted and broadly supported compromise bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a great day today. Mr. Speaker, I might add my support to H. Con. Res. 177, that commends the troops for the Iraqi operation, and H. Res. 201, that commends the business support of the troops, because this is the day when we further acknowledge that there is no divide amongst Americans or amongst those of us who are Members of the United States Congress in commemorating, celebrating and appreciating the valid service of the United States troops.

I am very pleased to join the chairman of the Committee on the Judiciary in full support of H.R. 1954, the Armed Forces Naturalization Act of 2003.

I do want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), as full committee chairman, and, as well, the chairman of the subcommittee, the gentleman from Indiana (Mr. HOSTETTLER) for working with the ranking member of the full committee, the gentleman from Michigan (Mr. CONYERS) and myself as the ranking member of the subcommittee, in what is an important legislative action that we are joined in by any number of my colleagues who have done an outstanding job in recognizing this very important challenge.

This work is a culmination of a bipartisan effort to improve the military naturalization provisions of the Immigration and Nationality Act.

The gentleman from Wisconsin (Mr. SENSENBRENNER) was quick to respond and sensitive to the need of moving this legislation along very quickly. I am proud to be an original cosponsor of this bill that was later introduced by the chairman, but more importantly, to be working very closely on the drafting of these issues within the bill and to make the bill as responsive as possible, along with the gentleman from Michigan (Mr. CONYERS), to the issues of concern to those brave and valiant individuals who serve us and create an opportunity for our freedom.

Mr. Speaker, I also want to thank the Members who cooperated with this project by combining their individual naturalization bills to produce a comprehensive Armed Forces Naturalization Act. Certainly the gentleman from Washington (Mr. HASTINGS), the gentleman from Texas (Mr. FROST), the gentleman from North Carolina (Mr. JONES), the gentlewoman from California (Ms. SOLIS), the gentleman from California (Mr. ISSA), and the gentleman from illinois (Mr. GUTIERREZ), all of them had brilliant ideas, brilliant piece of legislation focusing on very important aspects of this work. We could not have done this legislation without them.

Marine Corporal Jose Angel Garibay and Lance Corporal Jose Gutierrez were among the 129 men and women killed during the Iraqi war. Those numbers obviously have increased. When they volunteered for military service and fought in this war, they were immigrants with resident status and not citizens of the United States.

Jose A. Gutierrez was an orphan from Guatemala when he hitchhiked on railcars into Mexico in 1997. He entered the United States illegally. Later, however, he obtained permanent resident status. And according to Martha Espinosa, one of his former foster mothers, he once told her, ''I was born the day I arrived in this county.''

Garibay was a native of Jalisco, Mexico, whose family moved to the United States when he was a baby. He joined the Marines 3 years ago. ''He probably thought he was more an American than a Mexican,'' said his sister. With the help of their families and fellow Marines, these brave young Americans unfortunately lost their lives in the war in Iraq; and so we would hope that as we move this legislation forward, these brave young Marines will also obtain their citizenship posthumously.

Service in the United States military, particularly in times of conflict, is the ultimate act of patriotism. Our immigration laws traditionally have allowed for expedited citizenship consideration for noncitizen members of the United States military even in peacetime. For instance, section 328 of the INA allows noncitizen members of the military to become citizens after 3 years of peacetime service instead of the usual 5-year wait required of nonmilitary applicants.

Section 329 of the INA allows noncitizens to receive immediate naturalization eligibility through their active duty service in the Armed Forces during periods of military hostilities.

Under this section of the INA, 143,000 noncitizen military participants in World Wars I and II, and 31,000 members of the United States military who fought during the Korean War became naturalized American citizens. More than 100,000 members of the United States became citizens following Vietnam and the Persian Gulf War collectively.

The important point, Mr. Speaker, is to realize that this Nation continues to be a Nation built upon immigrants and their desire to be part of this great democracy. And it also shows how much we are united, united in our war against terrorism, and that immigration does not equate to terrorism.

The Armed Forces Naturalization Act of 2003 would reduce the time that a peacetime member of the Armed Forces has to serve for naturalization eligibility purposes from 3 years to a single year. The fees normally charged for naturalization will be waived for members of the Armed Forces.

Moreover, effort will be made to provide locations overseas at which soldiers will be able to take the naturalization examination, the interviews and other steps in the naturalization process. If you can imagine, before this legislation and the vision of the gentleman from Texas (Mr. FROST), these persons had to come back from their posts, and that was very, very difficult, to proceed to naturalize. This will avoid the expense to that soldier serving overseas of paying his or her transportation to and from the United States to complete the naturalization process.

The current law provides for posthumous citizenship when a soldier has been killed during a period that has been declared a time of military hostilities, but the current law explicitly denies derivative immigrant benefits for the soldier's spouse and children. This bill will correct that inequity by allowing the spouse, children and parents of such a soldier to self-petition for immediate relative status on the basis of the soldier's posthumous citizenship.

The bill as offered at the mark-up, however, did not extend similar benefits to the case in which the soldier's surviving spouse is already a lawful permanent resident. This omission was corrected by an amendment I offered at the mark-up. Ordinarily, a lawful permanent resident must be married to a United States citizen for a period of 3 years before becoming eligible for naturalization as a spouse of a United States citizen. Section 319(d) of the INA waives that requirement when a lawful permanent resident's citizen spouse dies in the Armed Forces.

The pertinent part section of 319(d) reads as follows:

''Any person who is a surviving spouse of a United States citizen, whose citizen spouse dies during a period of honorable service in the Armed Forces of the United States and who was living in marital union with the citizen spouse at the time of his death, may be naturalized upon compliance with all the requirements of this title except that no prior residence or specified physical presence within the United States shall be required.''

My amendment provides the same waiver in the case of the lawful permanent resident spouse whose soldier spouse receives citizenship posthumously.

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The only difference between the two situations is that the one permitted under current law involves a soldier who received his citizenship before he died; whereas in the second situation, the citizenship is received posthumously. In both cases, the soldier is a citizen who is killed during a period

of honorable military service. I am pleased that the committee voted to approve that amendment.

There are two instances of concern that I have. One amendment provides that anyone naturalized under the bill's 1 year of service in the Armed Forces measure can have such citizenship revoked if the individual is subsequently separated from the military under other than honorable conditions. No such provision currently exists for revoking the citizenship of Armed Forces personnel who obtain naturalization pursuant to peacetime service. I am concerned about that and hope we can work through conference on that issue.

I am also concerned about an amendment that modifies the provisions in the bill that are intended to grant immigration benefits to the parents of soldiers who receive citizenship posthumously. The original provisions in the bill make the parents eligible for immediate relative status without imposing any additional eligibility requirements. Immediate relative status would permit them to obtain an immigrant visa without having to wait for a visa number.

The amendment that was in this bill limits the benefit to parents who are lawfully authorized to be present in the United States on the date of the soldier's death. Aside from unusual situations, such as when the parents happen to be college students or have visas for temporary employment in the United States as computer experts, et cetera, this is a problem because we can imagine problems of where a parent might be on any given day when the son or daughter dies, whether or not they are out of the country; and I would hope that we could make a correction as we move forward with this legislation.

I do want to acknowledge that this is an important bill that has come about through bipartisan efforts, and I do want to acknowledge that there are problems that we want to work through; and clearly, we want to make sure that the problems that we face will be ones that can be corrected.

I believe, Mr. Speaker, that we worked in a bipartisan way for the betterment and good of these heroes, valiant heroes; and I would ask that my colleagues support this legislation.

Mr. Speaker, the ''Armed Forces Naturalization Act of 2003'' is the culmination of a bi-partisan effort to improve the military naturalization provisions of the Immigration and Nationality Act (INA). I am proud to be an original cosponsor of this bill, which was introduced by Representative F. JAMES SENSENBRENNER, the Chairman of the Committee on the Judiciary. I want to thank Chairman SENSENBRENNER and the Ranking Member of the Judiciary Committee, Representative JOHN CONYERS, for their leadership. I also want to thank the members who cooperated with this project by combining their individual naturalization bills to produce the comprehensive Armed Forces Naturalization Act, Representatives DOC HASTINGS, MARTIN FROST, WALTER JONES, HILDA SOLIS, DARRELL ISSA, and LUIS GUTIERREZ.

Marine Corporal Jose Angel Garibay and Lance Corporal Jose Gutierrez were among the 129 men and women killed during the Iraqi war. When they volunteered for military service and fought in this war, they were immigrants with resident status, not citizens of the United States.

Jose A. Gutierrez was an orphan from Guatemala when he hitchhiked on railcars into Mexico in 1997. He entered the United States illegally. Later, however, he obtained permanent resident status. According to Martha Espinosa, one of his former foster mothers, ''He once told me, ' was born the day I arrived in this country.' '' Garibay was a native of Jalisco, Mexico, whose family moved to the United States when he was a baby. He joined the Marines three years ago. ''He probably thought he was more an American than a Mexican,'' said Garibay's sister Crystal. With the help of their families and fellow Marines, Garibay and Gutierrez became American citizens posthumously.

Service in the United States military, particularly in times of conflict, is the ultimate act of patriotism. Our immigration laws traditionally have allowed for expedited citizenship consideration for non-citizen members of the United States military, even in peacetime. For instance, Section 328 of the INA allows non-citizen members of the military to become citizens after 3 years of peacetime service, instead of the usual 5-year wait required of non-military applicants.

Section 329 of INA allows non-citizens to receive immediate naturalization eligibility through their active duty service in the Armed Forces during periods of military hostilities. Under this Section of the INA, 143,000 non-citizen military participants in World Wars I and II, and 31,000 members of the United States military who fought during the Korean War, became naturalized American citizens. More than 100,000 members of the United States military became citizens following Vietnam and the Persian Gulf War collectively.

The Armed Forces Naturalization Act of 2003 will reduce the time that a peacetime member of the armed forces has to serve for naturalization eligibility purposes from 3 years to a single year. The fees normally charged for naturalization will be waived for members of the armed forces. Moreover, effort will be made to provide locations overseas at which soldiers will be able to take the naturalization examination, the interviews, and the other steps in the naturalization process. This will avoid the expense to the soldier serving overseas of paying for his or her own transportation to and from the United States to complete the naturalization process.

Current law provides for posthumous citizenship when a soldier is killed during a period that has been declared a time of military hostilities, but the current law explicitly denies derivative immigration benefits to the soldier's spouse and children. this bill will correct that inequity by allowing the spouse, children, and parents of such a soldier to self-petition for immediate relative status on the basis of the soldier's posthumous citizenship. the bill as offered at the markup, however, did not extend similar benefits to the case in which the soldier's surviving spouse is already a lawful permanent resident. This omission was corected by an amendment I offered at the markup.

Ordinarily, a lawful permanent resident must be married to a United States citizen for a period of 3 years before becoming eligible for naturalization as the spouse of a United States citizen. Section 319(d) of the INA waives that requirement when the lawful permanent resident's citizen spouse dies during a period of honorable service in the Armed Forces. the pertinent part of section 319(d) read as follows:

> Any person who is the surviving spouse of a United States citizen, whose citizen spouse dies during a period of honorable service in the Armed Forces of the United States and who was living in martial union with the citizen spouse at the time of his death, may be naturalized upon compliance with all the requirements of this title except that no prior residence or specified physical presence within the United States . . . shall be required.

My amendment provides the same waiver in the case of the lawful permanent resident spouse whose soldier spouse receives citizenship posthumously. The only difference between the two situations is that the one permitted under current law involves a soldier who received his citizenship before he died, whereas in the second situation, the citizenship is received posthumously. In both cases the soldier is a citizen who is killed during a period of honorable military service. I am pleased that Committee voted to approve my amendment.

I am concerned, however, about two amendments from Representative STEVE KING that also were approved at the markup. Representative KING's first amendment provides that anyone naturalized under the bill's ''one year of service in the Armed Forces'' measure can have such citizenship revoked if the individual is subsequently ''separated from the military . . . under other than honorable conditions.'' No such provision currently exists for revoking the citizenship of armed forces personnel who obtain naturalization pursuant to peacetime service.

Representative KING's second amendment is even more troubling. It modifies the provisions in the bill that are intended to grant immigration benefits to the parents of a soldier who receives citizenship posthumously. The original provisions in the bill make the parents eligible for immediate relative status without imposing any additional eligibility requirements. Immediate relative status would permit them to obtain an immigrant visa without having to wait for a visa number. Mr. KING's amendment limits the benefit to parents who are lawfully authorized to be present in the United States on the date of the soldier's death. Aside from unusual situations, such as when the parents happen to be college students or have visas for temporary employment in the United States as computer experts or agricultural workers, the King amendment limits the immediate relatives status benefit to parents who have coordinated their vacation plans with the death of their soldier son or daughter.

For instance, if the parents are in the United States for two weeks in June as nonimmigrant visitors and their soldier son or daughter dies in combat in July, they are not eligible for immediate relative status. Although they were authorized to be in the United States when they visited in June, they were not authorized to be present in the United States in July, which is when their son or daughter dies in this hypothetical example. The results is this irrational in every situation I can image. It

makes no sense to limit eligibility in this manner.

I also want to note that although the Armed Forces Naturalization Act will make important changes in the military naturalization provisions, there is more to be done. In the coming months of this session, we also need to work on benefits for the brothers and sisters of soldiers who are killed while serving our country. Currently, immigration status is not available in that situation. I offered an amendment at the markup to fix this problem, but it was not approved.

Another problem is the fact that immigrants who are in the United States in an unlawful status for more than 6 months are barred thereafter from becoming a permanent resident for a period of 3 years. If they are in an unlawful status for more than a year, they are barred from becoming a permanent resident for a period of 10 years. Moreover, the waivers available to people who face such bars are far too narrow. If we cannot agree to eliminate these bars, we must work together to create reasonable waivers so that discretion is available when it is needed to prevent an injustice.

Nevertheless, the fact that we have more work ahead of us does not diminish the importance of enacting the Armed Forces Naturalization Act of 2003. It is an excellent bill that demonstrates how much we can accomplish when we work together. I urge you to vote for it.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me the time; and, Mr. Speaker, I rise in support of H.R. 1954 and would like to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, for his leadership on this important issue.

Mr. Speaker, I am particularly pleased that the committee's bill includes the principal provisions of my legislation, the Armed Forces Citizenship Act. I introduced my bill during the recent war in Iraq in order to make it possible for legal immigrants serving in America's Armed Forces to become U.S. citizens after 1 year in uniform rather than the 3 to 5 years required for naturalization under current law.

Mr. Speaker, these patriotic men and women have willingly volunteered to carry out one of the most solemn duties any nation can ask of its citizens, the defense of freedom. In doing so, I believe that they have truly earned the opportunity to become citizens of the country that they serve to protect.

After all, is there any better way to demonstrate our fitness for citizenship than to make that kind of commitment to what our Nation stands for? Are not these precisely, Mr. Speaker, the kinds of individuals that we should want as United States citizens? By enacting this legislation, America can do the right thing for some very brave men and women who are doing the right thing for America.

As my colleagues know, some of our troops who died in Iraq wearing the uniform of the United States gave their lives before they were truly entitled to call themselves Americans. Frankly, Mr. Speaker, that is just plain wrong, and it is an injustice; and I am pleased that Congress is moving quickly to correct that injustice.

So, Mr. Speaker, let us recognize their love of this country by voting today to enable legal immigrants serving America's Armed Forces to become citizens before, not after, they begin risking their lives to save ours.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 4 minutes to the distinguished gentleman from California (Mr. BERMAN), a member of the full Committee on the Judiciary and the Subcommittee on Immigration, Border Security, and Claims.

Mr. BERMAN. Mr. Speaker, I thank the gentlewoman, the ranking member of the subcommittee, both for her excellent work and for yielding me this time.

I rise in strong support of the bill, but I do want to point out a few issues that were addressed in the Committee on the Judiciary where I think we could have gone farther to be fair to the families of our soldiers.

I very much appreciate the gentleman from Wisconsin's (Mr. SENSENBRENNER) willingness to create a bipartisan process in the negotiations on this bill, a process that started with at least seven different bills on the topic. I think the goal of all the Members who introduced those bills, and of most of us in the House, were the same. We wanted to reward the dedication of lawful, permanent residents in the military by making it as easy as possible for them to become full members of the country they are serving on the battlefield.

Secondly, we wanted to honor the sacrifice of both lawful, permanent residents and U.S. citizens who have been killed in service; and we are doing that by ensuring that their families are treated fairly by the country that they gave their lives to defend.

As I indicated, the bill is a very good start. The problem is that there will be some families of these brave soldiers who will not be helped by this bill. My hope is that in the conference with the other body we will be able to address those issues so we can be sure that we are not creating a situation where we have to, for example, tell the mother of a young man who gave his life for his country, our country, that we thank him very much for his service but his mother will have to leave. As one of my colleagues on the committee put it, we ought to be sure that the family members of our fallen heroes have the right to tend to the grave of their loved one.

When the Committee on the Judiciary considered this bill, I offered an amendment that would have provided the Secretary of Homeland Security the discretion, the discretion, to waive certain bars in our immigration laws that otherwise could be an obstacle to relief for the spouses, children, parents of the soldier killed in combat. We are not talking an automatic waiver. What we asked for was an opportunity for the Secretary of Homeland Security to do an investigation and, in his discretion, provide relief where he deemed it appropriate.

I think it is right to offer some level of forgiveness to these families whose spouse or child or sibling has given the ultimate sacrifice to our country; and by giving that discretion to the Secretary of Homeland Security, we would have ensured that the waiver posed no threat to our national security.

The second issue of concern in this legislation is one raised by the gentlewoman from Texas, the ranking member, that we have drawn an arbitrary line with respect to immigration relief for the parents of both U.S. citizen soldiers and soldiers granted posthumous citizenship under the bill.

Under current law, legal permanent residents cannot petition for their parents to come to this country as immigrants. Naturalized citizens can petition for their parents. Under the language of this bill, the parent of a legal permanent resident soldier who is killed in combat and is given posthumous citizenship cannot get immigration benefits if they were waiting outside the country for their child to naturalize and then petition for them.

If a U.S. citizen soldier filed a petition for their parents before they were killed in combat and their parents do not happen to have a visa to be in the U.S. on the exact date that their child was killed, the petition would be extinguished. In other words, the parent patiently waiting, playing by the rules, is turned away by the country their son or daughter died for.

In a bizarre and totally arbitrary twist, if that parent happened to get a visitor's visa to enter the country, say to help take care of the soldier's children while he was deployed, and that time in the U.S. happened to include the exact date on which their child was killed in combat, then the parent of a legal permanent resident soldier would be eligible for relief. This distinction makes no sense and we should correct it. A parent is a parent whether they are in Mexico waiting patiently or here on a tourist visa helping with the kids.

I would hope we could address these issues in conference.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to thank the chairman of this committee and the ranking member for working with me on H.R. 1799, the Fallen Heroes Immigrant Spouse Fairness Act.

Mr. Speaker, this came to my attention when I attended the funeral of a Marine who was killed in Operation Iraqi Freedom. His name was Michael

Bitz. Sergeant Bitz was married to a lady, Janina Bitz, who was from Australia, and at the time we were concerned with the fact that he had lost his life, that his wife might have to start the process again of becoming a naturalized citizen.

When I attended the funeral down at Camp Lejeune of Sergeant Bitz, I met Pat Millush, the military liaison to the Bureau of Citizenship and Immigration Service at Camp Lejeune. Pat said to me the immigrant spouses of military personnel were treated unfairly under current immigration law.

By knowing that, Mr. Speaker, I decided that I would put this legislation in that would allow the spouse of a member of the military who had lost their life, whether it be in war or by accident or in training, that if they had not reached that 2-year period of time, that they would still be able to continue the naturalization process without being penalized.

I am delighted and want to thank again the chairman of the committee and the ranking member for not only working with me on this issue but other Members who have been named today, because the men and women who serve this great Nation and their families need to be honored; and I think this bill itself is a way to honor those who have given their lives for this great Nation.

Basically what 1799 did, which has been included in this bill, allows the immigrant spouse of military personnel who die as a result of a service-connected injury or disease to continue the immigration process regardless of the number of years of the marriage. Mr. Speaker, I have outside of my office, 422 Cannon, a photograph of everyone who has died in the war for freedom in Iraq, and I am pleased and honored that this committee would accept the language in 1799 and encompass it in this naturalization bill to honor our men and women in uniform.

Mr. Speaker, again, I will close by saying I ask God to please bless our men and women in uniform. I ask God to please bless the families of the loved ones fighting for freedom; and again, I thank the leadership, the Republican leadership and the Democratic leadership, for this honor that they have given to Michael Bitz who gave his life for America.

Ms. JACKSON-LEE of Texas. Mr. Speaker, can I inquire the time remaining.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from Texas (Ms. JACKSON-LEE) has 7 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 9½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Texas (Mr. FROST), the distinguished ranking member of the Committee on Rules and a major proponent but also author of legislation that has been part of this bipartisan legislation.

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

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I am here today to express my support for H.R. 1954, the Armed Forces Naturalization Act of 2003.

In the war against Saddam Hussein, noncitizen soldiers were among the first brave men and women to fall. Some were born in Mexico before joining the U.S. military like Pfc. Francisco Martinez Flores, Corporal Jose Angel Garibay, and Lance Corporal Jesus Suarez del Solar. Others were born in Guatemala, like Lance Corporal Jose Gutierrez; but all died fighting for a country where they could not even cast a vote.

Mr. Speaker, in the last Congress, in May of 2002 to be precise, I first introduced legislation to help remedy the obstacles these brave soldiers faced on their path to citizenship, and I reintroduced my bill in this Congress before the war with Saddam Hussein began. So I am pleased that we are finally here today voting to ease the burdens placed on our legal permanent resident troops.

The men and women who serve honorably in the Armed Forces have earned the respect and gratitude of every American citizen. All of those who have chosen to make the ultimate sacrifice for the defense of our country certainly have earned the full rights and privileges of U.S. citizenship.

While it is unfortunate that it took a war to shed light on the sacrifices of our green card troops and compel the House as a body to act, I am hopeful that we will focus our attention on rewarding and enhancing our military personnel in time of peace as well as times of war.

According to the Department of Defense, the number of legal permanent residents serving on active duty has risen to 37,401, or about 3 percent of our military. Additionally, thousands of immigrants serve in the Reserves and were called up for active duty.

The ranks of noncitizens serving in the Armed Forces are growing, and today's immigrants are building upon a rich legacy of service in the U.S. military. Immigrants have fought in every American conflict from the Revolutionary War to the war with Iraq. The military service of immigrants reflects the strong strain of patriotism among generations who have chosen to come to America, and the patriotism of today's large Hispanic immigrant communities is particularly strong.

However, thousands of those troops are still not citizens today because of the significant obstacles that remain.

The sacrifices of legal permanent residents in our military are unique. They choose to defend freedom of American citizens while not sharing in the full rights and privileges of citizenship themselves. Unfortunately, the process for granting citizenship to immigrants within the U.S. still places heavy burdens upon them, especially those serving in the toughest overseas assignments.

Mr. Speaker, simply stated, the Armed Forces Naturalization Act of 2003 will help remove unfair and unnecessary obstacles facing thousands of legal permanent residents serving honorably in the U.S. military trying to obtain their citizenship. While there are some differences in the bill that I originally introduced and the bill we are debating today, I am hopeful that certain changes can be made in conference.

This is why I urge my colleagues to vote in favor of this legislation. Let us honor our truly brave soldiers who have shown the willingness to make the ultimate sacrifice for the country they dearly wish to be citizens of.

□ 1515

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

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

As Americans, we owe the men and women who serve our Nation a great debt of gratitude, and that is why I rise in strong support of H.R. 1954, the Armed Forces Naturalization Act of 2003.

Many immigrants have proven their patriotism by fighting in this country's wars. These soldiers are real patriots, adopting America as their home to honor and defend. America's armed services have long included soldiers, sailors, airmen and Marines who were noncitizen residents of the United States. These men and women fight and die along with their fellow citizen-soldiers and deserve the privilege of U.S. citizenship.

Currently, over 37,000, or 2.6 percent of active members of the armed services are noncitizens or immigrants. There is one specific American patriot I would like to honor today, Lance Corporal Jakub H. Kowalik. Sadly, having given the ultimate sacrifice, Jakub died in an ordnance explosion while serving in Iraq on May 12 of this year.

Jakub, a native of Poland, migrated with his family in 1991, settling in Schaumburg, Illinois. He played football at Maine East High School, where he graduated in 2002. Jakub enjoyed fishing with his father, Henryk, who preceded him in death 2 years after their arrival in the United States. Jakub enlisted in the Marines his senior year in high school, a few months before the attacks of September 11. His older brother, Paul, called him his best friend and hero. His mother said he just enjoyed being a Marine. Jakub is but one example of the many noncitizens who have proudly served our country.

The message of this legislation is very clear: While we can never fully repay these men and women who have willingly entered harm's way to preserve, protect, and defend our freedom

around the world, serving with courage and selflessness, we can honor and respect them for their service. Throughout history they have answered the call. Today, we have the opportunity to reply with the greatest privilege we have to offer, which is U.S. citizenship.

My colleagues, I urge passage and bipartisan support for this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. SOLIS), who was also one of the authors of legislation that contributed to this bipartisan bill that is on the floor today.

Ms. SOLIS. Mr. Speaker, I wish to thank the gentlewoman for yielding me this time, and I also would like to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), the ranking member, the gentleman from Michigan (Mr. CONYERS), the ranking member of the subcommittee, the gentlewoman from Texas (Ms. JACKSON-LEE), and others who helped to put forward this piece of legislation.

Mr. Speaker, I was moved to put forward legislation on this issue because we have several young soldiers that are in my district that are serving now, but one in particular, Francisco Martinez Flores, who actually lost his life. He lost his life just 2 weeks short of becoming a U.S. citizen. Most of his family is here legally, with the exception of his father. Without this piece of legislation, his father is out there on his own for the time being, and it would take a while for him to become a U.S. citizen.

I am very appreciative of the work that has taken place on the bill. Thirty-seven thousand legal permanent residents will be eligible, through this legislation, in 1 year to become citizens, and their family members. That is first and foremost in my mind in terms of what we need to do for the families.

I had a chance to meet with several of those families in my own district, many of whom are waiting, wanting their children to come home and hoping they do come home. The fact we are moving in this direction today to provide opportunities for them to continue to support our country is something we can all take pleasure and pride in today.

I also want to thank the gentleman from Texas (Mr. FROST) for putting forward legislation that is also incorporated in this piece of legislation, for having the foresight to put forward his idea even before the conflict began.

There are many different angles and parts of this bill that I could speak on. I know I have limited time here, but I do want to say that we should make some corrections. One piece that is amiss in the bill that I put forward was to try to allow for parents that are not here with appropriate documentation to be allowed to become legal permanent residents even if their son or daughter is serving and may be a fallen soldier.

We need to look at that and continue to work on this legislation to make sure that we take care of those family members because there are many, many that are not here, that are in Mexico or Central America waiting to hear about their children.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the very, very able chairman of the Committee on the Judiciary for yielding me this time, and I thank him for the tremendous time and energy he puts into so much of the heavy lifting that goes on in this institution.

I rise in strong support of this very important legislation. As we think about the sacrifice that has been made, and it has obviously come to the forefront in the past several months, I believe that steps towards recognizing those sacrifices that have been made by people regardless of their background and citizenship, I think this piece of legislation which has been crafted in a bipartisan way to address this important need will go a long way toward sending a signal of great, unwavering appreciation of those of us in the United States Congress and the American people on behalf of that sacrifice that has been made.

I want to congratulate my fellow colleague, the gentlewoman from California (Ms. SOLIS) for her work on this, obviously the gentleman from Washington (Mr. HASTINGS), the gentleman from California (Mr. BERMAN), and the others who have been involved in this legislation; and I look forward to its speedy passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to inquire of the Speaker how much time is remaining.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from Texas (Ms. JACKSON-LEE) has 2 minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 6½ minutes remaining.

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

Mr. PUTNAM. Mr. Speaker, I thank the distinguished chairman for yielding me this time, and I appreciate his leadership on this important issue.

I rise in support of H.R. 1954. Our servicemen and women shoulder the burden of defense as one of the responsibilities of citizenship in this country. Having participated in protecting our rights of U.S. citizenship, and having met lethal force on battlefields around the world, they are more than qualified to appreciate and treasure the blessings of citizenship in the country they so proudly serve.

The relationship of citizenship to the all-volunteer force is very real. That force is a reflection of the intrinsic civic virtue of military service. That civic virtue is as strong today among America's citizen-soldiers as with the first minutemen. And making it easier for military service members to gain citizenship is a minimal act of gratitude by an often all-too-ungrateful Nation.

A citizen of the United States is accorded a number of benefits not granted to lawful permanent residents. He has the right to vote and to hold public office and may qualify for various jobs from which permanent residents are barred. But who is more deserving to receive those benefits of U.S. citizenship than a member of the Armed Forces?

I am delighted that the committee's bill incorporated my legislation, H.R. 1806, along with others, as part of the final package. It came to my attention that this was the right thing to do for our citizen-soldiers when one of my district caseworkers notified me that some of our own constituents were courageously serving in our Armed Forces, defending our freedom, and sadly, some of those who had been killed had yet to be granted U.S. citizenship.

More so than most, these individuals have earned their opportunity to become citizens of the country they defend. These active duty service members who have shown such courage and bravery in the defense of our homeland deserve to become citizens before not after they begin risking their lives to defend ours.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the Democratic Caucus and a proponent of this legislation.

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

Mr. MENENDEZ. Mr. Speaker, I rise in support of the Armed Forces Naturalization Act, and I hope that it will give rise to some other opportunities that have been discussed here in terms of those who serve our country and their families.

I remember during the 107th Congress when a Republican colleague of ours referred to legal permanent residents as enemies of the State on this very floor during campaign finance reform debate. Thousands of these enemies of the State, as they were referred to, are serving in our Armed Forces. They fight for our country, they shed blood for the country, and in some cases, they die for this country. They are also protecting our airports, our seaports, and our borders. They risk their lives daily in Afghanistan, Iraq, and other places around the world to protect us here at home.

These members of the so-called green-card military, the more than 37,000 noncitizen legal immigrants currently serving in America's Armed Forces, have been fighting, and in some cases dying, for their adopted country. In fact, a noncitizen, Lance Corporal Jose Gutierrez of Guatemala was the first U.S. casualty in the war with Iraq,

and at least seven other noncitizen soldiers also made the ultimate sacrifice in Iraq.

So this legislation rectifies a variety of barriers faced by U.S. servicemen and women seeking to become citizens of the country that they serve and that they risk their lives for. I hope we will not only pass this, but it will give rise to other opportunities.

Mr. SENSENBRENNER. Mr. Speaker, has the time allocated to the minority expired?

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) has 30 seconds remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from California (Ms. LINDA SANCHEZ), a member of the full committee and a member of the subcommittee.

(Ms. LINDA SANCHEZ of California asked and was given permission to revise and extend her remarks.)

Ms. LINDA SANCHEZ of California. Mr. Speaker, I am pleased to stand here and support this bill, but I just want to bring people's attention to one part of the bill in particular I am concerned about, and that is parents of legal permanent resident soldiers killed in combat who are not eligible for citizenship if they were outside the United States at the time their child was killed. Those same parents would be eligible for citizenship if they are here in the United States. It makes no sense to differentiate between the two.

A parent is a parent, whether or not they happen to have gone to their home country for a short time, or whether they are in the process of waiting for a visa application renewal, or whether some other circumstances have forced them to be outside the U.S. when their child was killed.

I urge the other body to correct this aspect of the bill, but I rise in support of the bill and urge my colleagues to do the same.

In this country, non-citizens have worn our military uniforms and fought in our battles throughout our history. One of my uncles served in the military as a legal permanent resident during the Korean War. Now, approximately 3 percent of our military are legal permanent residents.

I am a strong supporter of measures that provide opportunities for legal permanent residents serving in our military to become U.S. citizens. These individuals are making enormous sacrifices. Without being citizens, and without having the protections that status would give them, these immigrant men and women are willing to risk their own lives to defend this nation. The least we can do is give them something in return.

What this bill does is to provide them the opportunity to apply for citizenship after 2 years of military service, instead of the 3 years requirement in current law. It also allows for the spouse and children of legal permanent resident soldiers, killed in action, to apply for citizenship.

I commend Chairman SENSENBRENNER, and other Members of the House, for introducing legislation to address this issue. I appreciate Chairman SENSENBRENNER'S willingness and diligence in working closely with Democrats to produce a bill that we can support. I still have some concerns with aspects of this bill, however, and hope that we are able to work out these issues.

In particular, I am concerned that parents of legal permanent resident soldiers killed in combat and not eligible for citizenship if they were outside the U.S. at the time their child was killed. Those same parents would be eligible if they are here in the U.S. It makes no sense. A parent is a parent, whether or not they happen to have gone to their home country for a short time, or whether they are in the process of waiting for a visa application renewal, or whether some other circumstance has forced them to be outside the U.S. when their child was killed. I urge the other body to correct this aspect of the bill. In addition, during consideration of this bill in the Judiciary Committee, I joined with Mr. Berman in offering an amendment to provide a discretionary waiver to the Secretary of Homeland Security for three categories of people. Unfortunately, that amendment failed. I will work with Mr. Berman to encourage the other Body to include this provision in their version.

Again, I applaud Chairman SENSENBRENNER and other Members who have worked so diligently on this issue. I hope that, with continued work in conference with the other Body, we can produce a bill that truly honors our legal permanent resident soldiers.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS) to show how bipartisan we in the Committee on the Judiciary are on practically everything.

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

Mr. CONYERS. Mr. Speaker, I thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, the reason this is on the consent calendar is that the members of the Committee on the Judiciary, as well as the Members in the House, agree that we should take steps to make sure citizenship is granted to some 37,000 military people who happen to be noncitizens. And it is in that spirit that I rise to commend the ranking subcommittee chair, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), and the subcommittee chairman, the chairman of the full committee, and all of the members on the Committee on the Judiciary that worked on this.

We are trying to still improve this measure as it goes to conference, and I would like to urge everyone to give it a rousing vote this afternoon.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I thank the chairman of the committee for yielding me this time, and I also want to thank the ranking member, my neighbor from Houston. I am really happy that H.R. 1954 is up today.

There is no more powerful or honorable way to serve our country than in our Armed Forces. Our military men and women are willing to put their lives on the line to defend freedom and democracy. This type of service is remarkable, particularly for our non-native born.

We have legal permanent residents who volunteer, and I have some who were actually drafted in World War II, Korea, and the Vietnam War who deserve their citizenship. We have worked with them to get them through the system with INS to get their citizenship, but this bill just gives us a statute that will make it work.

Mr. Speaker, again, I thank the chairman and I thank all the members of the Committee on the Judiciary for allowing this. We had more than 300,000 Mexican Americans that served in our Armed Forces just in World War II. I have constituents whom I have talked to who served and who were told they would get their citizenship, but they did not. Again, that is our constituent work, working together, but this makes it so much easier.

Mr. Speaker, I rise today in support of H.R. 1954, the Armed Forces Naturalization Act of 2003.

Legal Permanent Residents who volunteer in our U.S. Armed Forces demonstrate the highest level of patriotism and service to our country.

They serve, not out of obligation or a sense of duty to their homeland, but because they have embraced everything that America stands for.

These individuals are willing to risk their own lives, so that their children and grandchildren can grow up as citizens of this great land.

Legal permanent residents have a long history of serving our country and protecting our democracy.

More than 300,000 Mexican Americans served in the armed forces during World War II. Most enlisted in the army, and more Hispanics served in combat divisions than any other ethnic group.

Of the fourteen Texans awarded the Medal of Honor during WWII, five were Mexican Americans. By the end of the war, seventeen Mexican Americans had earned the Medal of Honor. Five were awarded posthumously.

Today, immigrants continue to play an important role in the United States military.

As of February 2003, more than 37,000 people in active duty status in the Army, Navy, Air Force and Marines were non-citizens.

During our war with Iraq some of the first fallen soldiers were immigrants who were not naturalized citizens. The least we can do for these individuals—who are willing to serve in ways that many American born individuals aren't—is to recognize them as citizens.

The Armed Forces Naturalization Act of 2003 will allow immigrant service men and women who have risked death—and those who have made the ultimate sacrifice—to come a step closer to fulfilling the American Dream by giving them the opportunity to become a naturalized citizen.

I urge my colleagues to vote for the Armed Forces Naturalization Act of 2003 and grant citizenship to non-citizen immigrants who have honorably served in our military.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. REYES).

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

□ 1530

Mr. REYES. Mr. Speaker, I am pleased to rise today in favor of H.R. 1954, the Armed Forces Naturalization Act, which recognizes the contributions made to our country by over 37,000 legal permanent residents serving in our armed services. As a member of the Committee on Armed Services who has had an opportunity to visit Iraq and other parts of the world where our men and women are serving proudly in the military, this bill is the right recognition for their services and for putting their lives on the line. So I strongly recommend that all my colleagues support it.

I am pleased to rise today in favor of H.R. 1954, the Armed Forces Naturalization Act, which recognizes the contributions made to our country by the 38,000 legal permanent residents serving in our armed forces. These men and women dedicate their energies and put their lives on the line to defend the freedoms and liberties of this great nation. It is only appropriate that in exchange for their sacrifice, we remove barriers to obtaining citizenship.

They have earned this.

H.R. 1954 would allow immigrants serving in our armed forces to apply for citizenship after one year of service, down from three years under current law. The bill removes administrative barriers to the naturalization process by making citizenship applications, interviews, filings, oaths, ceremonies and other such proceedings available to members of the armed forces at our military bases, diplomatic missions, and consulates overseas. The bill also waives application fees. In both this Congress and the 107th Congress, I have been a proud original co-sponsor of legislation introduced by my colleague from Texas, Congressman MARTIN FROST, known as the Citizenship for America's Troops Act, that sought to make these changes. I am pleased that they are part of the bill we are voting on today.

The bill also allows spouses, children and parents of naturalized soldiers who die in the line of duty to apply for permanent residency status. Additionally, this bill recognizes the important support that spouses provide to our soldiers by waiving the three-year residency requirement to apply for citizenship. These provisions recognize the important role that family plays and ensures that when their loved one dies in the line of duty, they are not made to suffer even more by having their residency status placed in jeopardy.

Despite these very good provisions, I must express my disappointment that the bill does nothing for immediate family members who are undocumented. I was an original cosponsor of legislation introduced by my colleague HILDA SOLIS, which would have provided immigration protections to immediate family members of soldiers who die in the lain of duty, regardless of their immigration status. A father does not cease to be a father, and a wife does cease to be a wife, just because of the immigration papers they may or may not have.

I am further disappointed, startled in fact, that the bill actually expands existing rules allowing for citizenship to be revoked from naturalized servicemembers who are discharged under other than honorable conditions. The major problem here is that there are other forms of discharge that are not termed honorable, but which are not necessarily dishonorable. The language in the bill would actually punish someone who is discharged for medical reasons. For example, someone who serves in our armed forces, applies for and obtains citizenship, continues to serve for four years and then has to be discharged for a medical condition, would have his or her citizenship revoked. I cannot believe that the authors of this bill intended for that to be the case. I strongly urge my colleagues to resolve this in conference.

On balance, Mr. Speaker, this legislation, H.R. 1954, demonstrates the appreciation of a grateful nation to the thousands of people who come to this country from around the world to contribute to the freedom, strength and prosperity of America. I would like to thank my colleagues, Representatives SOLIS and FROST, for all their work in championing this issue, and most of all, I would like to thank the members of our armed services for the sacrifices they make on our behalf. I urge all my colleagues to vote yes on H.R. 1954.

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

Mr. Speaker, H.R. 1954 is a bill that has almost universal support in this House because it is a compromise. The Committee on the Judiciary on legislation relating to the Immigration and Naturalization Act has deep divisions.

The reason this bill is so strongly supported is twofold. One is that there is a demonstrated need to provide a naturalization road and the immigration benefits to those who have served our country, their immediate families and their survivors. Everybody agrees that this is part of the immigration law that needs to be changed and updated, particularly in light of those who have paid the ultimate price in defending America's freedoms in Iraq.

But I would like to give a word of caution, because this bill is a compromise. Everybody with an oar in the water and a differing viewpoint gave up something to ease the passage of this bill. If we allow the bill to emphasize the divisions that we have in the Congress and in the Committee on the Judiciary on immigration law and in the conference, then it is not going to have an easy road from here. But what we have given up to make H.R. 1954 an agreed-upon bill that will get an overwhelming vote in a few minutes should continue to be given up in the conference so we can speedily turn this bill into law and give the benefits to the people that we want to give the benefits to. As we proceed in this, I urge all of my colleagues to keep that in mind.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 1954, a bill that honors all of the men and women who place themselves in harms way for the sake of this Nation. America is composed of individuals from across the globe—people who come from various nations all united by their strong belief in the ideals for which America stands. Some of those who have come to the United States are brave enough and committed enough to serve in the military defending our country. It is partly because of individuals like these that our democracy maintains its strength in a sometimes perilous world. Accordingly, our democracy should respect their sacrifice. A year's honorable service in the Armed Forces of the United States, especially in this time of heightened security, is surely ample proof that such a person deserves the full rights of United States Citizenship. Additionally, if such a person loses his or her life so serving, family members should not be forced to leave America—on the contrary, they should be embraced by this Nation quickly and expeditiously. Current laws are not adequate on either front: required service time is unnecessarily long, and surviving family members must undergo too much to gain immigration benefits.

I am proud to be the cosponsor of similar measures that have been introduced by my colleagues Mr. FROST and Ms. SOLIS. Those two bills, and the one before this Chamber today, uphold the spirit of honor and respect that must be accorded to any individual willing to commit themselves to the defense of our Nation. Such individuals come from New Jersey, Texas, and California, but they also come from Poland, India, and Mexico. Over 37,000 of the 1.4 million active duty members of the Armed Forces are noncitizens—they and their families deserve the right and honor of citizenship in the United States. I applaud their service, and I eagerly welcome these men and women as fellow citizens.

Mr. CONYERS. Mr. Speaker, since this Nation's founding, more than 55 million immigrants from every continent have settled in the United States. Many of these immigrants have not only payed taxes and adopted the American way of life, they have honorably defended our Nation as members of the military.

During the recent war with Iraq, immigrant soldiers have continued to defend our country in large numbers, and tragically 10 noncitizens have lost their lives. It is important that we honor the extraordinary contributions these immigrants make to the Armed Forces by facilitating their naturalization and establishing important protections for their families if they are killed in action. Surely, if these immigrants are willing to risk their lives for our country, the least we can do is grant them the citizenship they so greatly desire.

Unfortunately, the rigidness of current immigrant laws often prevents individuals like these soldiers, who are truly deserving, to be granted citizenship. In particular, a noncitizen who is honorably serving in our military must leave his post abroad and return to the United States to file a naturalization application, be interviewed for the application, and to take the oath of citizenship. Consequently, soldiers serving abroad must spend prohibitive amounts of money in order to become citizens of the country they are defending.

And yet even more shocking is the scenario in which a citizen or noncitizen soldier is killed while serving in our military; current law would void most pending applications for immigration benefits made by the soldier on behalf of his immediate family. This is hardly a way to show our thanks to families that have sacrificed their loved ones in the name of our country.

H.R. 1954, the Armed Forces Naturalization Act of 2003, reduces the 3 year military requirement to naturalize to 1 year, waives fees for naturalization petitions, and allows surviving family members of citizens and posthumous granted citizens to apply for immigration benefits. These substantive changes to immigration law will surely benefit those defending our Nation and will ensure that immigrant families of our fallen soldiers are not penalized for their great sacrifice to our nation.

This is not a perfect bill. For example, it does not go as far as I would have liked in helping the families of deceased servicemen and women obtain green cards. The result is that spouses, children, and parents of a soldier killed in combat who have been rendered removable or ineligible for immigration benefits by the 1996 immigration laws will be precluded from enjoying the benefits of this bill. This means that we will be deporting many of the spouses, children and parents of soldiers who have given their lives serving our country.

I am also concerned with two amendments added to this legislation in the Judiciary Committee. The first amendment will require revocation of citizenship granted through 1 year of military service if the soldier is discharged under less than honorable terms within his first 5 years of military service. This bill was drafted with the intent to reward those who have taken a great risk and made great sacrifice for our country. However, allowing for the revocation of naturalization for less than honorable discharge would punish Service Members in a way that does not currently exist for soldiers applying for naturalization pursuant to completion of service during a time of peace.

The second amendment added to the bill in the Judiciary Committee will prevent parents of citizen soldiers and the parents of soldiers granted citizenship posthumously from obtaining immigration benefits if they are out of the country at the time that their child is killed in combat. The amendment is drafted in such a broad manner that it would exclude from benefits even parents who have not violated any immigration laws, including parents who are waiting abroad for a pending petition filed by their citizen child to be approved. Rather than honoring the sacrifice made by the fallen soldier and his parents, this amendment arbitrarily picks out the category of parents and adds a new requirement that would not have existed had the soldier lived and applied for benefits on behalf of his parents.

H.R. 1954 is a positive step in loosening the rigid restrictions immigration law has imposed on immigrant soldiers and their families. H.R. 1954 would: (a) Expedite the naturalization process by allowing military members to naturalize after serving 1 year in the military, waive naturalization fees, and allow naturalization interviews and oath ceremonies to take place abroad; (b) waive posthumous citizenship fees; and (c) ensure the ability of lawful permanent resident spouses, parents legally present in the United States, and unmarried children of citizen or posthumous granted citizen soldiers killed as a result of military service to self petition for immigration benefits or continue to pursue already filed petitions as if the U.S. citizen had not died. These substantive changes to immigration law will benefit those defending our Nation and will help ensure that many immigrant families of our fallen soldiers are not penalized for their great sacrifice. I am disappointed, however, that the bill passed by the committee is not more generous in addressing the unique needs of immigrant families and, in some cases, makes existing law worse.

More than 37,000 noncitizen soldiers are currently serving on active duty in the U.S. Armed Forces and some of the first U.S. casualties in the current war in Iraq were noncitizens. Unfortunately, the rigidness of current immigration laws often prevents individuals like these soldiers, who are truly deserving, to be granted citizenship. In particular, a noncitizen who is honorably serving in our military must leave his post abroad and return to the United States to file a naturalization application, be interviewed for the application, and to take the oath of citizenship. Consequently, soldiers serving abroad must spend prohibitive amounts of money in order to become citizens of the country they are defending. And yet even more shocking is the scenario in which a citizen or noncitizen soldier is killed while serving in our military; current law would void most pending applications for immigration benefits made by the soldier on behalf of his immediate family.

H.R. 1954 makes many meaningful improvements to existing law. However, I would have preferred that the committee go much further in assisting the immigrant families of our fallen soldiers. One of the unjust consequences of the 1996 immigration laws is that many individuals in the U.S. became ineligible for permanent residence due to a prior unlawful entry or a minor scrape with the law many years prior. The result is that spouses, children, and parents of a soldier killed in combat who have been rendered removable or ineligible for immigration benefits by the 1996 laws will be precluded from enjoying the benefits of this bill. This means that we will be deporting many of the spouses, children and parents of soldiers who have given their lives serving our country. In response, Reps. HOWARD BERMAN and LINDA SÁNCHEZ offered an amendment, defeated by a party line vote, that would have waived certain documentation requirements, and authorized the Department of Homeland Security, on a discretionary basis, to waive categories of inadmissibility for spouses, children, and parents of soldiers killed in service to the military. This proposal would have balanced the goal of honoring the sacrifice these families have made with our duty to national security.

I further believe that this bill does not go far enough in extending immigration benefits to all noncitizens serving the U.S. military, including the Selected Reservists. Current law grants the President authority to designate by Executive order a period of military hostilities that would trigger immediate naturalization eligibility for active duty members of the Armed Forces. Unlike traditional members of the Armed Forces, Selected Reservists are not eligible for immediate citizenship under this law if they do not serve in combat during times of hostility. Rep. ZOE LOFGREN offered an amendment, defeated by voice vote, that would have applied immediate naturalization benefits to Select Reservists during times of hostility regardless of whether they serve in combat. This amendment would have addressed the fact that the rationale for providing benefits to members of the Armed Forces and members of the Select Reserves is nearly identical because during times of hostility they both must be ready to leave family, friends, and familiar surroundings at a moment's notice and potentially die for their country.

I take great issue with two amendments added to this legislation by Rep. STEVE KING. The first amendment will require revocation of citizenship granted through 1 year of military service if the soldier is discharged under less than honorable terms. This bill was drafted with the intent to reward those who have taken a great risk and made great sacrifice for our country. However, allowing for the revocation of naturalization for less than honorable discharge would punish Service Members in a way that does not currently exist for soldiers applying for naturalization pursuant to completion of service during a time of peace. I understand Rep. KING's desire to make the bill parallel to current law in 329(c) of the INA, but he overlooks that 329(c) applies exclusively to a special case in which members of the Armed Forces are eligible for immediate naturalization during a time of hostility without the requirement of any prior service or commitment to the military. The provision added to H.R. 1954 would bestow conditional citizenship on all immigrants naturalized through a demonstrated commitment to military service and would create a perverse incentive for noncitizens not to join the military. Moreover, this language would allow military authorities to routinely make legal decisions that in effect would deprive a U.S. citizen of his or her citizenship. In some cases, these decisions would be based on conduct that would be completely lawful in civilian contexts, but is considered a military offense under the Uniform Code of Military Justice.

The second amendment added to the bill by Representative KING will prevent parents of citizen soldiers and the parent of soldiers granted citizenship posthumously from obtaining immigration benefits if they are out of the country at the time that their child is killed in combat. The amendment is drafted in such a broad manner that it would exclude from benefits even parents who have not violated any immigration laws, including parents who are waiting abroad for a pending petition filed by their citizen child to be approved and parents who lawfully reside in the United States, but have left the country temporarily at the time of their child's death. Rather than honoring the sacrifice made by the fallen soldier and his parents, this amendment arbitrarily picks out the category of parents and adds a new requirement that would not have existed had the soldier lived and applied for benefits on behalf of his parents.

I reiterate that the Armed Forces Naturalization Act of 2003 does not go far enough in assisting the immigrant families of our fallen soldiers. Moreover, amendments added to the bill in the Judiciary committee would punish noncitizen soldiers and their families, rather than reward them for their service and sacrifice, by creating a conditional class of citizenship and putting additional restrictions on immigrant parents of soldiers.

While this bill is not perfect, it does make many meaningful improvements to existing immigration law and takes a significant step help our soldiers and their families be granted the citizenship they so greatly desire. It is my hope that as this bill goes to conference will seriously consider the negative repercussions these two amendments will have on the people this bill intends to honor. It is for these reasons that I think we can all support this bill.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 1954, legislation that I view as a good first step towards recognizing and rewarding the significant contributions made by immigrants who serve in our armed services.

Since our Nation's founding, immigrants have played a prominent role in defending our country. For example, I have introduced H.J. Res. 125, which grants honorary citizenship to all civil war soldiers of Asian descent as a symbolic gesture to correct the historical injustices they suffered.

But just as we endeavor to correct the mistakes of the past, we should remedy current laws that treat some members of our Armed Forces unfairly. That is why H.R. 1954 is so important and I am pleased it is on the floor today.

By passing this legislation, the House of Representatives will be begin to recognize the contributions of immigrant soldiers by providing them and their family members just immigration laws.

Again, I reiterate this is a good first step, but there is much more we can do to help make immigration laws more fair in this country.

Ms. LOFGREN. Mr. Speaker, I rise today in support of our troops who serve our Nation in both peace and war and to support their families who must endure the loneliness and fear of losing a loved one to uphold the strength of our Nation.

I support this bill that not only eases requirements for immigrant soldiers to become U.S. citizens, but also extends immigration benefits to surviving family members of soldiers who gave their lives to defend our Nation. I can't think of a better way to recognize the service of immigrant soldiers and honor the memory of those that have died fighting for their country, while also showing our appreciation to their families for their tremendous sacrifices.

Although the Armed Forces Naturalization Act does much to help immigrant soldiers and their families, we could and should have done more. And we tried, but the Republican majority, so intent on limiting immigration benefits, wouldn't even allow some mothers of soldiers killed in combat to legally remain in this country.

How about this Republican logic? When an immigrant proudly serves in the military and dies for the country, it is obvious that he or she has shown devotion to our country. What about the families of soldiers whom so proudly serve our Nation? If the mother of the soldier has overstayed her visa, she is excluded from the benefits of this bill.

How about this? Your son is killed in combat: but you are deported. How are you to put flowers on your son's grave? Republicans, so caught up in anti-immigrant philosophies, want to short-change them and limit their immigration benefits. What a shame.

There are 37,000 immigrants currently serving in our military and at least 10 who have been killed in recent combat. It is time for us to recognize and honor their service to our country by granting them full and complete citizenship that extends full immigration benefits to their families.

This bill is certainly a step in the right direction, but I know that if it wasn't for the Republican majority, we could have done more.

Mr. BEREUTER. Mr. Speaker, this Member rises in reluctant opposition to H.R. 1954, the Armed Forces Naturalization Act. Certainly, this Member has no objections to expediting citizenship for noncitizen members serving in U.S. armed services and supports efforts to provide appropriate incentives for a very small percentage of few noncitizens who meet established requirements to join our professional military forces. However, in granting citizenship to these qualified men and women, it is not necessary or desirable to also grant priority to their parents, spouses, and children. And it is certainly not appropriate to waive the requirement that such family members financially support themselves in the U.S. Unfortunately, provisions in H.R. 1954 would have that effect.

Through this bill, the spouses, children under the age of 21, and parents of men and women who have been granted citizenship based on their service in the U.S. Armed Forces and who have died in the line of duty would be authorized to seek permanent resident status on an expedited basis. Then, unlike other people seeking legal immigrant status, these family members would not be required to meet financial thresholds which indicate that they would not immediately be public charges.

Most of the American public is unaware of these provisions. Enacting such excessive inducements for joining the U.S. military is a step in the wrong direction, particularly if it results in this country increasingly depending upon what could come to be thought of and called foreign mercenaries to serve in the Armed Forces. This practice has too many similarities to the mercenary forces of the Roman Empire in its decline as Roman citizens themselves became unwilling to serve in the Roman legions. Imagine, too, the reactions of foreign nations that begin to see our forces as forces that serve to gain citizenship for themselves and their families.

Mr. Speaker, this Member encourages his colleagues to vote against H.R. 1954 and to push strenuously for changing this legislation before enactment.

Mr. ISSA. Mr. Speaker, I rise today to support H.R. 1954, the ''Armed Forces Naturalization Act of 2003,'' a bill that helps the families of non-citizen military personnel killed in combat gain what their loved ones died defending—the rights and freedoms of Americans.

Camp Pendleton Marine Corps Base in my Congressional district is home to over 50,000 Marines. Many of these Marines were deployed to liberate Iraq from Saddam Hussein's oppressive regime. While many have returned to their families, some were not as fortunate. One of the Marines that died in Iraq was a non-citizen stationed at Camp Pendleton. I was told that he would receive posthumous citizenship—under current law, a strictly honorary award.

Posthumous citizenship is a hollow benefit for a fallen hero if his spouse and children are subsequently asked to leave the country he died defending. Existing immigration and naturalization law permits the President to award posthumous citizenship to non-citizens killed in any military hostility, but denies immigration benefits for their spouse and children. H.R. 1954 will honor the sacrifice of fallen heroes by allowing their spouses and children to enjoy the benefits and freedoms of the country they were fighting to defend, and would have eventually gained had their loved one not perished.

There are nearly 38,000 non-U.S. citizens serving in our nation's armed forces. These men and women are called upon to protect this nation. I want them to know that when they make the ultimate sacrifice for America their family will not face a cruel and unnecessary legal sanction. H.R. 1954 will allow surviving family members of military personnel, killed in defense of our freedom, to enjoy a real benefit from a posthumous grant of citizenship.

I thank you for the opportunity to speak on this bill. I urge all my colleagues to vote in favor of this legislation.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1954, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. 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.

PROVIDING FOR CONSIDERATION OF H.R. 760, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 257

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Greenwood of Pennsylvania or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 760, it shall be in order to take from the Speaker's table S. 3 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 760 as passed by the House. All points of order against that motion are waived.

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

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman

from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mrs. MYRICK asked and was given permission to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, on Tuesday the Committee on Rules met and granted a modified closed rule for the partial-birth abortion ban of 2003. This rule makes in order an amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Maryland (Mr. HOYER). While I personally oppose this amendment, the Committee on Rules is allowing for fair and open debate on this amendment.

H.R. 760 makes it illegal in the United States for a physician to perform a partial-birth abortion. As an original cosponsor of this legislation, I am very pleased to see it finally reach the floor of the House of Representatives. I also believe that President Bush deserves the opportunity to put an end to this horrific act of human violence by signing this legislation into law. I also want to thank my colleagues on the other side of the Rotunda for passing this important legislation.

I must tell my colleagues as a mother and grandmother, it is astonishing to me that this is still even legal in the United States today, but it is. And as we will no doubt hear on the floor today, it is practiced all too often in this country.

Partial-birth abortion is a procedure where a pregnant woman's cervix is forcefully dilated over a 3-day time period, and the vast majority of partial-birth abortions are performed on healthy babies and healthy mothers.

Although language banning this procedure has been struck down in the past by the Supreme Court, this new legislation has been tailored to address the Court's concerns. The five-Justice majority in Stenberg v. Carhart thought that Nebraska's definition of ''partial-birth abortion'' was vague and could be construed to cover not only abortions in which the baby is mostly delivered alive before being killed, but also the more common dilation and evacuation, or D&E method.

H.R. 760 defines partial-birth abortion as an abortion in which ''the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.''

The tighter definition not only clarifies the procedure so that the Court will not reject it; it also draws attention to the violence of partial-birth abortion by describing how far out the baby can be. I am pleased that we are bringing this to the floor again today.

We have changed the bill, adding findings of fact to overcome constitutional barriers; and I am confident that it will survive judicial review.

Mr. Speaker, the American people want this bill in overwhelming numbers, believing in their hearts that we as a Nation are better than this. We are a better people. To that end I urge my colleagues to support the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume and thank the gentlewoman for yielding me the customary 30 minutes.

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

Ms. SLAUGHTER. Mr. Speaker, here we are again, considering the rule for the same unconstitutional bill. I must voice my grave concern with H.R. 760, the so-called Partial-Birth Abortion Ban Act of 2003. Today The New York Times says in an editorial, ''Partial Birth Mendacity,'' which means lie, that although promoted as narrowly focused on a single late-term abortion procedure, the measure's wording adds up to a sweeping prohibition that would, in effect, overturn Roe v. Wade by criminalizing the most common procedures used after the first trimester, but well before fetal viability.

My constituents are facing unemployment. They are losing out on child tax credit. They need more funding for our first responders, they need the promised health care for our veterans; but here we are debating a rule on legislation that violates fundamental constitutional rights and threatens women's health.

Mr. Speaker, 3 years ago the United States Supreme Court struck down similar legislation that banned safe and effective abortion procedures. They confirmed again a woman's reproductive rights as recognized in Roe v. Wade and reaffirmed 2 decades later in Planned Parenthood of Southeastern Pennsylvania v. Casey.

H.R. 760 suffers from the same constitutional flaws as the Nebraska statute thrown out by the Court. The ban on medical procedures is vague and overbroad, and it does not contain an exception from the procedure ban when a woman's health is threatened. And it goes so far as to give the father of the fetus the right to sue the woman or the doctor for money even if he has beaten his wife or rapes her or had threatened her life or has deserted her. How crazy is that?

Obstetricians and gynecologists say that the term ''partial-birth abortion'' is not a medical term, and they are right. It is purely a political creation. The definition of the procedure that H.R. 760 seeks to ban is written in nonmedical language that could cover at least two different procedures, one of which is the most commonly used abortion procedure. This vague and overbroad definition, which is probably not by accident, would create so much confusion in the medical community that doctors would not know which medical procedures might land them in jail with a huge fine. We should not make our doctors into criminals.

The American College of Obstetricians and Gynecologists, the doctors who perform these procedures, say that the procedure the bill seeks to proscribe may be the best or most appropriate procedure in a particular circumstance to save the life or to preserve the health of the woman and only the physician in consultation with the patient and based on her circumstances can make this decision. The Congress of the United States has never, ever outlawed a medical procedure. What are we doing here, and what in the name of God is next?

Medical professionals and every Federal court in the country that has heard this issue, except for one, have agreed that these are safe procedures and may be the safest procedures in some circumstances; but we are going to take that away. And who will suffer for that? The American women.

Physicians and not politicians and pundits should provide women and their families with medical advice. I want a doctor to treat my daughters and granddaughters. Women and their families, not the government, should make these difficult, private, medical decisions; and if that is not the case, then every time a procedure is done, there should be a Member of Congress standing at the door okaying it.

The bill would deprive doctors of the ability to care for their patients by outlawing safe and effective medical procedures, something we have never done. We assume that once they have gone through medical school, done their internship and their residencies, they ought to know what they are doing. Congress would subject women to even more dangerous medical procedures and put their health and lives in jeopardy. Everybody deserves the best medical care based on the circumstances of their particular situation.

□ 1545

Instead of making abortion more difficult and dangerous for women, we should pass legislation that helps reduce the need for abortion by reducing the number of unintended pregnancies. That is the most important thing that we could do; and by increasing funding for title X, to require the insurance coverage of contraception, which we will not do, making emergency contraception more available, which we are afraid of, and increasing research for other contraceptive methods. Indeed, I am not at all sure that after this bill is passed and signed by the President that the sale of contraceptives will not be in danger.

H.R. 760 brazenly seeks to sidestep the Constitution. The Supreme Court

has plainly determined that the Constitution requires an exception when the woman's health is endangered. Pages and pages of congressional findings do not change or fulfill constitutional demands or protect women's health.

The authors of this bill hope that the Federal courts, most especially the United States Supreme Court, will defer to these congressional findings and waive this constitutional requirement, but the Court has unequivocally said that the power to interpret the Constitution in a case or controversy remains in the judiciary, and the Court has said that simply because Congress makes a conclusion does not, in the Court's opinion, make it true.

Just because the findings in the bill assert that there is no medical reason for a health exception does not make that true and it does not change the demand of the Constitution. As Ruth Marcus, writing in the Washington Post, noted today, ''Justice Clarence Thomas wrote in a different context that if Congress could make a statute unconstitutional simply by finding that black is white or freedom is slavery, judicial review would be an elaborate farce.'' Think about that for a moment. That if Congress could make a statute constitutional simply by finding that black is white and we were to determine that, or that freedom and slavery are not different, then why would we have judicial review?

So why are we today considering a rule for this unconstitutional bill? Richard Posner, chief judge of the U.S. Court of Appeals for the Seventh Circuit, who was appointed by President Reagan, gave us the answer. He wrote that proponents of similar legislation ''are concerned with making a statement in an ongoing war for public opinion, though an incidental effect of that opinion may be to discourage late-term abortions. The statement is that fetal life is more valuable than women's health.''

Judge Posner went on to say that if a statute burdens constitutional rights and all that can be said on its behalf is that it is the vehicle that legislators have chosen for expressing their hostility to those rights, then the burden is undue. Those are very important words, Mr. Speaker. Those are words from jurists and people who know whereof they speak.

Again Ruth Marcus' article points out that the political agenda is clear. Ken Connor, who is the president of the conservative Family Research Council, spelled it out in an e-mail after the Senate voted on a measure similar to this last March. ''With this bill,'' he wrote, ''we are beginning to dismantle, brick by brick, the deadly edifice created by Roe v. Wade.

As the mother of three daughters, a grandmother and a longtime advocate for women's health, I strongly believe that this bill is a threat to women's health and an attempt to whittle away at a woman's constitutional right to choose.

I urge my colleagues to oppose this rule and to oppose H.R. 760.

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

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, partial-birth abortion is a gruesome and inhumane procedure and it is a grave attack against human dignity and justice. This practice must be banned. The bill before us seeks to do just that. Life is a gift, and it must be embraced and respected at all stages.

In a country which espouses the importance of protecting the inherent rights of every person, partial-birth abortion denies the rights of our most innocent and vulnerable members, our children. We as legislators must strive to uphold the truths upon which our great Nation was founded, especially that every individual is entitled to life, liberty and the pursuit of happiness.

Partial-birth abortion is not a sign that women are ''free to choose.'' It is a sign that women have been abandoned, that they have not had the support and care that they so desperately need.

There is increasing evidence, Mr. Speaker, that abortion causes extreme emotional and psychological damage. We must strive every day to ensure that each and every person is guaranteed the most basic of human rights, the right to life. Women deserve better than to endure the psychological, the physical and the emotional pain and suffering associated with partial-birth abortion, and children deserve the chance to live.

It is time for partial-birth abortion to stop. We must have the courage and the strength to fight against one of the greatest of all human rights violations, partial-birth abortion.

I urge my colleagues to vote in favor of H.R. 760, the partial-birth abortion ban. A vote for the ban is a vote for life.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, this bill is unconstitutional.

The bill before us will not prohibit any abortions. Its supporters claim it prohibits a procedure, but the abortion will still take place involving another procedure, and I will not inflame the debate by describing in detail the alternative procedures that may be used. But I will point out that Nebraska had a law banning the same procedure. Nearly 3 years ago the United States Supreme Court held in Stenberg v. Carhart that that law was unconstitutional.

The Supreme Court said five times in its majority opinion and other times in concurring opinions that in order to make a partial-birth abortion ban constitutional, the law must contain a health exception to allow the procedure, quote, ''where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'' That is what five Supreme Court justices said was necessary to make the bill constitutional. All five are still on the Supreme Court.

In that case, the Court said:

The question before us is whether Nebraska's statute making criminal the performance of a partial-birth abortion violates the Federal Constitution as interpreted in Planned Parenthood v. Casey and Roe v. Wade. We conclude that it does for at least two independent reasons.

They said the first reason was that the law lacked an exception for the preservation of the health of the mother. The Stenberg court reminded us what a long line of cases has held, that, and they say, ''subsequent to viability, the State may, if it chooses, regulate and even proscribe abortion,'' and they put this in italics, ''except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.''

It goes on to say, in quotes, in case we did not understand the italics, that the governing standard requires an exception, quote, ''where it is necessary in the appropriate medical judgment for the preservation of the life or health of the mother.''

The Court continues talking about the health exception by saying and mentions another quote:

Justice Thomas said that ''The cases just cited limit this principle to situations where the pregnancy itself creates a threat to health.'' He is wrong. The cases cited, reaffirmed in Casey, recognize that a State cannot subject women's health to significant health risks both in that context and also where State regulations force women to use riskier methods of abortion. Our cases have repeatedly invalidated statutes that in the process of regulating the methods of abortion imposed significant health risks. They make it clear that the risk to a woman's health is the same whether it happens to arise from regulating a particular method of abortion or from barring abortions entirely.

Finally, the Court says:

Nebraska has not convinced us that a health exception is, quote, ''never medically necessary to preserve the health of women.'' Rather, a statute that altogether forbids the partial-birth abortion creates a significant health risk. The statute subsequently must contain a health exception.

And if we did not get it, the Court reiterates again:

''By no means must a State grant physicians unfettered discretion in their selection of methods. But where substantial medical authority supports the proposition that banning a particular method could endanger women's health, Casey requires the statute to include a health exception when the procedure is, quote, 'necessary in appropriate medical judgment for the

preservation of the life or health of the mother.' Requiring such an exception in this case is no departure from Casey, but simply a straightforward application of its holding.''

Mr. Speaker, whatever our views are on the underlying issue of abortion, we ought to read the decision and apply the law. The Supreme Court in one opinion said at least five times that a health exception must be included for the statute to be constitutional. Furthermore, they put the exact phrase to be used, ''necessary, in appropriate medical judgment, for the preservation of the life or health of the mother'' in italics and quotations.

The majority proposes that we consider a bill without this unqualified health exception. The Court made it clear that such a health exception is required and, therefore, this rule that requires us to consider a bill without that exception ought not pass.

Mr. Speaker, I ask the House to defeat the rule so that we can have a bill considered with a health exception that might possibly be constitutional.

Mr. Speaker, I include for the RECORD a Statement of Policy from the American College of Obstetricians and Gynecologists which says that this procedure may be necessary in some circumstances.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS STATEMENT OF POLICY ON ABORTION

The following statement in the American College of Obstetricians and Gynecologists' (ACOG) general policy related to abortion, with specific reference to the procedure referred to as ''intact dilatation and extraction'' (intact D & X).

1. The abortion debate in this country is marked by serious moral pluralism. Different positions in the debate represent different but important values. The diversity of beliefs should be respected.

2. ACOG recognizes that the issue of support of or opposition to abortion is a matter of profound moral conviction to its members. ACOG, therefore, respects the need and responsibility of its members to determine their individual positions based on personal values or beliefs.

3. Termination of pregnancy before viability is a medical matter between the patient and physician, subject to the physician's clinical judgment, the patient's informed consent and the availability of appropriate facilities.

4. The need for abortions, other than those indicated by serious fetal anomalies or conditions which threaten maternal welfare, represents failures in the social environment and the educational system.

The most effective way to reduce the number of abortions is to prevent unwanted and unintended pregnancies. This can be accomplished by open and honest education, beginning in the home, religious institutions and the primary schools. This education should stress the biology of reproduction and the responsibilities involved by boys, girls, men and women in creating life and the desirability of delaying pregnancies until circumstances are appropriate and pregnancies are planned.

In addition, everyone should be made aware of the dangers of sexually transmitted diseases and the means of protecting each other from their transmission. To accomplish these aims, support of the community and the school system is essential.

The medical curriculum should be expanded to include a focus on the components of reproductive biology which pertain to conception control. Physicians should be encouraged to apply these principles in their own practices and to support them at the community level.

Society also has a responsibility to support research leading to improved methods of contraception for men and women.

5. Informed consent is an expression of respect for the patient as a person; it particularly respects a patient's moral right to bodily integrity, to self-determination regarding sexuality and reproductive capacities, and to the support of the patient's freedom within caring relationships.

A pregnant women should be fully informed in a balanced manner about all options, including raising the child herself, placing the child for adoption, and abortion. The information conveyed should be appropriate to the duration of the pregnancy. The professional should make every effort to avoid introducing personal bias.

6. ACOG supports access to care for all individuals, irrespective of financial status, and supports the availability of all reproductive options. ACOG opposes unnecessary regulations that limit or delay access to care.

7. If abortion is to be performed, it should be performed safely and as early as possible.

8. ACOG opposes the harassment of abortion providers and patients.

9. ACOG strongly supports those activities which prevent unintended pregnancy.

The College continues to affirm the legal right of a woman to obtain an abortion prior to fetal viability. ACOG is opposed to abortion of the healthy fetus that has attained viability in a healthy woman. Viability is the capacity of the fetus to survive outside the mother's uterus. Whether or not this capacity exists is a medical determination, may vary with each pregnancy and is a matter for the judgment of the responsible attending physician.

INTACT DILATATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning ''partial birth abortion,'' and ''brain sucking abortions,'' has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

ACOG believes the intent of such legislative proposals is to prohibit a procedure referred to as ''intact dilatation and extraction'' (Intact D & X). This procedure has been described as containing all of the following four elements:

1. deliberate dilatation of the cervix, usually over a sequence of days;

2. instrumental conversion of the fetus to a footling breech;

3. breech extraction of the body excepting the head; and

4. partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X. Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 18 weeks, intact D & X is one method of terminating a pregnancy.

The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother.

Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approval by the Executive Board. General policy: January 1993. Reaffirmed and revised July 1997. Intact D & X statement: January 1997. Combined: and reaffirmed September 2000.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, today we are considering, as has already been said, the Partial-Birth Abortion Ban Act. I have joined with 161 Members in cosponsoring this legislation, and I commend the gentleman from Ohio (Mr. CHABOT) for bringing forward this legislation. This is the fifth Congress during which this debate has taken place, four of which I have been a part of, and I believe an overwhelming majority of Americans hope this will be the last and that we will pass this bill and have it sent to the President and signed into law.

I know that it has been repeated time and time again here on the floor of the House, but this afternoon I think it is important to remind my colleagues of the details of this deplorable procedure. Partial-birth abortion is a procedure in which the mother's cervix is forcibly dilated over a 3-day period. On the third day the child is pulled feet first through the birth canal until his or her entire body, except for the head, is outside the womb. While the fetus is stuck in this position, dangling partly out of the mother's body and just a few inches from taking its first breath, the physician inserts and opens scissors into the base of the baby's skull, creating a hole in the baby's head.

The physician then either crushes the baby's skull with instruments or suctions out the baby's brain. With the head now small enough to slip through the mother's cervix, the physician pulls the now-lifeless body the rest of the way out of its mother, and discards the baby's body as medical waste.

Today you will hear some supporters of partial-birth abortion claim this procedure is a critical alternative that must remain legal to protect women's health. However, the medical profession offers no support for such claims.

I urge my colleagues to vote ''yes'' on this bill to protect the most vulnerable in our Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 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 today in opposition to this rule. The proponents of the bill claim that it addresses partial-birth abortion, but I think the American people deserve to know what we are really voting on today. We are voting to limit a woman's access to safe and accepted medical procedures, restrictions that will subject a woman to unnecessary risks when she exercises her reproductive right.

We should be promoting a woman's health. We should not be endangering it. We should be debating concrete measures to reduce the number of unintended pregnancies and to ensure that all pregnant women have affordable access to the care they need to deliver healthy babies. Instead, here we are spending our time debating legislation that the Supreme Court has already found to be unconstitutional.

The Supreme Court has clearly recognized the need for protecting the health of the mother. Yet the anti-choice lobby has chosen to forge ahead in their attempts to politicize women's health and chip away at our constitutional rights.

As terrible as it is to acknowledge, things can go tragically wrong in the final stages of pregnancy, and in these unimaginable circumstances, a woman should not be required to risk her health and future fertility by continuing a dangerous pregnancy. I am not a doctor, so I am not going to stand here and pretend that I have the necessary expertise to make medical decisions for my constituents. Instead, I want every woman in my district and every woman in the Nation to have access to whatever procedure she and her physician feel is safest and the most appropriate way for her to settle and handle the situation.

Let us be honest. The debate today is not about aborting viable, healthy children. Few late-term abortions occur in the first place.

□ 1600

Those that do are tragically necessary to save the life or health of the mother. So this debate is actually about limiting a woman's right to choose by restricting access to constitutionally protected medical procedures.

The American people deserve to know what we are really doing here today. We are really desperately trying to take away reproductive choice of every woman in America. I urge my colleagues, do not let this happen. Oppose the rule, and oppose H.R. 760.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I am pro-life. I do not apologize for it. I do not demonize people who hold a different view; but I would say respectfully to the previous speaker, to the gentlewoman, that this really is not a debate about a woman's right to choose or the right to life. It does not really find itself divided in that way. Survey after survey proves the point.

Mr. Speaker, I rise in strong support of the rule and the underlying ban on partial-birth abortion because this is just an antiseptic term for a barbaric procedure. As the late Daniel Patrick Moynihan, a Democratic Senator, said, memorably, partial-birth abortion is ''near infanticide.''

We can have arguments about this bill, about its constitutionality. The gentleman from Ohio (Chairman CHABOT) has gone to great lengths to improve this legislation, and we are confident that it is superior to the Nebraska bill that failed constitutional muster.

We can argue the medicine, and we can argue the facts; but the one thing that is inarguable is that this practice is inherently, morally wrong. What is not arguable is that the practice of delivering a newborn child alive, feet first, holding it in the birth canal squirming while the back of its head is stabbed with a suction device is evil. That, Mr. Speaker, is not arguable.

Today we will follow our colleagues at the other end of this building to take one more step to render that practice unlawful and make that which virtually every American knows in his heart to be evil and morally wrong also illegal in America.

Justice has always been defined in this Nation and every society by how they deal with the innocent and those who do them harm. Of the innocent and defenseless we are urged to do what we can for the least of these. Banning partial-birth abortion is the least we can do for the least of these.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 15 seconds just to say to the previous speaker that we know what the agenda is. It was pointed out today. Kent Connor, the president of the Conservative Family Research Council spelled it out. He said, ''With this bill we will dismantle, brick by brick, Roe v. Wade.''

I hope that all of my colleagues are listening in the House, because this may be the last vote we will have on choice.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to this rule and to the underlying bill.

For 30 years, women in this country have had the right to make reproductive choices over their bodies. H.R. 760 is a horrifying attempt to seize those hard-earned rights away from women. What this legislation claims to do is ban a medical procedure used in late term pregnancies, but it does not. Instead, this bill is drafted in such a way as to effectively ban a woman's right to choose at any point in her pregnancy.

Let us be clear: this bill opens the door to outlawing all abortions, regardless of the circumstances. Furthermore, this bill makes no exception for cases when a woman's health is in grave danger or when carrying a no-longer viable fetus to term would jeopardize a woman's ability to conceive children in the future.

Equally disturbing is the fact that this bill is blatantly unconstitutional. The Supreme Court has consistently ruled that, when dealing with restriction on reproductive procedures, an exception must always be made to protect both the life and the health of the mother.

I cannot support a blatantly unconstitutional bill that tells women that their health or future reproductive health must be sacrificed, nor can I support a bill that has a clear ulterior motive of banning a woman's right to make choices over her own body.

I am pro-choice and believe that the government should stay out of people's private, personal decisions. I will protect a woman's right to choose, and so I will vote against this unconstitutional, anti-woman's rights bill. I strongly urge my colleagues to do the same and to not slam the door on a fundamental right that women have had in this country for 30 years.

I urge my colleagues to vote ''no'' on the rule and to vote ''no'' on H.R. 760.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Mr. Speaker, I rise to speak in support of this rule and this bill. I am from Dayton, Ohio; and this bill is incredibly important to the people of Ohio and my district, and as a result, from our experience, I believe for the people of this country.

Ohio passed its ban on this horrific procedure known as partial-birth abortion because the people of Ohio know how inhumane and how unsafe the practice is. In my district, in Dayton, Ohio, the Women's Medical Plus Center of Dayton has performed this horrific procedure, despite the fact that the facility is not properly licensed by the Ohio Department of Health. It has nothing to do with women's health; it has nothing to do with Roe v. Wade. It has to do with late-term abortions and killing viable children.

The State Health Department attempted to close the Women's Medical Plus Center of Dayton, but has been unsuccessful. This bill is an important first step in protecting women's health from this center.

A woman 5 months pregnant came to the Women's Medical Plus Center in Dayton, Ohio, to receive a partial-birth abortion. During the 3 days it takes to have the procedure, she began to have stomach pains and was rushed to a nearby hospital. Within minutes, she was giving birth. A medical technician pointed out that the child was alive, but apparently the chances of survival from the procedure were slim. After 3 hours and 8 minutes, this baby died. The community named the baby Hope. Hope was a person, a child, a baby, that fought to retain the life that others were seeking to end.

Just 6 months after Baby Hope died, another baby in the middle of this 3-day abortion procedure was born alive in the Dayton, Ohio, hospital, when her mother went into labor before the abortion could be completed. The woman was believed to be 26 weeks pregnant. This time, however, despite the massive trauma of the baby's environment, a miracle occurred. By grace, this little baby survived, and so she is now called by the community Grace.

I am appalled by the fact that these heinous partial-birth abortion attempts occur. Our local paper has indicated most are performed on healthy women, that most are performed on healthy fetuses.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am always dismayed by the fact that these fetuses are described as ''viable.'' That is one of the saddest things in the world.

I have talked to parents who had this procedure, babies who were in utero with their brains on the outside, with no lungs, no possibility of living. Always the notion is given if they were just allowed not to go through that procedure, they would get down and almost run around the room.

It is not true. It is not true. The parents who have to go through this are heartbroken over it, but it is the way they can have further children. The American College of Obstetricians and Gynecologists who perform these procedures say it may be the best or most appropriate procedure in a particular circumstance.

What if your wife or your daughter is in a particular circumstance, and you had voted to outlaw the procedure that would be the best for her future and her life and maybe even save her life? We have no right to do that, Mr. Speaker, no right at all.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, one of my fundamental principles is that government not interfere with the basic freedoms of our families, and a basic freedom for the health of women includes reproductive health choices. This legislation threatens that freedom by inappropriately intervening in the decisions of patients and their doctors.

Late-term abortions are, as has been demonstrated time and again, accepted medical practice that at times is the only procedure available to protect a woman's life and her ability to safely have a healthy baby in the future.

Years ago, when we first started debating this legislation on the floor of this House, I was struck that while proponents try to horrify people, I was indeed struck by the real cases of real families that would be devastated by this amendment, as was pointed out by the gentlewoman from New York.

This legislation further is part of an insidious ongoing assault to erode not just reproductive freedoms, but perpetuate a trend as shocking as it is unfortunate of some in this Congress, imposing their theology on our citizens, regardless of other people's own strongly held beliefs and individual needs.

Only weeks ago, this Congress, because of a theological clash with science, voted to make it illegal to use potentially life-saving therapies to help with Alzheimer's, Parkinson's, and other degenerative or traumatic diseases, leaving people crippled and dying. The vote was not just to deny scientific research here, but deny access to medicines developed anywhere else. They would make our loved ones suffer in their zeal to make their point.

People who oppose abortion should not have one. Nothing would make me happier than for every American woman to have the knowledge, the well-being, the medical care and the good fortune so that there would never have to be another abortion. But until such a day comes, it is wrong to prevent a woman's doctor from offering professional skills so that she and her family can determine the safest and most appropriate medical care for their family.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in the defense of the most defenseless population in our society, unborn children. Specifically, I rise to support the ban on partial-birth abortion.

This procedure is so horrific that no justification can be given for its continuation. In this procedure, a baby is brought through the birth canal and just as the baby is about to take his or her first breath, the child is killed. If this procedure were done just seconds later, it would be considered murder. I cannot think of a set of circumstances that would justify this brutal act. To allow the continuation of this practice is to devalue the sanctity of life itself.

We cannot allow children, almost born and completely viable outside of the womb, to be disposed of in such a heartless manner. Our society is based on the idea that every individual should have the right to life. I believe that right extends to those who are just about to enter our world.

I urge my colleagues to help defend those who cannot defend themselves.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I do not want to say anything contradictory to my friends on the other side who want to make sure these children are born; but if they are poor, they are not going to get the benefit of the tax rebate.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, the supporters of this measure are so determined to end safe and legal abortion in this country, no matter what the procedure, that they are unwilling to consider reasonable amendments that would protect the health and life of the woman and also would ensure the constitutionality of the underlying bill.

We will vote shortly to reject the Greenwood-Hoyer-Johnson amendment, which would permit the particular medical procedure banned by the bill if the physician determines that it is necessary to spare the woman from serious adverse health consequences. I understand from the hearings before the Committee on the Judiciary that supporters of the bill expressed concern that the term ''health consequences'' could very well allow the attending physician too much latitude.

But what is fascinating is that another amendment that was proposed by my friend and colleague, the gentleman from Massachusetts (Mr. FRANK), and myself that would have placed even more stringent restrictions on the use of this particular procedure, permitting it only to protect the mother from serious adverse physical, and let me repeat, physical health consequences, was not made in order.

This rule should be defeated, Mr. Speaker, because without the language that I just enumerated, this bill can put women at risk and threaten their daughters with prosecution if they care for them in the way they determine to be medically safe and sound.

□ 1615

Furthermore, without this language, the bill is susceptible to being considered by the Supreme Court and ruled unconstitutional again.

Now, why pass an extreme measure that would be found unconstitutional, rather than accept an amendment that would address its potential constitutional defects? Perhaps because we are not serious about enacting a bill into law that passes constitutional muster, using this bill, if you will, as a perennial political exercise.

But I would suggest that that is not what we ought to be about. Let me submit that this bill, as it is presently before this body, is a disturbing example of legislative excess.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, today I rise in support of the rule and

of the Partial-Birth Abortion Ban Act of 2003.

For the last decade, thousands of healthy babies have been tortured and murdered every year through the procedure that is commonly known as partial-birth abortion. This procedure, which is routinely used during the fifth and sixth months of pregnancy, kills a baby just seconds before he or she takes that first breath outside the womb.

Mr. Speaker, this congressional body must act now to preserve the future of the next generation of this Nation, or this Nation will reap the horrible consequences of allowing partial-birth abortion to continue.

Some opponents advocate that this bill is in violation of a fundamental right to an abortion as stated in Roe v. Wade. Mr. Speaker, they are wrong. Numerous medical practitioners and the American Medical Association have testified in committee that partial-birth abortion is never medically necessary in any situation and is severely below the standard of good medical care. In fact, partial-birth abortion can threaten the mother's health or her ability to carry future children to term.

As representatives of the people of the United States, we are charged with the duty to protect the life and the liberty of the innocent, and passage of this bill is a prime example of fulfilling that duty.

I urge all my colleagues to remember this duty and vote for H.R. 760.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, this has become an all too familiar moment for me. You see, this is the ninth time in 8 years that the Republicans have pushed a ban on so-called partial-birth abortion. Yet I continue to be outraged every year at this leadership's self-righteous attempt to turn back the clock on women's constitutionally protected rights, back to the time when women had to leave the country or risk their lives in dangerous back-alley procedures.

The Supreme Court agrees that medical decisions should be made by the patient and her doctor and not by a bunch of politicians in Washington and their special interests. This is why several medical and health organizations, including the American College of OB–GYNs, oppose this legislation.

This legislation was wrong 8 years ago, and it is still wrong. It contains no exception whatsoever for women's health. It simply puts women's lives at risk. This is a perfect example of how mean-spirited and extreme this administration can be. This is a direct attack on Roe v. Wade. But more than that, it is another example in a long line of this administration's attacks on our rights.

I cannot stand by and watch as one by one this White House and the leadership in this House chew up our rights and spit them out. I stand today as a woman and as an American to fight for our constitutionally protected rights. I urge a ''no'' vote on the rule and a ''no'' vote on the underlying bill. Wake up, America.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, today I rise in support of H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

It is true that the vast majority of partial-birth abortions are performed on healthy babies of healthy mothers. Dr. James McMahon, one of the founders of the partial-birth abortion method, in his June 15, 1995, testimony before the Committee on the Judiciary, testified that in a series of about 2,000 partial-birth abortions he performed, only 9 percent of those abortions were performed for maternal health reasons. Of that group, the most common reason given was depression.

It is clear many partial-birth abortion procedures occur for purely elective or frivolous reasons. He also cited that he performed partial-birth abortions on babies with no flaws whatsoever, even in the third trimester, many as late as 29 weeks, well into the seventh month of pregnancy.

No matter where we stand on the issue of life, most Americans agree that the brutal and horrific practice of partial-birth abortion must cease to exist. I urge my colleagues to pass H.R. 760 and to right the wrong that has existed for far too long.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I rise in support of the rule and in support of the Partial-Birth Abortion Ban Act of 2003.

We are told that most of these partial-birth abortions take place in the fifth and sixth month. This is the same time that I got to share in a most wonderful experience, one of the most wonderful experiences of my lifetime. My son and daughter-in-law invited me to come in for the ultrasound of my grandbaby.

It was incredible to me as the three of us were in that room and as the technician went about moving the instrument around on my daughter-in-law's abdomen what we saw inside of that womb. We saw the profile of a little boy, a profile that made us realize that he was going to look much like his father. We saw his little faithful heart beating away. We saw the little gestures that he made with his hands. As we looked at that little boy, my daughter-in-law and my son knew what they were going to name him. They were going to name him after his great grandfather. I left that and I went out and I bought the little outfit that that little boy would wear home from the hospital.

May we end this horrible practice in our Nation, where we are endowed by our Creator of certain inalienable rights: life, liberty, and the pursuit of happiness.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to say to my colleague, the gentlewoman from Colorado, how happy I am that she had that experience. I am even more happy that that experience showed that that fetus was in good shape and would be able to be born and to be healthy.

We are talking today about women who are faced with the fact that the fetus will not be. I think we are getting astray from that.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. LINDER), another member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I rise in support of the rule. Mr. Speaker, House Resolution 257 is a fair rule that will permit the full House to work its will on H.R. 760, the Partial-Birth Abortion Ban Act of 2003. This rule makes in order the Greenwood-Hoyer amendment to H.R. 760 and provides for one motion to recommit, with or without instructions.

Why is the House debating this legislation yet again? Unfortunately, the answer to that is those who oppose it have claimed that Congress has no power to legislate a ban on partial-birth abortion because of the Supreme Court's Stenberg v. Carhart ruling.

Many of these same House Members, however, had no objection to standing up to the Supreme Court on other issues. For example, 413 House Members voted to ban child pornography even after the Supreme Court held that the 1996 Child Pornography Prevention Act was unconstitutional.

Mr. Speaker, with respect to the underlying bill, any taking of innocent life is wrong. This procedure is demonstrably offensive and wrong. When a Nation puts people in jail and fines them for destroying the potential life of an unborn loggerhead turtle or bald eagle, and pays people for taking the potential life of unborn babies, that Nation has lost its way.

Mr. Speaker, I urge my colleagues to join me in voting for the rule and the underlying bill.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support of this rule and the Partial-Birth Abortion Ban Act. Since the first time I had an opportunity to vote for this ban, I have had a nephew born who is less than 2 pounds when he was born. You could hold him in the palm of your hand.

We have an estimated 3,000 to 5,000 healthy babies that are victims of this partial-birth abortion each year, many of them larger than my nephew, who lives today. In a country founded on the principle of respect for the dignity

of life, this is deplorable and must be stopped.

Doctors agree that this is not necessary, and it has been labeled not good medicine by the AMA. It can significantly threaten the mother's health and future pregnancies; and they inflict terrible pain upon the baby, who is a few inches from being born and taking its first breath.

Twice we have passed this and President Clinton has vetoed it. Today we have an opportunity to put this into law. Thomas Jefferson had it right when he said that liberty and the pursuit of happiness begins with life. I urge my fellow Members to support this rule and to support passage.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, today is a great day for America as we are poised to pass H.R. 760, the Partial-Birth Abortion Ban. This legislation would stop the gruesome procedure that kills a child just inches from birth.

I will not go into the gory details of this particularly cruel procedure, but I will mention that numerous medical experts have testified that fetuses are able to fully feel pain after 20 weeks of development, at the time when most partial-birth abortion procedures occur.

It is also important to note that health experts agree that partial-birth abortions are never needed to save the life of the mother. Even the AMA has stated that partial-birth abortions pose serious health risks to women, and indeed, are not accepted medical practice. Yet this gruesome and evil practice continues to take place.

Today, we take a giant leap forward to end this practice. I look forward for the President to sign this bill into law. I urge passage of the rule and of the bill to protect the most innocent of our society.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, today we are voting on a bill to ban partial-birth abortion, called that because the baby is mostly delivered before being killed. Finally, after many years of debate and two vetos by our former President, this bill is going to become law.

In a Nation where we have laws to protect turtles' eggs and the developing offspring of other endangered species, finally we will extend some modest measure of protection to our own developing young humans. Finally, the deception of those who defend this procedure has been exposed. Ron Fitzsimmons, a leader in the abortion industry, admitted that they ''lied through their teeth'' when they claimed this procedure was rare.

In my State of New Jersey, there are at least 1,500 partial-birth abortions done each year at one clinic alone. They admit that most of these are done on healthy mothers carrying healthy babies. Is this the best our culture has to offer? Is this the best our society can offer to those who are in need? Is this brutal and barbaric procedure something we as a society are willing to accept and condone? What does it say about us as a civilized society, as a culture, if we cannot condemn and outlaw this kind of brutality?

Let us say today that we will not accept this, that we are better than this. Let us support this rule, and let us pass this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

□ 1630

Mr. RYUN of Kansas. Mr. Speaker, today we have the opportunity to protect the lives of women and children in the United States. We must ban partial-birth abortions.

This type of abortion procedure is gruesome. I cannot imagine how anyone could have the stomach to perform it. Who, may I ask, who could possibly pull a baby from the womb by its feet first, and then stab the half-delivered child in the head and then vacuum out its brain? The child was inches from taking its first breath, but now it is dead and discarded as garbage.

The last five Congresses have supported a ban on partial-birth abortion because a partial-birth abortion is never medically necessary, and because a partial-birth abortion poses significant health risks to the mother, and because partial-birth abortion is not recognized as a valid medical procedure by the mainstream medical community.

For this reason, I support the rule. I support H.R. 760, and I oppose the Greenwood substitute. I urge my colleagues to join me in banning this inhuman procedure once and for all.

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

Mr. Speaker, I just wanted to put into the record something that is stated in a recent New York Times article, because we keep hearing that these are babies that have extreme abnormalities. And I quote from the article, ''One aspect of the debate has changed. When it began, some opponents of the ban said the targeted form of abortion was used only when a fetus had extreme abnormalities or a mother's health was endangered by pregnancy. Now both sides acknowledge that abortions done late in the second trimester, no matter how they are conducted, are most often performed to end healthy pregnancies because the woman arrived relatively late to her decision to abort.''

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

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

Mr. Speaker, first I want to say that the statistics on the clinic in Pennsylvania were really quite shocking. I thought these were all done in hospital situations. I have never heard those kinds of figures for anything.

That aside, let me read about a woman who terminated a pregnancy that, they are very rare, I still believe that.

The decision to terminate a pregnant late in term is an agonizing decision for the women and their families. Listen to the story of Viki Wilson and her family as she told it in her own words:

''In the spring of 1994, I was pregnant and expecting Abigail, my third child. My husband, Bill, an emergency room physician had delivered our other children and would do it again this time. At 36 weeks of pregnancy, however, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound that detected that all of my previous prenatal testing had failed to detect. Approximately two-thirds of my daughter's brains had formed outside her skull. What I had thought were big, healthy, strong baby movements were, in fact, seizures.

''My doctor sent me to several specialists, including a perinatologist, a pediatric radiologist, and a geneticist, in a desperate attempt to find a way to save her; but everyone agreed she would not survive outside my body. They also feared that as the pregnancy progressed and before I went into labor, she would probably die from the increased compression in her brain.

''Our doctors explained our options, which included labor and delivery, c-section, or termination of pregnancy. Because of the size of her anomaly, the doctors feared that my uterus might rupture in the birthing process probably rendering me sterile. The doctors also recommended against a c-section because they could not justify the risks to my health when there was not any hope of saving Abigail.

''We agonized over our options. Both Bill and I are medical professionals. I am a registered nurse and Bill is a physician, so we understood the medical risks inherent in each of our options. And after discussing our situation extensively and reflecting on our options, we made the difficult decision to undergo an intact D&E.

Losing Abigail was the hardest thing that has ever happened to us in our lives, but I am grateful that Bill and I were able to make this difficult decision ourselves and that we were given all of our medical options. There will be families in the future faced with this tragedy. Please allow us to have access to the medical procedures we need. Do not complicate the tragedies that we already face. Oppose H.R. 760.''

Mr. Speaker, for Viki and her family and for other Vikis yet to come, I hope that my colleagues will oppose this rule and oppose the underlying bill, H.R. 760. And I urge them to remember that once this bill passes the House, if it does, then it will be substituted for the Senate bill. The Senate bill at least

had the protection in it that was passed by Senator DORGAN on his request that says that Roe v. Wade would be preserved. Obviously, by substituting this bill for that bill, Roe v. Wade will not be preserved.

[From the New York Times, June 4, 2003]

''PARTIAL BIRTH'' MENDACITY, AGAIN

If the so-called partial-birth abortion ban now careering toward almost certain approval by the full House this week has a decidedly familiar ring, it is not your imagination playing tricks. The trickery here belongs to the measure's sponsors.

Although promoted as narrowly focused on a single late-term abortion procedure, the measure's wording adds up to a sweeping prohibition that would, in effect, overturn Roe v. Wade by criminalizing the most common procedures used after the first trimester, but well before fetal viability. Indeed, the measure replicates the key defects that led the Supreme Court to reject a strikingly similar state law a mere three years ago. In addition to its deceptively broad sweep, the bill unconstitutionally omits an exception to protect the health of the woman.

Plainly, the measure's backers are counting on the public not to read the fine print. Their strategy is to curtail access to abortion further as the inevitable legal challenge wends its way back to the Supreme Court for another showdown. They obviously hope that by that time, there will have been a personnel change that will shift the outcome their way.

House members who vote for this bill will be participating in a cynical exercise that disrespects the rule of law and women's health while threatening the fundamental right of women to make their own childbearing decisions. Representatives who care about such things will not go along.

[From The Washington Post, June 4, 2003]

'PARTIAL BIRTH,' PARTIAL TRUTHS

(By Ruth Marcus)

The poisonous national debate over what's known as partial-birth abortion resumes this week, and this time for real: The House is expected to handily approve a prohibition on the procedure, and the Senate has already passed its version. While his predecessor twice vetoed bills outlawing partial-birth abortion, President Bush is eager to sign legislation that he ways will ''protect infants at the very hour of their birth.''

For those who support abortion rights, partial-birth abortion is not the battleground of choice, which is precisely why those who oppose abortion have seized on the issue. The procedure is gruesome, as indeed are all abortions performed at that stage of pregnancy. Although partial-birth abortion is routinely described as a late-term procedure, this label is misleading. The procedure isn't performed until after the 16th week of pregnancy, but it's already legal for states to prohibit abortions once a fetus is viable, at about 24 weeks. More than 40 states have such bans, and properly so. The Supreme Court has said that abortions must be available even after fetuses are viable if necessary to protect the life or health of the mother, and it may be that the health exception ought to be stricter. But this has nothing to do with a partial-birth abortion ban. The law would not prevent any abortion, before viability or after. Instead, it would make one particular procedure—one that may be the safest method for some women—a criminal act.

Indeed, even as they dwell on the gory details of the partial-birth procedure, the groups pushing for a ban on it don't seem to be doing anything to make it easier for women to obtain abortions earlier. Rather, the rest of their antiabortion agenda has been devoted to putting practical and legal roadblocks in the way of women seeking abortions at any stage of pregnancy. Thus, a pregnant teenager faced with multiple hurdles—no abortion provider nearby, no money, a parental consent law—may end up letting her pregnancy progress to the point where she is seeking a second-trimester abortion.

Then there are situations arising from the availability of medical technology that permits a previously impossible glimpse inside the womb. Amniocentesis, which doctors urge for women over 35 because of the heightened risk of birth defects, is not performed until the 15th or 16th week of pregnancy. Other fetal defects may be detected on sonograms only at that stage or later. This puts women squarely in the zone where partial-birth abortion becomes an awful possibility.

When it struck down Nebraska's partial-birth abortion law three years ago, the Supreme Court cited two distinct problems. First, the law was supposed to prohibit only partial-birth abortion, in which the fetus is partially delivered and then dismembered. But, intentionally or not, it was written so inexactly that it could also apply to the most common—though scarcely less grisly—technique for second-trimester abortions, dilation and evacuation, in which the fetus is dismembered before being removed from the womb. Such a bar, the court said, would be unconstitutional because it imposes an ''undue burden'' on a woman's right to abortion before the fetus is viable.

Second, the ban made no exception that would allow the procedure to be performed when necessary to protect the health of the mother. In cases of hydrocephaly, for example, partially delivering the fetus and then collapsing the skull can reduce damage to the cervix—and possibly preserve a woman's ability to carry another child to term. The American College of Obstetricians and Gynecologists told the justices that the partial-birth procedure ''presents a variety of potential safety advantages. Especially for women with particular health conditions, there is medical evidence that [it] may be safer than available alternatives.''

The legislation now before Congress tries to avoid the first problem identified by the court by defining partial-birth abortion more precisely. Opponents contend that the new definition could still apply to the more common technique. The bill's supporters argue this is not true, but they could have explicitly exempted such abortions from the law's reach if they really wanted to make that clear.

A bigger problem is the cavalier way in which Congress leapfrogged the court's requirement for a health exception: Lawmakers simply declared that partial-birth abortion ''is never medically indicated to preserve the health of the mother.'' As Justice Clarence Thomas wrote in a different context, if Congress ''could make a statute constitutional simply by 'finding' that black is white or freedom, slavery, judicial review would be an elaborate farce.'' What if Congress, in the aftermath of Brown v. Board of Education, ''found'' that segregated schools could be equal after all?

The political agenda is clear. Ken Connor, president of the conservative Family Research Council, spelled this out in an e-mail after the Senate vote last March. ''With this bill,'' he wrote, ''we are beginning to dismantle, brick by brick, the deadly edifice created by Roe v. Wade.' Indeed, in urging the overturning of partial-birth abortion laws in Illinois and Wisconsin, federal appeals court Judge Richard Posner, one of the nation's most prominent conservative jurist, said such statutes have nothing to do with protecting fetuses. Rather, said the judge, ''they are concerned with making a statement in an ongoing war for public opinion. . . . The statement is that fetal life is more valuable than women's health.''

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

Mrs. MYRICK. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I rise today to express my strong support for the rule on the passage of the Partial-Birth Abortion Ban Act of 2003. As a member of the bipartisan congressional prolife caucus and as a doctor who has dedicated over 2 decades of my life to my obstetrics practice, I believe this unnecessary procedure should be banned.

As a physician who has delivered over 3,000 babies, I am personally opposed to any type of abortion, but in particular the only reason to select the partial-birth abortion procedure is to ensure that the baby is dead when it is delivered.

As a physician, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, the baby, of course, may be delivered by hysterotomy or cesarean section. Whether the infant lives or dies depends upon the severity of the medical complications and the degree of prematurity, but that outcome is dictated by the disease process itself. The fate of the infant during a partial-birth abortion procedure is predetermined by the nature of the procedure performed, and it is uniformly fatal.

During my 2 decades of the practice of obstetrics, with my share of high-risk pregnancies, I never encountered a situation where the partial-birth abortion procedure was required. I believe that it is inhuman and never medically necessary. The procedure itself, always fatal to the baby, carries substantial risk for the mother as well.

Partial birth abortions are done in the third trimester when an unborn child has developed organs and all the characteristics of a newborn baby. Through the use of technology, patients now have the opportunity to see how life develops before birth. Parents can now watch the beating of an unborn child's heart as early as 20 days after conception and can see movement of the child's arms and legs after 3 months' gestation.

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning partial-birth abortion, calling it ''basically repulsive.''

I agree with my colleagues at the AMA that it is repulsive and unnecessary. I strongly support the Partial-Birth Abortion Ban Act of 2003. I believe the United States Constitution is

very clear when it guarantees a right to life. Partial-birth abortion has no place in a civilized society.

Mr. LARSON of Connecticut. Mr. Speaker, I regret that due to a family medical emergency, I am unable to be present for the debate and vote on H. Res. 257, the rule providing for consideration of the bill H.R. 760. However, I wish to submit this statement for the RECORD to ensure that my position on this legislation is clear.

While I am opposed to H.R. 760, I am encouraged that the Rules Committee has finally allowed a substitute amendment to this bill. For the fifth time in nine years, this bill has been brought to the floor of the House for a vote. But, for the first time, a compromise substitute amendment is being allowed. I support the substitute amendment offered by Representatives GREENWOOD and HOYER and therefore, if I had been present, would have voted in favor of H. Res. 257 to allow this compromise to be brought to the floor.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

Ms. SLAUGHTER. 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.

Following this vote, proceedings will resume on 3 motions to suspend the rules considered earlier today and those votes will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 15, as follows:

[Roll No 236]

YEAS—280

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryun (KS)
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—138

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kilpatrick
Kind
Kucinich
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Oberstar
Pickering
Rothman
Ryan (WI)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1658

Messrs. HONDA, SPRATT and BERMAN changed their vote from ''yea'' to ''nay.''

Messrs. HINOJOSA, JOHN, ISRAEL and BUYER changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 177, by the yeas and nays;

H. Res. 201, by the yeas and nays; and

H.R. 1954, by the yeas and nays.

Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING AND COMMENDING ALL WHO PARTICIPATED IN AND SUPPORTED OPERATION ENDURING FREEDOM IN AFGHANISTAN AND OPERATION IRAQI FREEDOM IN IRAQ

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 177, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 177, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 2, answered ''present'' 8, not voting 17, as follows:

[Roll No. 237]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Honda
Kucinich

ANSWERED ''PRESENT''—8

Farr
Lee
Lofgren
McDermott
Miller, George
Paul
Schakowsky
Stark

NOT VOTING—17

Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Hart
Hunter
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Pickering
Rothman
Rush
Ryan (WI)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1706

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 237 I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF THE HOUSE COMMENDING NATION'S BUSINESSES AND BUSINESS OWNERS FOR SUPPORT OF OUR TROOPS AND THEIR FAMILIES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 201.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and agree to the resolution, H. Res. 201, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, answered ''present'' 7, not voting 16, as follows:

[Roll No. 238]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty

Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—7

Conyers
Kucinich
Lee
McDermott
Owens
Stark
Waters

NOT VOTING—16

Barton (TX)
Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Peterson (PA)
Pickering
Rothman
Ryan (WI)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1713

Ms. WATERS changed her vote from ''yea'' to ''present.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARMED FORCES NATURALIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 1954, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1954, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 5, not voting 14, as follows:

[Roll No. 239]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Bereuter
Goode
Hostettler
Johnson, Sam
Smith (MI)

NOT VOTING—14

Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Pickering
Rothman
Ryan (WI)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1721

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 1086, STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have permission to file a supplemental report on the bill H.R. 1086, the Standards Development Organization Advancement Act of 2003.

This request has been cleared by the minority.

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

There was no objection.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 257, I call up the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 257, the bill is considered read for amendment.

The text of H.R. 760 is as follows:

H.R. 760

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 ''Partial-Birth Abortion Ban Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

(2) Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. As a result, at least 27 States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

(3) In Stenberg v. Carhart, 530 U.S. 914, 932 (2000), the United States Supreme Court opined ''that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure'' for pregnant women who wish to undergo an abortion. Thus, the Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it placed an ''undue burden'' on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother.

(4) In reaching this conclusion, the Court deferred to the Federal district court's factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures.

(5) However, the great weight of evidence presented at the Stenberg trial and other trials challenging partial-birth abortion bans, as well as at extensive Congressional hearings, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed, and is outside of the standard of medical care.

(6) Despite the dearth of evidence in the Stenberg trial court record supporting the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of appellate review, they were not ''clearly erroneous''. A finding of fact is clearly erroneous ''when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed''. Anderson v. City of Bessemer City, North Carolina, 470 U.S. 564, 573 (1985). Under this standard, ''if the district court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently''. Id. at 574.

(7) Thus, in Stenberg, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

(8) However, under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual findings that the Supreme Court was bound to accept in Stenberg under the ''clearly erroneous'' standard. Rather, the United States Congress is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

(9) In Katzenbach v. Morgan, 384 U.S. 641 (1966), the Supreme Court articulated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in ''gaining nondiscriminatory treatment in public services,'' the Court stated that ''[i]t was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support section 4(e) in the application in question in this case.''. Id. at 653.

(10) Katzenbach's highly deferential review of Congress's factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the ''bail-out'' provisions of the Voting Rights Act of 1965, (42 U.S.C. 1973c), stating that ''congressional fact finding, to which we are inclined to pay great deference, strengthens the inference that, in those jurisdictions covered by the Act, state actions discriminatory in effect are discriminatory in purpose''. City of Rome, Georgia v. U.S., 472 F. Supp. 221 (D. D. Col. 1979) aff'd City of Rome, Georgia v. U.S., 446 U.S. 156 (1980).

(11) The Court continued its practice of deferring to congressional factual findings in reviewing the constitutionality of the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See Turner Broadcasting System, Inc. v. Federal Communications Commission, 512 U.S. 622 (1994) (Turner I) and Turner Broadcasting System, Inc. v. Federal Communications Commission, 520 U.S. 180 (1997) (Turner II). At issue in the Turner cases was Congress' legislative finding that, absent mandatory carriage rules, the continued viability of local broadcast television would be ''seriously jeopardized''. The Turner I Court recognized that as an institution, ''Congress is far better equipped than the judiciary to 'amass and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here''. 512 U.S. at 665–66. Although the Court recognized that ''the deference afforded to legislative findings does 'not foreclose our independent judgment of the facts bearing on an issue of constitutional law,'" its ''obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'' Id. at 666.

(12) Three years later in Turner II, the Court upheld the ''must-carry'' provisions based upon Congress' findings, stating the Court's ''sole obligation is 'to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'" 520 U.S. at 195. Citing its ruling in Turner I, the Court reiterated that ''[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to ''amass and evaluate the vast amounts of data'' bearing upon' legislative questions,'' id. at 195, and added that it ''owe[d] Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power.'' Id. at 196.

(13) There exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a ''health'' exception, because the facts indicate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress was informed by extensive hearings held during the 104th, 105th, and 107th Congresses and passed a ban on partial-birth abortion in the 104th, 105th, and 106th Congresses. These findings reflect the very informed judgment of the Congress that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care, and should, therefore, be banned.

(14) Pursuant to the testimony received during extensive legislative hearings during the 104th, 105th, and 107th Congresses, Congress finds and declares that:

(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption,

amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, ''there are very few, if any, indications for . . . other than for delivery of a second twin''; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death.

(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

(C) A prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice,'' that it has ''never been subject to even a minimal amount of the normal medical practice development,'' that ''the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,'' and that ''there is no consensus among obstetricians about its use''. The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is ''ethically wrong,'' and ''is never the only appropriate procedure''.

(D) Neither the plaintiff in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

(H) Based upon Roe v. Wade, 410 U.S. 113 (1973) and Planned Parenthood v. Casey, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in Roe when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child ''in a state of being born and before actual birth,'' was not under attack. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a ''person'' under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a ''person''. Thus, the government has a heightened interest in protecting the life of the partially-born child.

(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortions are ''ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb''. According to this medical association, the '''partial birth' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body''.

(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Thus, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

(N) Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

(O) For these reasons, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.

SEC. 3. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.
''1531. Partial-birth abortions prohibited.

''§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This subsection takes effect 1 day after the enactment.

''(b) As used in this section—

''(1) the term 'partial-birth abortion' means an abortion in which—

''(A) the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

''(B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus; and

''(2) the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(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 73 the following new item:

''74. Partial-birth abortions ..... 1531''.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in

order to consider an amendment printed in House Report 108–139, if offered by the gentleman from Pennsylvania (Mr. GREENWOOD) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 30 minutes of debate on the bill.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 760.

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. 760, the Partial-Birth Abortion Ban Act of 2003, would prohibit the gruesome and inhumane procedure of partial-birth abortion that, unfortunately, we are all too familiar with. An abortionist who violates this ban would be subject to fines, a maximum of 2 years' imprisonment, or both. The bill includes an exception for those situations in which a partial-birth abortion is deemed necessary to save the life of the mother. An identical bill, H.R. 4965, was approved by this Chamber last summer by a 274–151 vote, but the then-Democratic leadership in the other body chose not to bring it up for a vote.

A moral, medical, and ethical consensus exists that partial-birth abortion is an unsafe and inhumane procedure that is never medically necessary and should be prohibited. Contrary to the claims of advocates of this gruesome procedure, the procedure remains an untested, unproven, and potentially dangerous procedure that has never been embraced by the medical profession. Unfortunately, two Federal bans that were passed by prior Republican Congresses and sent to President Clinton's desk were promptly vetoed.

In June 2000, the United States Supreme Court struck down Nebraska's partial-birth abortion ban, which was similar, but not identical, to bans previously passed by Congress. The Court concluded that Nebraska's ban did not clearly distinguish the prohibited procedure from the other more commonly performed second trimester abortion procedures. The Court also held, on the basis of highly disputed factual findings of the district court, that the law was required to include an exception for partial-birth abortions deemed necessary to preserve the health of a woman.

H.R. 760's new definition of partial-birth abortion addresses the Court's first concern by clearly and unambiguously defining the prohibited procedure. The bill also addresses the Court's second objection to the Nebraska law by including extensive congressional findings based upon medical evidence received in a series of legislative hearings, that, contrary to the factual findings of the district court in Stenberg, a partial-birth abortion is never medically necessary to preserve a woman's health, poses serious risk to a woman's health, and in fact is below the requisite standard of medical care.

H.R. 760's lack of a health exception is based upon Congress's factual determination that partial-birth abortion is a dangerous procedure that does not serve the health of any woman. The Supreme Court has a long history, particularly in the area of civil rights, of deferring to Congress's factual conclusions. In doing so, the Court has recognized that Congress's institutional structure makes it better suited than the judiciary to assess facts upon which it will make policy determinations.

As Justice Rehnquist has stated, the Court must be, ''particularly careful not to substitute its judgment of what is desirable for that of Congress, or its own evaluation of evidence for a reasonable evaluation by the legislative branch.'' Thus in Katzenback v. Morgan, while addressing section 4(e) of the Voting Rights Act of 1965, the Court deferred to Congress's factual determination that section 4(e) would assist the Puerto Rican community in ''gaining nondiscriminatory treatment in public services,'' stating: ''It is not for us to review the congressional resolution'' of the various issues it had before it to consider. Rather, ''It is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did.''

Similarly in Fullilove v. Klutznick, when reviewing the minority business enterprise provision of the Public Works Employment Act of 1977, the Court repeatedly cited and deferred to the legislative record and factual conclusions of Congress to uphold the provisions as an appropriate exercise of congressional authority.

□ 1730

In addition to the health risks to women who undergo the partial-birth abortion procedure, it is particularly brutal and inhumane to the nearly born infant as virtually all the infants upon whom this procedure is performed are alive and feel excruciating pain. Furthermore, a child upon whom a partial-birth abortion is being performed will not be significantly affected by medication administered to the mother during the performance of the procedure.

As credible testimony received by the Subcommittee on the Constitution confirms, ''Current methods for providing maternal anesthesia during partial-birth abortions are unlikely to prevent the experience of pain and stress'' that the child will feel during the procedure. Thus, claims that a child is almost certain to be either dead or unconscious and near death prior to the commencement of the partial-birth abortion are unsubstantiated.

H.R. 760 enjoys overwhelming support from members of both parties precisely because of the barbaric nature of this procedure and the dangers it poses to women who undergo it. Additionally, the American Medical Association has recognized that partial-birth abortions are ''ethically different from other destructive abortion techniques because the fetus, normally 20 weeks or longer in gestation, is killed out of the womb.'' Thus, the ''partial birth'' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body.

Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns but all vulnerable and innocent human life. Thus, Congress has a compelling interest in acting, indeed it must, to prohibit this inhumane procedure.

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

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise today opposing H.R. 760 and supporting the substitute.

Mr. Speaker, I rise today to express my opposition to H.R. 760, the Partial Birth Abortion Ban of 2003.

This is always an ugly and difficult debate. I am not comfortable with the notion of a pregnancy being terminated when a woman is in the last trimester.

I doubt that many people believe a woman who is eight months pregnant should be able to just change her mind and terminate the pregnancy. And I really don't believe that that situation happens.

But there are times when late term abortions are necessary to protect the life and health of the mother, or to save the fetus from undue pain and suffering due to irreversible birth defects.

In those cases, we should make sure that women have access to safe, appropriate medical procedures.

Unfortunately, the legislation we are considering today is almost identical to a Nebraska law that the Supreme Court found unconstitutional.

In Stenberg v. Carhart, the Court found that the Nebraska law outlaws several procedures, including the safest and most commonly used method for performing pre-viability second trimester abortions.

Second, the Court ruled that any ban on methods of abortion must provide an exception for women's health, and also struck down the Nebraska law for failing to include such an exception.

H.R. 760 continues to flout the Supreme Court's rulings by continuing to ban certain procedures, and failing to protect the life of the mother.

If we are serious about banning truly late-term abortions, than we should do what Texas did.

My home state has a law which says that "No abortion may be performed in the third trimester on a viable fetus unless necessary to preserve the woman's life or prevent a "substantial risk of serious impairment" to her physical or mental health or if the fetus has a severe and irreversible abnormality."

I supported this law when it passed the State Legislature, and support the Hoyer-Greenwood Amendment being offered today, which provides similar protections for women facing this awful choice.

I urge my colleagues to reject H.R. 760, and instead support the Hoyer-Greenwood substitute, which is similar to common sense Texas law.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to thank very much the ranking member of the subcommittee on Judiciary that is managing this bill, I want to thank him for the great work that he and the Judiciary staff have done in trying to bring some understanding to the significance of what we are doing here today.

First of all, let us begin the discussion by recognizing that the term ''partial-birth abortion'' is a political term or a rhetorical term. It is not found in the medical journals. It is not found in the textbooks on medicine. The reason is that it was invented in the Congress. Okay?

The bill before us is different from other bills that have attempted to ban abortion because this bill has now determined that they would get around the Supreme Court ban on these procedures which require the health of the mother be taken into consideration by saying, we have a bill here that has about 14 pages of findings, congressional findings, that now make it unnecessary to follow Roe v. Wade and the other major case that precludes these bills from being constitutional. They have been struck down repeatedly, repeatedly, repeatedly. But this bill is now going to be okay because we have congressional findings.

Flash to the Congress. All congressional findings are not approved by the Supreme Court. Sorry about that, gentlemen. We have here, that I will put into the RECORD, and I hope we will have some discussion on it, the Turner Broadcasting case, Supreme Court case; the Morrison case, the Penhurst case, we go on and on with a long list of cases that say all findings are not findings and that therefore the Supreme Court is going to say, oh, okay, you had two or three doctors testify before your subcommittee and from this you draw findings and so, therefore, now all the Supreme Court decisions about the protection of the health and life of the mother are void. Not so.

The reason is that H.R. 760 simply states that the district court erred in its finding of fact and law, but as a matter of fact, this bill does not add a health exception, but instead simply states that the procedures covered by the bill are not necessary and that therefore their use pose no risk to the mother's health.

We listen to some doctors, we then determine that we have now exceptions and we pack them into this bill and we say, That's it. We don't need to determine that the health and welfare of the mother is as critical as the Supreme Court used to think because now we have findings, congressional findings. And the Supreme Court has got to follow congressional findings. Right? Wrong.

It would seem that on the basis that this was done, it will be pretty easy for the Supreme Court to look behind this bill, H.R. 760.

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

Mr. Speaker, the gentleman from Michigan is right. The Supreme Court is not required to accept congressional findings. In the cases that I have cited, they have given great deference to congressional findings. Here in the Stenberg case, the Supreme Court accepted the findings of the district court. We believe the district court's findings were in error. That is why there are extensive findings contained in H.R. 760 which we hope are substantiated by extensive hearing records and that the Supreme Court will give the same type of deference that it has done in the past in civil rights and employment cases.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time. Partial-birth abortion is the termination of the life of a living baby just seconds before it takes its first breath outside the womb. The procedure is violent, it is gruesome, it is horrific, it is barbaric, it is infanticide.

Proponents of this procedure will tell you a different story today. They want you to believe it is about politics or ideology. They will do anything to divert attention from the cold, hard facts about partial-birth abortion.

I want to remind everybody that we have seen these same tactics for many years and that the misinformation touted by the abortion lobby was exposed as blatant propaganda back in 1997. We might recall that the executive director of the National Coalition of Abortion Providers admitted that he, quote, ''lied through his teeth when he stated that partial-birth abortions were rarely performed.'' He went on to say that the procedure is most often performed on healthy mothers who are about 5 months pregnant with healthy fetuses.

So as we debate this compassionate bill today, I ask that you remember the truth: Partial-birth abortion remains an untested, unproven and dangerous procedure that has never been embraced by the mainstream medical community.

I would like to take a few minutes to discuss this legislation in more detail. Two years ago in Stenberg v. Carhart, the United States Supreme Court struck down Nebraska's partial-birth abortion ban which was similar, but not identical, to bans passed by previous Congresses. To address the constitutional concerns raised by the majority in Stenberg, our legislation differs from previous proposals in two areas. First, the bill contains a new, more precise definition of the prohibited procedure that, as expert medical testimony received by the Subcommittee on the Constitution indicated, clearly distinguishes it from more commonly performed abortion procedures.

Opponents of this legislation claim that doctors will be confused by the definition of partial-birth abortion. Despite the assertions of the abortionists who defend this procedure, the new definition provides physicians anatomical guideposts so that there will be no confusion about which procedure is prohibited.

Second, our legislation addresses the Stenberg majority's opinion that the Nebraska ban placed an undue burden on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the health of the mother. The Stenberg court based its conclusion on the trial court's factual findings regarding the relative health and safety benefits of partial-birth abortions, findings which were highly disputed.

Under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual findings that the Supreme Court was bound to accept in Stenberg under the clearly erroneous standard. Rather, as the Supreme Court explained in Turner Broadcasting System, Inc. v. Federal Communications Commission, the United States Congress is entitled to reach its own factual findings, findings that the Supreme Court consistently relies upon and accords great deference, and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution and draws reasonable inferences based upon substantial evidence. That is exactly what we have done in this legislation.

The first section of our legislation contains Congress' extensive factual findings that, based upon extensive medical evidence compiled during congressional hearings, partial-birth abortion poses serious risks to women's health, is never medically indicated, and is outside standard medical care. In fact, the district court's factual findings in Stenberg are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of partial-birth abortion.

According to the American Medical Association, ''There is no consensus among obstetricians about its use, it

has never been subject to even a minimal amount of normal medical practice development, and it is not in the medical textbooks.'' In addition, no controlled studies of partial-birth abortions have been conducted, nor have any comparative studies been conducted to demonstrate its efficacy compared to other abortion methods.

Leading proponents of partial-birth abortion also acknowledge that it poses additional health risks because of the many difficulties required in that particular procedure. It has even been called a rogue procedure.

Partial-birth abortion is truly a national tragedy. Fortunately, the American people and the President recognize the horrors of partial-birth abortion and are waiting for Congress to again take action. On March 13, 2003, the other body passed virtually identical legislation by a 64 to 33 vote.

I urge my colleagues to support our bill and help end this barbaric and inhumane practice once and for all in this country. It is now time for us to pass this legislation. I feel confident that we will do so today.

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

Mr. Speaker, today we have a very bad combination, a combination of Members of Congress who want to play doctor and Members of Congress who want to play Supreme Court. When you put the two together, you have a prescription for some very bad medicine for the women in this country.

We have been through this debate often enough to know that you will not find the term ''partial-birth abortion'' in any medical textbook. There are procedures that you will find in medical textbooks, but the authors of this legislation would prefer to use the language of propaganda rather than the language of medical science. This bill is so vague that it could be read to prohibit many common procedures used during the second trimester. This, the Supreme Court has said, Congress may not constitutionally do.

The bill as written fails every test the Supreme Court has laid down for constitutional regulation of abortion. It reads almost as if the authors went through the Supreme Court's controlling decision in Stenberg v. Carhart and went out of their way to thumb their noses at the Court. Unless the authors think that when the Court has made repeated and clear statements over the years of what the Constitution requires in this area, they were just pulling our leg, this bill has to be considered facially unconstitutional.

In addition, in just one example of an obnoxious clause, the bill allows the husband of a woman who seeks an abortion to sue her and her doctor if the husband did not consent to the procedure. This would include a husband who had abused the woman, punched her causing massive damage to the fetus, deserted her, and then allow him to realize a huge windfall after she is left alone to deal with the consequences of his wrongdoing.

This is the position of people who call themselves pro-life? It is an obscenity and people who support it should not be proud.

The Supreme Court has repeatedly said any restriction on the right to choose must have a clear exception to preserve the life and health of a woman at any stage of pregnancy.

□ 1745

The bill lacks an exception for the health of the woman. I know that some of my colleagues do not like the constitutional rule that has been in place and reaffirmed by the Court for 30 years; but that is the supreme law of the land, and no amount of rhetoric, even if written into legislation, will change that. Even the Ashcroft Justice Department in its brief defending an Ohio statute before the Court has acknowledged that a health exception is required by law.

The sponsors say that findings in the bill to the effect that so-called partial-birth abortion is never medically necessary will satisfy the constitutional requirement of a health exception to any limitation on the right to choose an abortion. But while the Court has made clear that it now requires Congress to support our legislation with findings of fact and that the Court has arrogated to itself the right to decide whether the facts established are sufficient to establish that the legislation is appropriate and proportionate to the evil to be remedied in order to render the legislation constitutional, that is an affirmative requirement within the power of Congress to legislate.

It is not. The Court has said the opposite. The Court has not said where Congress has no power to legislate, such as abortion regulation, without an exception for the health of the woman, that findings of fact can expand the power to legislate. The fact requirement is established by the Court as a limitation on Congress, not as an expansion of the power of Congress.

Whatever deference the Court may have shown to Congress's fact findings, the Court has made clear it is the final arbiter of the fact, not Congress, even if we put so-called fact findings in the bill. I do not like that anymore than other Members of the House, but there you have it; and frankly, the contention that the findings in this bill negate the necessity for the health exception to make this constitutional is laughable, and I do not believe any Member who knows anything about constitutional law can seriously and honestly suggest anything other than that.

While I realize many of the proponents of this bill view all abortion as tantamount to infanticide, that is not a mainstream view. The proponents of this bill are attempting to foist a marginal view on the general public by characterizing it as having to do with abortions involving healthy fetuses that are already viable. But, of course, the definition in this bill will go into second trimester abortions also.

If they really wanted to deal with post-viability abortions and situations in which a woman's life and health are not in jeopardy, then let them write a bill dealing with late-term abortions. We already have such laws in 40 Sates, and they would not find much opposition, if any opposition, to that. But it is clear that the majority is not interested in a bill that could pass into law and naturally be upheld as constitutional. What they want is simply an inflammatory piece of rhetoric to start undermining the political support of Roe v. Wade. The real purpose of this bill is not, as we have been told, to save babies, but to save elections.

We now have a President who has expressed a willingness to sign this bill. He may in fact get his chance.

Perhaps here in the Halls of Congress the health of women takes a back seat to the most extreme views of the anti-choice movement. Perhaps the President does not care about the health of women. We will find that out, perhaps.

Let us hope that this administration does not get the opportunity to pack the Supreme Court with fanatics who are also indifferent to the lives and health of women. Until then, fortunately, the Constitution still serves as a bulwark against dangerous, malicious, destructive, and misogynistic particular bills like this one. I am thankful for that.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, what really amazes me when you listen to the debate on this bill is the huge disconnect between the rhetoric we hear and what the bill actually before us is about.

This bill is not about choice, and this bill is really not about abortion. This bill substantively, when you look at it, is about one procedure, one procedure that is so painful to an unborn baby, so barbaric, so egregious, that even the most extreme proponent of abortion has to look at it and say it shocks even their conscience.

The overwhelming testimony is that a partial-birth abortion is never necessary to protect the health of the mother. This procedure is infanticide, and its cruelty stretches the limits of human decency.

This issue comes down to one simple question: Is there no limit, is there no amount of pain, is there no procedure that is so extreme that we can apply to this unborn child or this fetus that we are willing as a country to say that just goes too far and we cannot allow that to happen? That is what partial-birth abortion does. It goes too far. That is why it is so important that we pass this bill today.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, after commemorating the 30th anniversary of the Supreme Court's decision in Roe v. Wade just 6 months ago, we are reminded again today that the fight to preserve a woman's right to choose is far from over. We are here today considering a ban on so-called partial-birth abortions for the ninth time in 8 years because the proponents of this bill disagree with the Supreme Court. They want to overturn Roe v. Wade and Stenberg v. Carhart and go back to the days when women had no options, when they left the country or died in back alleys.

In reflecting on the long debate over this bill starting in 1995, I was struck by something Sandra Day O'Connor said on CNN recently. Justice O'Connor said that she was drawn to the law because she saw the role it plays in shaping our society. ''I don't think law often leads society,'' she said. ''It really is a statement of society's beliefs in a way.''

The proponents of this bill and I would likely agree with Justice O'Connor, except I believe that Roe v. Wade continues to express our society's beliefs, and they do not. Roe said that the decision to terminate a pregnancy is private and personal and should be made by a woman and her family without undue interference from the government. I, and the American people, still believe that. Supporters of the bill do not.

Roe and Stenberg said that a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term. The woman's life and health must come first and be protected throughout pregnancy. I and the American people still believe that. Supporters of the bill do not.

Roe and Stenberg said that determinations about viability and health risks must be made for each woman by her physician. A blanket government decree about medicine is irresponsible and dangerous. I and the American people still believe that. Supporters of the bill do not.

The supporters of H.R. 760 disagree with the Court's reflection of our society and reject the principles embodied in its decisions. Holding their opinion is their right. Disregarding the Constitution is wrong.

The Supreme Court's decisions in Roe v. Wade and Stenberg v. Carhart rested on precedent, including Marbury v. Madison, decided 200 years ago this year. Marbury was critically important to the development of our democracy because it established the Supreme Court as the final and ultimate authority on what the Constitution means.

In 1803, the Supreme Court became in fact, not just on paper, an equal partner in government, co-equal with the executive and the legislature. But in 2003, this Congress has decided to ignore the Court. The Court made clear that a partial-birth abortion ban was extreme and dangerous because it limited safe options for women and failed to protect the health of women.

Yet the bill before us contains no protection for the health of the woman, leaves no role for the physician treating a woman, and never mentions fetal viability. Congress ignores women, families, doctors and the Supreme Court, and makes all the decisions.

Congress is wrong to pass this ban and the President would be wrong to sign it. I urge my colleagues to respect the law of the land, support American values in Roe v. Wade, Stenberg v. Carhart, leave decisions in the hands of families, protect the health of women. Please vote against this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would kindly ask Members to mute electronic devices while on the floor of the House.

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

Mr. SMITH of New Jersey. I thank my good friend for yielding. And I deeply appreciate both Chairman SENSENBRENNER's and Chairman CHABOT's courageous leadership on this human right issue.

Mr. Speaker, slowly, but inexorably, the movement to reinfranchise unborn children in law as respected and cherished members of the human family is growing.

The most recent issue of Newsweek, it is a cover story entitled, ''Should a Fetus Have Rights; How Science Is Changing the Debate,'' absolutely shatters the myth that unborn children are somehow less human and less alive than their born brothers and sisters.

Indeed, a second Newsweek story also in this week's edition, ''Treating the Tiniest Patients,'' notes that ''medicine has already granted unborn babies a unique form of personhood, as patients.''

Newsweek points out that, ''Once just grainy blobs on a TV monitor, new high-tech fetal ultrasound images allow prospective parents to see tiny fingers and toes, arms and legs, and a beating heart as early as 12 weeks. While these images make a parent's heart leap for joy, they also pack such an emotional punch that even the most hard-line abortions rights supporters may find themselves questioning their beliefs.''

Mr. Speaker, let us hope so. May the questioning begin. We have lived in denial concerning the violence of abortion for far too long. We have, by our actions, or more so by our inaction, enabled and empowered abortionists to dismember, decapitate and chemically poison more than 43 million innocent and precious babies since 1973.

Today, Mr. Speaker, we can stop some of this violence against children. Today we can take one of those weapons out of the hands of the abortionist. Today we can tell America that partially delivering a baby, only to stab that child in the skull so that his or her brains can be sucked out, is the nightmarish world of a Hannibal Lecter, not American medicine or jurisprudence.

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

Ms. DEGETTE. Mr. Speaker, if Members could actually wade through the absurd and fallacious rhetoric that is being bandied about today, it would not be difficult to see that this unconstitutional legislation is not actually about so-called partial-birth abortion; it is about two things and two things only.

The first is the question of who gets to make the medical decisions about a woman's health, the actual woman, in consultation with her family and physician, or the agitated and hyperbolic politicians in attendance today? I vote for the woman.

The second is the fact that passage of this bill is one more step down the path where a woman's right to choose no longer exists, and that is clearly what the House and Senate and White House have said all along.

Do not be fooled. There is no actual procedure called this. So-called late-term abortions are quite rare, and they usually occur under the most difficult of circumstances.

To pass this legislation is to elevate the rhetoric of politicians over the sound medical advice of doctors. To pass this bill today is to deny women a safe and legal procedure when tragedy strikes.

If the other side really cared about these types of abortions, they would vote for women's health, which they do not. They would not pass an unconstitutional bill which is wasting this body's time, when we could be talking about child tax credits and other issues and not spending all of this money. They could really put their efforts on stopping unwanted pregnancies in general.

I urge my colleagues to think rationally and compassionately and vote ''no'' on this terrible piece of legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, life, life is a precious gift. Life is a precious gift from God. Partial-birth abortion is a gruesome procedure that has no place in our society, has no place in a civilized society.

Partial-birth abortions are performed in the U.S. They are performed thousands of times annually on healthy babies and healthy mothers. In 1997, Ron Fitzimmons, executive director of the National Coalition of Abortion Providers, estimated that the method was used 3,000 to 5,000 times annually. ''In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along,'' Fitzimmons said.

Not that polls are all that important on this issue, it is what is right or wrong, but in January of 2003 a Gallup Poll found that 70 percent of Americans favored a law making it illegal to perform a partial-birth abortion except in cases necessary to save the life of the mother.

□ 1800

These folks recognize the preciousness of the gift of life. H.R. 760 would prohibit the partial-birth abortion procedure unless it is medically necessary to save the life of the mother.

H.R. 760 addresses the concerns identified by the Supreme Court when it struck down Nebraska's partial-birth abortion ban by a 5–4 ruling. The five-Justice majority thought that the Nebraska law was too vague. H.R. 760 contains a new and a more precise definition of the prohibited procedure.

I thank my colleague for bringing this bill forward. I hope that today this House will join the other body in moving this legislation forward and, hopefully, moving it to the President's desk. We have passed similar legislation a number of times, but never have we been able to get it on the President's desk where the President will sign it.

Let us move this bill and let us get it on the President's desk.

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

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

Mr. Speaker, I rise today for my annual statement in opposition to this bill. Republicans say they are for smaller government. In reality, they want to make government just small enough to fit inside our bedroom.

This bill forces government to step between pregnant mothers and their doctors, interfering with the doctor's ability to make the safest and healthiest decisions for the mother, never mind that this bill is certifiably unconstitutional.

Proponents of this bill should be ashamed to go home to their wives, their daughters, nieces, sisters, and women constituents and explain to them why they voted for a bill that not only blatantly disregards their health, but tries to claim that it is not an issue; explain to them why they voted for a bill that would criminalize the behavior of their doctors, who acted in their best interests, because the law said that their health did not matter.

This bill is not about late-term abortion or even a so-called ''partial-birth abortion'' procedure, which has no medical definition in this bill. This bill is about banning safe abortion procedures that sometimes are the safest method of previability, second-trimester abortions.

For us to be true to the Constitution, to be true to the sentiments of equality and freedom, women must have control over their bodies. Instead, proponents of this bill, including the Bush administration, are using this bill as part of a broader agenda to take away a woman's constitutionally guaranteed right to choose.

This assault on a woman's right to control her body and her health must stop. I urge my colleagues to vote ''no'' on H.R. 760.

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

Mr. Speaker, we have heard from the people who oppose this legislation that it infringes on Roe v. Wade. Roe v. Wade very clearly gives Congress and the several States the right to prohibit abortions on viable babies.

There is one State in the Union, Kansas, that collects statistics on partial-birth abortions. Let me quote from page 17 of the committee report: ''The experiences of the State of Kansas, the only State to require physicians to report the performance of partial-birth abortions, are instructive on this point. Under its mandatory reporting scheme for partial-birth abortions, in 1998, 58 partial-birth abortions were performed, all of which were on viable babies and all of which were necessary to prevent a substantial or irreversible impairment of a major body function, which was the impairment of the patient's mental function.

''Similarly, in 1990, 182 such procedures were performed,'' all for the same reason, and again, all on viable babies.

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, let us all be clear: the bill before us is unconstitutional because it does not contain an exemption for the health of the woman who seeks to exercise her reproductive rights. There is no doubt about that. This is because the U.S. Supreme Court has already ruled on very similar legislation in Stenberg v. Carhart. Opponents of the right to reproductive choice should know that.

This bill likely will not prevent a single abortion, but it does defeat the rights of women. I believe that equal protection under the law and the right to privacy should be freedoms enjoyed by women as well as men, but women will not be equal to men if this constitutionally protected right is denied. This bill infringes on those rights for women. That is why I will oppose it.

Throughout my career, I have worked to reduce the need for abortions by preventing unwanted pregnancies through comprehensive sex education, birth control, and increased access to health care. I think that all of my colleagues would agree that we should work to prevent unwanted pregnancies that lead to abortions.

I will continue those efforts, but the bill before us today is the wrong way to do that. Advocates of this bill who want to stand in defense of life would be helpful if they worked to support families with adequate child care funding, child tax credit relief for vulnerable families, and peace.

For some, this debate is only about politics. The fact that other abortion legislation, the Unborn Victims of Violence Act, has been advanced on the publicity of the Laci Peterson tragedy shows the unfortunate politicization of this debate.

I know there are many who are sincere in their desire to reduce the need for abortions. In leading this Nation towards this goal, we must preserve constitutional rights. We must respect the freedom and equality of women. The best path for our country is not to escalate the divisiveness and political nature of this debate. Rather, it is to remember the principles of this Nation and refrain from undermining freedom of choice. We must respect the basic human dignity of women to make personal decisions.

This House can do better to truly work to reduce the need for abortions while respecting the freedom of choice. For these reasons, I will oppose the bill today.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, partial-birth abortion is what some call getting away with murder on a technicality. By law, a baby who has taken a breath outside the womb is considered a human being, a person. No one would think of killing it. To kill him would be murder.

To get around this technicality, abortionists turn the baby around so they can partially deliver the baby feet first, like a breech birth. While the baby's head remains in the birth canal, then they stick him in the back of the neck with surgical scissors and suck out his brain. Because the baby's head is held inside the mother's birth canal, the law does not count it as murder. Therefore, it is called getting away with murder on a technicality.

This is one of the most disgusting ways of circumventing the law I can think of. How can we justify saying a baby who can live on its own is not allowed to survive simply because someone is holding its head inside its mother's body? We cannot, not if we believe in the dignity of human life.

But we can stop this terrible procedure and save thousands of lives of healthy babies who are dying every year. Vote for this bill and close this loophole that allows people to literally get away with murder and infanticide.

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

Mrs. CAPPS. Mr. Speaker, I rise deeply troubled that the House is again voting on this ill-conceived bill to ban a medical procedure. Let us be honest: The underlying issue is really about whether or not a woman should have the legal right to choose to end a seriously flawed pregnancy.

As my colleagues stated, the term ''partial-birth abortion'' cannot be

found in any medical literature. Lawmakers have continued this misnomer, ''partial-birth abortion,'' and have succeeded in confusing the public's understanding of the issue.

Federal law already bans procedures performed after fetal viability unless the mother's health is at risk. But this bill directly defies the Supreme Court because it once again lacks an adequate health exception, and it could outlaw procedures used in the first or second trimester before viability that can safely protect the health of the mother.

By criminalizing these constitutionally protected procedures, physicians are left with limited options when treating a patient in a crisis. The ban would force a woman to undergo potentially more damaging, risky, and rarely performed procedures or otherwise continue a very unsafe pregnancy.

Sadly, there are times when it may be necessary for a woman to terminate a wanted pregnancy. It is often impossible to detect fetal abnormalities before the second trimester, and it is at this stage that certain preexisting medical conditions exacerbated by pregnancy may worsen for a woman. At these unfortunate times, a woman, in consultation with doctors and families, must freely be able to determine the best course to preserve her life, her health, her future fertility.

Congress is treading in dangerous waters with this legislation. In this Chamber we often insist that we should not be telling doctors how to practice medicine, we should not usurp the opinions of medical experts when considering patient safety, standards of care for diseases, and the administration of drugs.

But with this bill today, Congress, comprised predominantly of lawyers, is entering into a hospital room, acting as a gatekeeper, and dictating what doctors can and cannot do in medical practice.

For these reasons, I support the Hoyer-Greenwood substitute. This substitute clearly and in medical terms bans all post-viability abortions except in cases where serious, adverse health consequences could result to the woman's health, or the woman's life is at stake.

This amendment would allow physicians to continue to make these critical medical decisions. I urge my colleagues to reject the underlying bill and to support the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I rise in support of this important bill. Not one of us looks in society and we see the changes, the abuse against our children. Not one of us has stared in incredulity at the actions of new mothers who have disposed of their children in disposals, or placed them in a wastebasket and went back to the dance.

We cannot overlook our treatment of the unborn, and especially this treatment of the unborn in a partial-birth abortion, and the changes that we find in society.

Mr. Speaker, I rise in strong support of the bill and request our colleagues to support this gentleman's fine bill.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, if there is one frivolous late-term abortion in America, in my book that is one too many. But this bill is a false promise for two reasons.

First, it is clearly unconstitutional, since it has no health exception for the mother. Passing an unconstitutional bill will not save one child. That is a fact.

Second, supporters of this bill have misled the American people to think the bill outlaws late-term abortions. It does not. The truth is, this bill focuses on prohibiting one type of late-term abortion while keeping perfectly legal other types of late-term abortion procedures.

Let me state a fact that is going to surprise many Americans who have been misled regarding this bill. The truth is, this partial-birth abortion bill will allow late-term abortions to remain legal. Supporters of this bill have never really honestly answered this question. If they really believe a woman is a monster and wants to abort a late-term fetus for absolutely frivolous reasons, then why are Members just banning one procedure? That will just let her tell the doctor to use another procedure. They have not saved one child and they know it.

Perhaps the real answer to that question, Mr. Speaker, lies in the statement of Ralph Reed, who said several years ago that this partial-birth abortion bill is a silver political bullet. This bill is about sound-bite politics and campaign attack ads, not saving babies.

In contrast, 16 years ago as a Texas State senator I worked with pro-choice and pro-life groups to pass a constitutional bill that did not ban one late-term abortion procedure; we banned in 1987 all late-term abortion procedures. Then we worked with those groups in good faith, put in a constitutionally mandated health exception. We knew that health exception was necessary 16 years ago, and they know it is necessary today.

I think it is a shame that the House leadership has put politics above policy. I hope some people will wake up to recognize that had that not been the case, we could have passed a ban on all late-term abortion procedures in this Congress and it would have been signed into law 8 years ago. Instead, we are voting today on a false promise.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

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

Mr. Speaker, we have heard the allegation that this is about politics. This is about protecting innocent, unborn, little human beings who cannot defend themselves, and so, under this Supreme Court decision, it is necessary for Congress to take action. We believe that this bill does pass constitutional muster.

We have also heard that these are generally seriously flawed pregnancies. We have heard earlier this afternoon time and time again that these were rare, and that they were done basically because there was a baby that was in jeopardy.

The New York Times in a recent article dated April 22, not exactly a bastion of conservative newspapers, said, ''One aspect of the debate about partial-birth abortion has changed. When it began, some opponents of the ban,'' in other words, those on the other side of the aisle who are in favor of continuing to allow it in this country, ''said the targeted form of abortion was used only when a fetus had extreme abnormalities or the mother's health was endangered by pregnancy. Now both sides acknowledge that abortions done late in the second trimester, no matter how they are conducted, are most often performed on healthy pregnancies.''

□ 1815

So there are some times when these are pregnancies that are in jeopardy, but overall the statistics now show that these are healthy mothers, that these are healthy babies. That is the bulk of the partial-birth abortions that are performed in this country. It is not about politics. It is about protecting those innocent human lives. And we have already heard the other side, again, who clearly stated in their own words, they were lying through their teeth when they indicated that these abortions are rare.

Most of the experts say there are anywhere from 2,200 to 5,000 of these performed in this country every single year. These are lives that have a right to be born and they are destroyed. It is exactly as the gentleman from Pennsylvania (Mr. PITTS) said, this is murder, is what it amounts to. We need to protect these babies.

Mr. NADLER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman makes the comments about an inhumane form of abortion, but of course, the fact is the gentleman would not support any form of abortion. He does not care that one form is more or less humane than the others. That is why this bill makes no sense at all.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank my colleague for yielding me time and I congratulate him on his extraordinary leadership on this issue.

Mr. Speaker, I first would like to respond to my colleague on the other side of the aisle who referenced an article in the New York Times. I would like to place into the RECORD the

Times editorial from today, not only the New York Times editorial but the Washington Post editorial, both of which strongly came out against the Republican bill before us today.

The bill is extreme, it is vicious, mean-spirited, antiwoman, and it is unconstitutional.

We have heard a great deal of graphic rhetoric from the majority party today. But let me tell you what we have not heard and that is their true agenda, which is to roll back, chip away at a woman's right to choose. That is what this debate is about. That is totally what it is about. And since the Republican majority came to Congress in 1994, I have kept a score card on their antichoice votes. Today marks their 202nd vote against a woman's right to choose. It is on my Web site.

Mr. Speaker, I ask my colleagues today to stand in defense of a woman's reproductive health and to vote against this bill which deprives women of safe, quality medical care at a time when they need it most. The right to choose is meaningless without the access to choose. And this bill is so broadly written that it would, in effect, undermine a woman's legal right to abortion in this country.

When I go home, my constituents ask me about many things, but believe me, they have never asked me to be their doctor, nor do they want Members of Congress to be making medical decisions. It is unprecedented. It is wrong. It is unconstitutional. Vote against this Republican bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY) on this bipartisan bill.

Mr. TERRY. Mr. Speaker, I rise in support of H.R. 760. The abomination of this procedure, the facts of it are undisputed. It is an inhumane practice. It cannot be tolerated in a civilized today society and it cannot be tolerated amongst people who value the sanctity of human life.

It is often overlooked that partial-birth abortion can cause physical and emotional harm. Women who undergo this procedure can have difficulty conceiving children in the future and can experience gut-wrenching guilt and regret.

In 1993, a nurse practitioner named Brenda Pratt Shafer described such an incident in her testimony before Congress. She was a pro-choice nurse in an abortion clinic, who quit her job the day that she witnessed the grief of a woman who received a partial-birth abortion. She told Members of Congress, ''What I saw is branded forever in my mind. The woman wanted to see her baby after the procedure, so they cleaned up the baby and put it in a blanket and handed the baby to her. She cried the whole time as she kept saying, 'I am so sorry. Please forgive me.' I was crying too. I could not take it, a baby boy with the most perfect, angelic face I had ever seen.''

It amazes me that in the year 2003, the United States still permits this procedure, this act of death. Allowing partial-birth abortion to remain legal would be a tragedy for all. It would lower our standards of conscience and humanity. I strongly urge my colleagues to join me in supporting H.R. 760 and bringing an end to this era of suffering in our Nation.

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have another story; it is one that I have watched and heard and seen over the years that we have been dealing with this concept, political concept of partial-birth abortion.

I have the story of several women appearing in the Committee on the Judiciary room some years ago. I believe at that time there may have been only two women on the Committee on the Judiciary, each of us having our own personal story of childbirth and understanding the enormous challenge, burden and emotion of that particular act or procedure along with family members encouraging and hoping for a wonderful live birth.

We listened to women from around the country who came and said that had it not been for a procedure that allowed them to live, they might not have been able to procreate ever again. We heard women say that they had tried and tried and tried to retain the pregnancy, but that under the advice of their doctors in certain months, they were asked to have that particular pregnancy terminated.

Mr. Speaker, this is not a foolish nor is it a frivolous nor is it a political question. This is a question of privacy. We recently honored the 30th anniversary of the landmark Roe v. Wade decision and that decision reaffirmed a woman's right to choose.

I respect my opponents for they have their own reasons, but I will say that I respect life and I respect the right of a woman to make that decision between her god, her family, and her physician.

Partial-birth abortion is not a medical term. The opponents know that. They know that the Supreme Court has reaffirmed a woman's right to choose. They also realize that it does not allow a health exemption which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion. They realize that this bill is flawed. They realize that it will not save lives.

But most importantly, what we are doing here today is not promoting the sanctity of life, but we are saying to women that you do not count. They count. Vote against this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) is wrong. This bill will save lives. It will save the lives of viable babies who are subjected to this brutal and inhumane treatment. The gentlewoman from Texas (Ms. JACKSON-LEE) was not listening when I quoted the Kansas report that said of the partial-birth abortions that were reported under their State law, most of them were on viable fetuses.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, what we are talking about today is extending the debate that took place yesterday in the Committee on Rules on this exact same subject as we were rendering a rule about this debate that would take place today.

I found yesterday, as I find today, that many of the speakers on the other side do not understand that there are three types of late-term abortions. One of those three is called a partial-birth abortion. There are two other procedures.

Today, this bill is about partial-birth abortion. And for anyone to characterize this debate as it is not going to stop another abortion, it is not going to do anything, it is meaningless, that is simply not only untruthful, but it is disregarding the facts that are being placed before our colleagues today.

What we are going to stop is a late-term abortion, and we recognize that there are two other types of late-term abortions that take place. There are some who suggest that as a result of Supreme Court laws and tests, that because those abortions would take place, in essence, in the womb, that they would not be legal.

We, today, my party, this Committee on the Judiciary, this House of Representatives, is debating and will outlaw that which is known as partial-birth abortion.

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

Mr. SESSIONS. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, let me ask and I would like to have an honest debate on this. I appreciate what the gentleman has said. He has been very honest and straightforward about outlining one procedure and not two others.

My question is, if we assume a mother is going to take a perfectly healthy baby later term and have that child aborted for frivolous reasons, why would she not go and use one of the other two procedures? What babies have you saved?

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, I oppose this legislation, not because of political ideology, not because I believe my wife, my two sisters, and my three daughters should have the right to decide when to bring a child into this world, but because I read the bill. I researched the history and I understand the real issues involved here.

Unfortunately, H.R. 760, the so-called partial-birth abortion ban and, again, partial-birth abortion is not a medical term, distorts the issue. H.R. 760 is a broadly written piece of legislation that would outlaw some of the safest and most common abortion procedures and makes no exception to preserve a woman's health or her fertility.

There are other so-called facts in this bill that are not supported by medical research. Contained in the bill, it is written that the procedure is never necessary to preserve the health of the woman. The key word here is never necessary. Well, I say ask Vikki Stella, a diabetic who, after examining all other options with her doctor, made a decision, along with her husband, to terminate her pregnancy of a much-wanted son. Vikki's option to choose this procedure was believed to be the safest and most appropriate, leaving her the opportunity to live a healthy life with her husband and two young daughters, as well as the opportunity to bear the son that they later gave birth to, Nicholas.

This bill distorts the truth and politicizes a constitutional right of all women in this country. And the in rulings of Roe, Casey and Stenberg by the Supreme Court, the Court stated that every abortion restriction must contain a health exception that allows an abortion when necessary in appropriate medical judgment for the preservation of the life or health of the mother.

This bill does not do it. I ask my colleagues to vote ''no'' on this bill in its present form.

Mr. Speaker, I come before this body with two purposes in mind. First, to discuss the demons I battled as I came to a conclusion regarding my position on the legislation before us today. Secondly, to hopefully educate those listening and watching this debate taking place before us.

As I sat in my office yesterday evening confronting my long-held beliefs and realizing the possible collision that my surfacing position on this issue may have with my political ideology, I chose to delve deep into the heart of the issue and question my beliefs regarding abortion that I had never questioned before. As I further focused over the legality and morality of ending a pregnancy, the rights of a woman, and the rights of an unborn child pre-viability and post-viability, I came to the decision to oppose this legislation. No, not to oppose it because of political ideology. No, not to oppose it because I believe my wife, two sisters, and three daughters should have a right to decide when to bring a child into the world. But because, I read the bill, I researched the history, and I came to terms with the real issue. Unfortunately, H.R. 760, the so-called Partial Birth Abortion Ban of 2003 distorts the real issue—preventing members in this body and constituents throughout the nation from truly understanding what is at stake.

H.R. 760 is a broadly written piece of legislation that would outlaw some of the safest and most common abortion procedures, and it makes no exception to preserve a woman's health or future fertility. As the supporters of this bill incorrectly label the procedure of dilation and extraction, commonly known as D & X, but for the purposes of this bill as partial birth abortion, they vividly describe a procedure that they wish to ban in 2000 was found constitutional in the Supreme Court case Stenberg v. Carhart.

First, I will address the manner in which this legislation describes the fetus as a child. Medical journals describe the object in the womb of the mother as a fetus until fully delivered. And I, like many of you, not being a member of society who holds accredited medical credentials must follow the standards put forth by the medical society. The proponents of the bill truly attempt to be creative in its attempts to have readers of the language imagine an actual child going through this procedure. It almost worked on me, but that is when I looked closer at the language and focused on Section 2, subsection 5 of the legislation. There, contained in the bill, it is written that the procedure ''is never necessary to preserve the health of a woman.'' And here is where H.R. 760 further distorts the truth. They key phrase here is never necessary. Well, this all depends on what one values as a necessity. Yes, one procedure could have an advantage over another in certain cases. Where one doctor may prefer dilation and evacuation, commonly known as D & E, which involves a doctor inserting an instrument into a woman's womb and dismembering the fetus, because it is the safest procedure to ensure the woman's life and health, that same doctor may choose D & X for another patient because it is the safest and most appropriate procedure for that particular patient to ensure the woman's life and health. Unlike the proponents of this bill, I will stand on this House floor today and admit that sometimes this gruesome procedure is a necessity for some women. For example, it was the only option for Vikki Stella—a diabetic who, after examining all other options with her doctor, made the decision along with her husband to terminate her pregnancy of her much-wanted son. Vicki's option to choose this procedure was believed to be the safest and most appropriate—leaving her the opportunity to live a healthy life with her husband and two young daughters—as well as the opportunity to bear the son she later gave birth to, Nicholas.

My colleagues, this bill distorts the truth and politicizes a constitutional right of all women in this country. Incorrectly labeling the procedure and overriding the ruling of the Supreme Court as reaffirmed by the majority in Stenberg that a woman's health must be the paramount consideration, women across the nation are being denied their constitutional right. As a result of the ruling by the Supreme Court, every abortion restriction must contain a health exception that allows an abortion when ''necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'' H.R. 760 does not do this. And for this reason, I find the so-called Partial Birth Abortion Ban of 2003 unconstitutional and unworthy of my support, the support of my colleagues, and the support of the people of this great Nation. I ask my colleagues to vote against this bill in its present form.

Mr. SENSENBRENNER. Mr. Speaker, I am prepared to close general debate if the gentleman from New York (Mr. NADLER) wants to use the rest of his time.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. NADLER) has 1 minute remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 3½ minutes remaining.

Mr. NADLER. Mr. Speaker, I thought I had 3 minutes remaining.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 1 minute remaining.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, two key points to be made. One, if the real purpose of this bill is to ban late-term abortions with all the gruesome descriptions we have heard, you could do it very simply by including a health and life exception for the mother as the Supreme Court requires. No one would oppose it. We have such laws in 40 States.

□ 1830

That is not the goal here. The goal is a propaganda goal.

Second point, the declaration by the majority here that they can get around the health exception requirement of the Supreme Court by saying, by a legislative finding that such a procedure is never necessary for the health of the mother runs into the observation by Justice Clarence Thomas in a different context that ''if Congress 'could make a statute constitutional simply by finding that black is white or freedom, slavery, judicial review would be an elaborate farce.' What if Congress, in the aftermath of Brown versus Board of Education found that segregated schools could be equal after all?''

With reference to Ruth Marcus' column in The Washington Post, from which I just quoted, this morning she points out that Judge Posner, a distinguished conservative appeals court judge, said the purpose of this statute is that they are concerned with making a statement in an ongoing war for public opinion. The statement is that fetal life is more valuable than women's health.

That is the real purpose of this bill, not to protect babies, not to save lives, but to undermine Roe v. Wade, to undermine a woman's right to choose and to declare that fetal life is more sacred than the life of the existing woman.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman's time has expired.

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

Mr. Speaker, the major argument that gets to the substance of this bill that the opponents have stated in the last hour is that the findings that Congress makes that are contained in H.R. 760 the Supreme Court will just completely ignore.

I will be the first to concede that the Supreme Court does not have to accept congressional findings, nor does the Supreme Court have to accept findings that have been made by lower courts either that reach their own conclusions; but there is a string of cases in

the last 20 years or so that have indicated that the Supreme Court will defer to congressional fact finding, and they have been highly and historically deferential to Congress's factual determination, regardless of the legal authority upon which Congress has sought to legislate, as the following case quotes demonstrate.

First, ''The fact that the Court is not exercising a primary judgment but sitting in judgment upon those who also have taken the oath to observe the Constitution and who have the responsibility for carrying on government compels the court to be particularly careful not to substitute our judgment of what is desirable for that of Congress, or our own evaluation of evidence for a reasonable evaluation by the legislative branch.'' That is Rostker v. Goldberg, 1981.

Second, ''It is for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.'' Katzenbach v. Morgan, 1966.

Third, ''Here we pass on a considered decision of Congress and the President. We are bound to approach our task with appropriate deference to the Congress, a co-equal branch.'' Fullilove v. Klutznick, 1980.

Fourth, ''The Supreme Court 'must afford great weight to the decisions of Congress. The judgment of the legislative branch cannot be ignored or undervalued. When the Court faces a complex problem with many hard questions and few easy answers, it does well to pay careful attention to how the other branches of government have addressed the same problem.''' Columbia Broadcasting System v. The Democratic National Committee, 1973.

Fifth, ''Congress is far better equipped than the judiciary to amass and evaluate the vast amounts of data bearing upon an issue as complex and dynamic as that presented here.'' Turner Broadcasting System v. FCC, 1994.

Finally, ''We owe Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power.'' Turner Broadcasting System, Inc. v. FCC, 1997, which was the second case.

What the opponents of this bill are saying is they do not agree with the findings that are contained in H.R. 760. That is their right, and that is their prerogative; but if this bill passes, they are in the minority, and the majority who voted for this bill will have disagreed with their conclusion on those findings.

Mr. BRADY of Texas. Mr. Speaker, partial birth abortion is one of the more barbaric procedures of modern times. Doctors confirm it is never medically necessary. Never. So much so that it is not even taught in our nation's medical schools.

Yet more than 3,000 healthy babies are subject to this horrible procedure each year. Too many of them are more than 5 months old in fetal development—able to live outside the womb if just given the same chance as you and me.

Today we have an opportunity to protect our nation's mothers.

Today we can save the lives of precious babies too tiny to save themselves.

Today we ban partial birth abortions and close this grisly chapter in America's history.

Mr. VAN HOLLEN. Mr. Speaker, today the House considers a measure which will seriously impinge on a woman's right to choose a safe and legal abortion. A women's right to choose is a fundamental one, and the Congress should not tell a woman how to manage her health or reproductive care. Unfortunately, what should be a private matter between a woman and her doctor has become a political football.

Each individual case is different and involves a variety of factors. The decision in each case should be left to the woman and her family, in consultation with her doctor. We must not pass legislation that curbs the ability to make a decision which might be necessary to protect the life and health of the mother.

Moreover, we cannot exert a power we do not have. The Supreme Court, in Roe v. Wade, has determined that a woman has a constitutional right to choose a safe and legal abortion during the pre-viability period. Many people have been misled into believing that this so-called ''partial-birth'' abortion bill is about banning late term abortions. It is not. It applies to all abortions in which a certain medical procedure is used regardless of when the abortion is performed. We should leave it to the doctors—not politicians—to determine what method is necessary to best protect the health of a woman. Limiting a woman's sovereignty over reproductive choice and restricting access to the best health options comprise the essence of this bill. I urge my colleagues to oppose it.

Mr. FILNER. Mr. Speaker and collagues, I rise to voice my opposition to H.R. 760, the so-called Partial Birth Abortion Ban.

This is a bill that immediately provokes strong feelings on both sides of the abortion issue. No one is in favor of abortion. I am not in favor of abortion, and in Congress, I am focused on making abortions less and less necessary.

However, in a few situations each year, the procedure that this bill seeks to ban is necessary to protect the life or the health of the mother—or because of multiple abnormalities of the fetus, making viability virtually impossible.

A woman, in this situation, has the constitutional right to an abortion, and there is a wealth of credible medical evidence that this procedure in some instances is much safer than other available procedures. H.R. 760 seeks to criminalize these safe, legal, and rare abortion procedures.

A major problem with this bill is its name. The term, ''partial birth,'' is not a medical term. There is no medical definition of a ''partial birth'' abortion. It is a loaded, political term made up by the anti-choice movement to inflame the debate. It is not helpful to an enlightened discussion of this issue.

In addition, as I have said, the bill is unconstitutional. In 2000, the Supreme Court found Nebraska's ''partial-birth'' abortion ban unconstitutional in Carhart v. Stenberg because it prevented a women's constitutional right to choose by banning safet abortion procedures and because it lacked the constitutionally-required exception to protect women's health. The Court noted that ''the absence of a health exception will place women at an unnecessary risk of tragic health consequences''. These flaws are also present in H.R. 760.

This bill definitely endangers women's health. Doctors will be forced to choose between providing care that is safe for their patients and going to jail. Despite repeated opportunities, anti-choice lawmakers refuse to include in their bills an exception to protect women's health.

Finally, a majority of Americans agree that government has no place in private medical decisions that need to be made by a woman, her family, and her physician. Politicians should not be legislating medical care. H.R. 760 is an unprecedented intrustion into the doctor-patient relationship.

This bill is opposed by a large number of respected medical and health organizations such as the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association, and the American Medical Association has withdrawn its support of these bans.

As difficult as this vote may be, there is no way to vote for H.R. 760. A vote for this bill would be a vote for legislation that is unconstitutional, that allows government to intervene in personal and private decisions, and that provides no protections for women's health.

Mr. LARSON of Connecticut. Mr. Speaker, I regret that due to a family medical emergency, I am unable to be present for the debate and vote on H.R. 760, the Partial-Birth Abortion Ban Act of 2003. However, I wish to submit this statement for the record to ensure that my position on this legislation is clear.

While I am against late term abortions, H.R. 760 fails to make an exception for instances where the procedure was deemed medically necessary for preservation of the life or health of the mother. If enacted, this legislation would most likely stop physicians form performing lifesaving medical procedures when a fetus will not survive, or when a woman's life, health, or future reproductive capacity may be severely threatened. Therefore, had I been present I would have opposed this bill.

However, I do support the compromise substitute amendment offered by Representatives GREENWOOD and HOYER, which would prohibit all late-term abortions, irrespective of procedure, with exceptions only to protect the life of the mother and to avert serious, adverse consequences to her health. Had I been present, I would have voted in favor of this amendment. Additionally, I would have voted in favor of the motion to recommit offered by Representative BALDWIN to return H.R. 760 to committee to include exceptions for the preservation of the life or health of the mother.

Mr. FARR. Mr. Speaker, I rise today in strong opposition to the ongoing campaign to undermine the constitutionally established right to privacy, which threatens women's access to safe and comprehensive reproductive healthcare. The latest attack on these rights is H.R. 760, The Partial Birth Abortion Ban of 2003. The proponents of this legislation have consistently used vague language and shock tactics in an attempt to undermine the basic

tenets of the Supreme Court's decisions in Roe v. Wade and Stenberg v. Carhart.

In 1973, the Supreme Court handed down its decision, Roe v. Wade, which gave women a constitutionally protected right to an abortion. The Court allows a state to ban abortions after fetal viability (the point at which a fetus may survive independent of a woman, but not independent of technology), but only if the state provides exceptions for the protection of a woman's life and health. In 2000, in the case of Stenberg v. Carhart, the Court struck down a Nebraska ban on partial birth abortions because it did not contain an exception for the protection of the health of the woman, and utilized a vague definition of which procedures would be banned.

Disregarding 30 years of established Supreme Court precedent, the Partial Birth Abortion Ban of 2003 contains the same flaws as the ban ruled unconstitutional in Stenberg v. Carhart.

H.R. 760 fails to provide an exception to protect the health of the mother. Rather, this legislation presumes that the authors' findings overrule those of the Supreme Court. The very text of this bill audaciously promotes ignoring the Supreme Court ruling in Stenberg v. Carhart.

The definition of the banned procedure in H.R. 760 is vague and could be interpreted to prohibit some of the safest and most common abortion procedures that are used before viability during the 2nd trimester. This legislation could have been written using precise, medical terms, and exemptions for procedures that are used pre-viability. However, the bill's unclear definition reveals the broad anti-choice agenda that this bill promotes.

The Supreme Court's decisions have clearly, and correctly protected a woman's right to make personal, and sometimes difficult decisions regarding her reproductive health. In addition to a legal obligation established by the Supreme Court, we have a moral and ethical obligation to protect the health of the mother. Every woman deserves the honest, accurate, professional advice of her doctor, a right that is endangered by H.R. 760. There is no place for Congress in the very private relationship between doctor and patient.

Furthermore, this ban is opposed by many groups of healthcare professionals who take their responsibility to preserve the health of their patients very seriously. These organizations include: the American College of Obstetricians and Gynecologists (ACOG), the American Medical Association (AMA), the American Nurses Association (ANA), and the California Medical Association (CMA).

Let me assure you that I grappled with the issue of partial birth abortion and determined that this procedure should be used only when medically necessary to protect the life and health of the mother. My decision to oppose legislation banning this procedure was based on my personal conversations with one of my constituents who faced this terrible situation and relied on the medical judgment of her doctor to make the only medically sound decision that preserved her ability to have children in the future.

I urge all of my colleagues to oppose H.R. 760 and vote against this harmful and unconstitutional legislation.

Mr. SOUDER. Mr. Speaker, as a cosponsor of H.R. 760, the Partial-Birth Abortion Ban Act, I strongly believe that the Congress must act now to pass this important bill. We should no longer allow the abhorrent killing of a partially-delivered baby to be lawful.

Leading up to a partial-birth abortion, a pregnant woman's cervix is forcibly dilated over a three-day time period. On the third day, the abortionist pulls a living baby feet-first out of the womb and into the birth canal, except for the head, which the abortionist purposely keeps lodged just inside the cervix. While the fetus is stuck in this position, dangling partly out of the woman's body, and just a few inches from a completed birth, the abortionist punctures the base of the skull with a surgical instrument, such as a pair of long scissors or a pointed hollow metal tube called a trochar. He or she then inserts a catheter into the wound and removes the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now-dead baby. The corpse is discarded, usually as medical waste.

H.R. 760 would ban performance of this heinous procedure except if it were necessary to save a mother's life. The bill would permit use of the procedure if ''necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.''

According to Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, partial-birth abortions are performed 3,000 to 5,000 times annually, usually in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers. It has also been used to perform abortions as late as in the third trimester, which is the seventh month and later. Many of these babies are old enough to survive outside the womb, and many of them are developed enough to feel the pain of this horrendous procedure.

Most of us have seen the dreadful images of these near-to-term victims of an abortionist, and while recoiling in horror, we have resolved to end this painful outrage. Twice previously, both houses of Congress voted to ban partial-birth abortion, only for the bans to be vetoed. Now, with a president who values the sanctity of life and who will sign this important protection into law, we have the greatest chance ever to end this contemptible practice. We must pass H.R. 760 to ensure that partially delivered babies are protected and that the gruesome procedure used to perform partial-birth abortions is banned under law.

Mr. CONYERS. Mr. Speaker, the Supreme Court has accorded some deference to congressional findings as Congress is the legislative body representing the people. The Court has ruled that it is not necessary for Congress to present conclusive evidence when declaring findings, and Congress has the discretion to weigh evidence and make reasonable inferences.

Nonetheless, the courts do not blindly follow congressional findings. In numerous cases, including Turner, Morrison, and Pennhurst, courts review evidence and look at sworn testimony that is subject to cross-examination before coming to a conclusion. Thus, the implication in H.R. 760 that courts strictly defer to congressional findings is not correct.

H.R. 760 cites Turner Broadcasting System, Inc. v. Federal Communications Commission (''Turner I'') and Turner Broadcasting System, Inc. v. Federal Communications Commission (''Turner II'') to show that the Court pays great deference to congressional findings. However, in Turner I and Turner II, the Court deferred to the overwhelming array of factual evidence presented by Congress. Evidence presented included extensive case law, Senate Reports, numerous hearings held by numerous committees and subcommittees, declarations, and reports. The Court paid great deference to the factual propositions Congress presented. The Court stated that Congress could weight the evidence it uncovered and make ''reasonable inferences based on substantial evidence.''

The key difference is that H.R. 760 simply states that the District Court erred in its findings of fact and law. Gainsaying, no matter how presented, is not the same as fact findings. For example, H.R. 760 does not add a health exception but instead simply states that the procedures covered by the bill are not necessary and that their probation poses no risk to the mother's health. This declaration goes directly against the ruling of the Supreme Court in Stenberg and the findings of fact in the lower court. The ''findings,'' in effect, are an attempt to overturn Stenberg. Congress cannot simply refute findings of fact made by the District Court by presenting its own ''findings'' that are contrary to the evidence the Court depended upon to make its ruling.

In Pennhurst State School and Hospital v. Halderman, a patient at a Pennsylvania hospital for the mentally retarded challenged the conditions of the hospital. The patient claimed Pennhurst Hospital had violated the terms of § 6010 of the Developmentally Disabled Assistance and Bill of Rights Act of 1976 (''DDABRA''). §§ 6010(1) and (2) of the DDABRA was ''the bill of rights provision,'' and it ''grant[ed] to mentally retarded persons a right to 'appropriate treatment, services, and habilitation' in 'the setting that is least restrictive of . . . personal liberty.' ''In § 6010, Congress made a series of findings that were repudiated by the Court. The Court found that § 6010 ''is simply a general statement of 'findings' '' and ''does no more than express a congressional preference for a certain kind of treatment.'' The Court held that the ''bill of rights'' did not create a requirement for States to provide the least restrictive environment or to provide certain kinds of treatment to the mentally retarded.

Likewise, in United States v. Morrison, the Court struck down a section of the Violence Against Women Act (''VAWA'') as a violation of the Commerce Clause in the face of overwhelming congressional findings that domestic violence affected interstate commerce. The Court stated, ''[T]he existence of congressional findings is not sufficient, by itself, to sustain the constitutionality of Commerce Clause legislation.'' Therefore, although the Court defers to congressional findings, findings alone are not sufficient to make an unconstitutional act constitutional.

As with Pennhurst, the ''findings'' in H.R. 760 express a congressional preference, and it is unlikely that any court would defer to the findings. The language in the proposed bill is similar to the challenged language in Pennhurst in that the ''findings'' include precatory language. For example, the ''findings'' include the statement that so-called ''partial-birth'' abortions are never medically necessary even though the Court in Stenberg concluded otherwise.

H.R. 760 also purports to rely on the Supreme Court's holding in Katzenbach v. Morgan for the proposition that the Court will employ a ''highly deferential review of Congress's factual conclusions.'' However, Katzenbach involved Congress's power under section 5 of the 14th Amendment to craft a remedy to a 14th amendment violation Congress had identified. Congress went beyond what the Supreme Court had deemed required as a remedy by the 14th Amendment. In that case, the Court held that provisions of the Voting Rights Act prohibiting the enforcement of a New York law requiring the ability to read and write English as a condition of voting was an appropriate exercise of Congress's section 5 powers. Specifically, the Court said that while Congress could use its enforcement power to provide additional protections for a right guaranteed by the 14th Amendment, it could not narrow that right. H.R. 760 would do exactly the opposite of what the Court approved in Katzenbach in that it narrows, rather than enforces a right protected under the 14th Amendment; in this case, the right to choose as delineated in Roe.

Moreover, in the intervening years, the Court has become far less deferential to Congress's enforcement powers under sec. 5, and to Congress as a finder of fact.

It is unclear what types of procedures are covered by the legislation. Although some believe the legislation would apply to an abortion technique known as ''Dilation and Extraction'' (D & X), or ''Intact Dilation and Evacuation,'' it is not clear the term would be limited to a particular and identifiable practice. For example, the American College of Obstetrics and Gynecologists has noted that the definitions in the bill ''are vague and do not delineate a specified procedure recognized in the medical literature. Moreover the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.'' As a result, the bill could well apply to additional abortion procedures known as D & E (Dilation and Evacuation), and induction.

In the wake of the controversies over partial birth abortions, a number of states have taken up similar legislation. Like the federal bill, most of the state measures are so vague and so broad that they cover a wide range of abortion methods.

The overwhelming majority of courts to have ruled on challenges to state so-called ''partial-birth abortion'' bans have declared the bans unconstitutional and enjoined their enforcement. In the last three years, medical providers have challenged the state statutes that ban ''partial-birth abortion'' in twenty states. In eighteen of those states—Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Rhode Island, West Virginia, and Wisconsin—the bans are currently enjoined, in whole or in part. In a nineteenth, Alabama, the state attorney general has limited the ban's enforcement to post-viability abortions. In only one state, Virginia, has a court considered the constitutional challenges but nevertheless permitted enforcement of the statute pending further proceedings. Six federal district courts have entered permanent injunctions against statutes that are virtually identical, word for word, with H.R. 760.

The reality concerning quantitative data is that there is no national figures on the absolute number of D & X procedures performed. The two authorities which have the most comprehensive information on abortion—the Centers for Disease Control and Prevention (CDC) and the Alan Guttmacher Institute (AGI) do not compile data on the number of D & X procedures before or after viability.

According to AGI, in the most recent year for which data is available—1996—the total number of abortions nationally fell to 1.35 million from a high of 1.61 million in 1990. Of these, ''an estimated total of 31 providers performed the [D&X] procedure 2,200 times in 2000, and 0.17% of all abortions performed in that year used this method.''

Proponents of H.R. 760 also ignore the fact that most women do not simply elect to delay the time of their abortion or gratuitously choose the D & X procedure. The causes for delay are varied, including a dearth of abortion providers in many poor or rural areas, lack of availability of Medicaid funding, fear of violence at local clinics, teenagers fearful of notifying their parents or subject to delays caused by notice and informational requirements, and women who only learn of severe fetal abnormalities as a result of late term ultrasound or amniocentesis tests (which is subject to a mandatory wait for results). Physicians will not recommend a particular type of abortion procedure—D & X or otherwise—unless they believe it to be the safest for their patients.

Mr. STARK. Mr. Speaker, I rise today to strongly oppose H.R. 760, the so-called Partial-Birth Act.

I'd like to ask my colleagues, in what medical book can the procedure partial-birth abortion be found? Nowhere. This is a conjured up term used by opponents of abortions. ''Partial birth'' is a political term, not a medical one. At this very moment, Congress is legislating medical protocols that should be the determination of doctors and their patients. Most members have no medical training and are unequipped to make medical determinations of this nature.

The medically accepted, rarely-used procedure that is being targeted today, which is so graphically described by the supporters of this ban, is nearly always used in the third trimester when the life or health of the mother is in danger. But this bill put forward by proclaimed anti-choice proponents goes far further than that. Their ban would not just apply to procedures performed in the third trimester. It criminalizes numerous abortion procedures—including the safest and most commonly used methods of abortion that are performed in the second trimester.

If this legislation passes, it opens a Pandora's box of restrictions on the rights of women and on the ability of doctors to practice medicine. Just imagine the country we will live in. In communities across the nation, law enforcement officers will be conducting sting operations in doctors' offices to arrest pregnant women and their physicians. Is that what we want for America? I certainly don't.

This bill isn't about banning one procedure. Let's be honest. It is an attempt to re-ignite an anti-abortion campaign to eviscerate Roe v. Wade.

Just 3 years ago, the Supreme Court in Stenberg v. Carhart, struck down as unconstitutional a Nebraska law virtually identical to legislation before us today. Moreover, countless medical organizations disagree with this legislation—the American Medical Association, the American College of Obstetricians, the American Nurses Association, and the California Medical Association to name a few.

H.R. 760 could ban what may be the safest choice to protect a woman's life and health. Once again, this difficult decision is one I believe wholeheartedly is best left in the hands of those who have the skills to make these medical determinations, and those patients and families the decision is affecting—not Congress.

Vote no on H.R. 760.

Mr. PAUL. Mr. Speaker, like many Americans, I am greatly concerned about abortion. Abortion on demand is no doubt the most serious sociopolitical problem of our age. The lack of respect for life that permits abortion significantly contributes to our violent culture and our careless attitude toward liberty. As an obstetrician, I know that partial birth abortion is never a necessary medical procedure. It is a gruesome, uncivilized solution to a social problem.

Whether a civilized society treats human life with dignity or contempt determines the outcome of that civilization. Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are indeed on the slippery slope toward euthanasia and human experimentation. Although the real problem lies within the hearts and minds of the people, the legal problems of protecting life stem from the ill-advised Roe v. Wade ruling, a ruling that constitutionally should never have occurred.

The best solution, of course, is not now available to us. That would be a Supreme Court that recognizes that for all criminal laws, the several states retain jurisdiction. Something that Congress can do is remove the issue from the jurisdiction of the lower federal courts, so that states can deal with the problems surrounding abortion, thus helping to reverse some of the impact of Roe v. Wade.

Unfortunately, H.R. 760 takes a different approach, one that is not only constitutionally flawed, but flawed in principle, as well. Though I will vote to ban the horrible partial-birth abortion procedure, I fear that the language used in this bill does not further the pro-life cause, but rather cements fallacious principles into both our culture and legal system.

For example, 14G in the ''Findings'' section of this bill states, ''. . . such a prohibition [upon the partial-birth abortion procedure] will draw a bright line that clearly distinguishes abortion and infanticide . . .'' The question I pose in response is this: Is not the fact that life begins at conception the main tenet advanced by the pro-life community? By stating that we draw a ''bright line'' between abortion and infanticide, I fear that we simply reinforce the dangerous idea underlying Roe v. Wade, which is the belief that we as human beings can determine which members of the human family are ''expendable,'' and which are not.

Another problem with this bill is its citation of the interstate commerce clause as a justification for a federal law banning partial-birth abortion. This greatly stretches the definition of interstate commerce. The abuse of both the interstate commerce clause and the general welfare clause is precisely the reason our Federal Government no longer conforms to constitutional dictates but, instead, balloons out of control in its growth and scope. H.R. 760 inadvertently justifies federal government

intervention into every medical procedure through the gross distortion of the interstate commerce clause.

H.R. 760 also depends heavily upon a ''distinction'' made by the Court in both Roe v. Wade and Planned Parenthood v. Casey, which establishes that a child within the womb is not protected under law, but one outside of the womb is. By depending upon this illogical ''distinction,'' I fear that H.R. 760, as I stated before, ingrains the principles of Roe v. Wade into our justice system, rather than refutes them as it should.

Despite its severe flaws, this bill nonetheless has the possibility of saving innocent human life, and I will vote in favor of it. I fear, though, that when the pro-life community uses the arguments of the opposing side to advance its agenda, it does more harm than good.

Mr. STEARNS. Mr. Speaker, today opponents of the proposed ban on partial birth abortion will levy a great deal of unfair derision against those of us who will stand today to speak on behalf of the unborn. These same opponents repeatedly deny the terrible facts regarding partial birth abortion despite overwhelming evidence. They fight against common sense efforts such as parental notification and demonstrate, through their actions, that the unborn are not worthy of protection in their eyes. I emphatically disagree.

The phrase ''partial-birth abortion'' describes the process employed in this late-term abortion procedure. It refers to any abortion in which the baby is delivered ''past the navel . . . outside the mother's body'' and then is killed by any means effective. This method is usually employed after 24 weeks gestation at which point these babies have eyebrows and eyelashes and have shown to be sensitive to pain.

It is difficult and painful for all of us to hear of the violence against these unborn children. It is mournful that any child has ever known such brutality and in this case with the permission of the law.

Opponents of the ban have a difficult task before them because the truth of the matter is so painfully clear. They attempt to rationalize that if the baby's head and shoulders are still inside of the mother that it is worthless tissue to be discarded without regret. Is the line between murder and medical procedure really only five inches!? Such an argument is baseless and preposterous.

I am hopeful that this year's debate will be our last and we will finally ban this abhorrent procedure.

Mr. PORTMAN. Mr. Speaker, as an original co-sponsor of the Partial-Birth Abortion Ban Act, I want to express my strong support for outlawing the troublesome practice of partial-birth abortions.

Opponents of the ban suggest that partial-birth abortions are needed to protect mothers with pregnancy-related complications, but this argument simply does not hold up to the testimony of abortion providers and medical experts. Former Surgeon General of the United States C. Everett Koop has said that there is ''no way'' he can see a medical necessity for this barbaric procedure. The American Medical Association's legislative council has unanimously supported the partial-birth abortion ban.

Mr. Speaker, I ask you: What will future generations think of a society that allows this practice? For the moral health of our country, and for future generations, we should take action today to ban partial-birth abortions.

Congress has the opportunity today to do the right thing by banning partial-birth abortions. We have a duty to protect the unborn from this horrific procedure. I hope my colleagues will listen to their consciences and vote to make partial-birth abortions illegal once and for all.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill. Again, we are facing a bill that deprives women of safe, high quality medical care at a time when they need it most. And yet again, this bill places undue burden on a woman's right to seek an abortion.

Let's put this bill in perspective. Since the majority party took power in 1994, I've kept a scorecard. This is their 202nd strike against reproductive rights, and you can check the list at any website *www.house.gov/Maloney.*

Language similar to this bill has already been struck down in Stenberg v. Carhart on the grounds that it fails to take the health of the woman into account.

What this bill is about is the right to choose. The bill is extreme, it's vicious, and it's unconstitutional. The Supreme Court, The New York Times and the Washington Post agree, and I ask permission to place a copy of the Times and Post editorials in the RECORD.

The fact is that this bill says it's banning intact dilation and extraction, a procedure acknowledged by the experts, the American College of Obstetrics and Gynecology, as safe to end late-term pregnancy—when it's necessary. The opposition shows horrible pictures and yells about how grotesque this procedure is. It is, but so are lots of medical procedures. But they're still good care. This bill flatly disrespects medical opinion.

My constituents ask my opinion on important things—like low income women asking where their child tax credit went; like the Federal Communications Commission's ruling to consolidate access to news in the hands of a few. That's important, that's dangerous. But, I gotta tell you, not one of my constituents has asked me to be their doctor!

The Supreme Court has said that neither the Court nor Congress may ban a medical procedure appropriate to save the woman's life and health. Period

The blatant disregard for this fact and for the rights of women to choose is astonishing. I urge you all to vote ''no'' on this measure.

[From the New York Times, June 4, 2003]

''PARTIAL BIRTH'' MENDACITY, AGAIN

If the so-called partial-birth abortion ban now careering toward almost certain approval by the full House this week has a decidedly familiar ring, it is not your imagination playing tricks. The trickery here belongs to the measure's sponsors.

Although promoted as narrowly focused on a single late-term abortion procedure, the measure's wording adds up to a sweeping prohibition that would, in effect, overturn Roe v. Wade by criminalizing the most common procedures used after the first trimester, but well before fetal viability. Indeed, the measure replicates the key defects that led the Supreme Court to reject a strikingly9 similar state law a mere three years ago. In addition to its deceptively broad sweep, the bill unconstitutionally omits an exception to protect the health of the woman.

Plainly, the measure's backers are counting on the public not to read the fine print. Their strategy is to curtail access to abortion further as the inevitable legal challenge wends its way back to the Supreme Court for another showdown. They obviously hope that by that time, there will have been a personnel change that will shift the outcome their way.

House members who vote for this bill will be participating in a cynical exercise that disrespects the rule of law and women's health while threatening the fundamental right of women to make their own childbearing decisions. Representatives who care about such things will not go along.

[From the Washington Post, June 4, 2003]

''PARTIAL BIRTH,'' PARTIAL TRUTHS

(By Ruth Marcus)

The poisonous national debate over what's known as partial-birth abortion resumes this week, and this time for real: The House is expected to handily approve a prohibition on the procedure, and the Senate has already passed its version. While his predecessor twice vetoed bills outlawing partial-birth abortion, President Bush is eager to sign legislation that he says will ''protect infants at the very hour of their birth.''

For those who support abortion rights, partial-birth abortion is not the battleground of choice, which is precisely why those who oppose abortion have seized on the issue. The procedure is gruesome, as indeed are all abortions performed at that stage of pregnancy. Although partial-birth abortion is routinely described as a late-term procedure, this label is misleading. The procedure isn't performed until after the 16th week of pregnancy, but it's already legal for states to prohibit abortions once a fetus is viable, at about 24 weeks. More than 40 states have such bans, and properly so. The Supreme Court has said that abortions must be available even after fetuses are viable if necessary to protect the life or health of the mother, and it may be that the health exception ought to be stricter. But this has nothing to do with a partial-birth abortion ban. The law would not prevent any abortion, before viability or after. Instead, it would make one particular procedure—one that may be the safest method for some women—a criminal act.

Indeed, even as they dwell on the gory details of the partial-birth procedure, the groups pushing for a ban on it don't seem to be doing anything to make it easier for women to obtain abortions earlier. Rather, the rest of their antiabortion agenda has been devoted to putting practical and legal roadblocks in the way of women seeking abortions at any stage of pregnancy. Thus, a pregnant teenager faced with multiple hurdles—no abortion provider nearby, no money, a parental consent law—may end up letting her pregnancy progress to the point where she is seeking a second-trimester abortion.

Then there are situations arising from the availability of medical technology that permits a previously impossible glimpse inside the womb. Amniocentesis, which doctors urge for women over 35 because of the heightened risk of birth defects, is not performed until the 15th or 16th week of pregnancy. Other fetal defects may be detected on sonograms only at that stage or later. This puts women squarely in the zone where partial-birth abortion becomes an awful possibility.

When it struck down Nebraska's partial-birth abortion law three years ago, the Supreme Court cited two distinct problems. First, the law was supposed to prohibit only partial-birth abortion, in which the fetus is partially delivered and then dismembered. But, intentionally or not, it was written so

inexactly that it could also apply to the most common—though scarcely less grisly—technique for second-trimester abortions, dilation and evacuation, in which the fetus is dismembered before being removed from the womb. Such a bar, the court said, would be unconstitutional because it imposes an ''undue burden'' on a woman's right to abortion before the fetus is viable.

Second, the ban made no exception that would allow the procedure to be performed when necessary to protect the health of the mother. In cases of hydrocephaly, for example, partially delivering the fetus and then collapsing the skull can reduce damage to the cervix—and possibly preserve a woman's ability to carry another child to term. The American College of Obstetricians and Gynecologists told the justices that the partial-birth procedure ''presents a variety of potential safety advantages. Especially for women with particular health conditions, there is medical evidence that [it] may be safer than available alternatives.''

The legislation now before Congress tries to avoid the first problem identified by the court by defining partial-birth abortion more precisely. Opponents contend that the new definition could still apply to the more common technique. The bill's supporters argue this is not true, but they could have explicitly exempted such abortions from the law's reach if they really wanted to make that clear.

A bigger problem is the cavalier way in which Congress leapfrogged the court's requirement for a health exception: Lawmakers simply declared that partial-birth abortion ''is never medically indicated to preserve the health of the mother.'' As Justice Clarence Thomas wrote in a different context, if Congress ''could make a statute constitutional simply by 'finding' that black is white or freedom, slavery, judicial review would be an elaborate farce.'' What if Congress, in the aftermath of Brown v. Board of Education, ''found'' that segregated schools could be equal after all?

The political agenda is clear. Ken Connor, president of the conservative Family Research Council, spelled this out in an e-mail after the Senate vote last March. ''With this bill,'' he wrote, ''we are beginning to dismantle, brick by brick, the deadly edifice created by Roe v. Wade.'' Indeed, in urging the overturning of partial-birth abortion laws in Illinois and Wisconsin, federal appeals court Judge Richard Posner, one of the nation's most prominent conservative jurists, said such statutes have nothing to do with protecting fetuses. Rather, said the judge, ''they are concerned with making a statement in an ongoing war for public opinion. . . . The statement is that fetal life is more valuable than women's health.''

Mrs. EMERSON. Mr. Speaker, I rise today to speak in support of a measure soon to be considered by this legislative body, H.R. 760, the Partial-Birth Abortion Ban Act, and to call to attention the moral duty of the United States House of Representatives to ban this procedure.

It is not necessary for me to walk you through the gruesome steps required for a physician to commit a partial birth abortion procedure as you are certainly well familiar with it from the testimony of previous speakers today. While the means of the procedure need not be repeated, the end to these means must be restated. Simply put, this procedure results in the end of a human life. A life that was moments before on the path towards formally entering the world—a path leading toward a life of loving, dreaming, learning—a path of potential. No, I do not need to define for you the cold, methodical death procedure that is a partial birth abortion or the pain experienced by the fetus. A child is deprived of a future; that should be moral reason enough to suspend the practice.

For this fetus, this baby, all rights are forbidden in order for the mother to exercise her right to personal privacy under the Fourteenth Amendment. In America, we do not hold the rights of one person over those of another; there is equal treatment under the law. This is of course with the exception of abortion, where restrictions cannot be made on an abortion procedure unless the potential life of the fetus is considered ''viable.'' Even though I do not personally require the fetus to be viable in order for a life to be significant, it is an important justifying factor to the Supreme Court that many partial-birth abortions are performed on viable fetuses. A legal reason to suspend the practice.

I do not believe that we, in Congress, are in any position to pick one life over another, which is why I believe that when the life of the mother is in danger, abortion should remain an option. Mr. Speaker, please know that I do not favor legislation that would decide for a family who should die, the mother or the child, but H.R. 760 is careful to address this issue. This measure includes a factual finding demonstrating that partial-birth abortion is never necessary to protect the health of a woman.

Mr. Speaker, this legislation not only protects the rights of the unborn, but it is also a carefully crafted piece of legislation that addresses the concerns of the U.S. Supreme Court expressed in Stenberg v. Carhart. For a few thousand children, upon whom the partial-birth abortion procedure will be committed in the next year, H.R. 760 is not just legislation; it is life. Mr. Speaker I urge my colleagues to pass H.R. 760.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 760. By debating this bill, this Chamber is once again considering anti-choice legislation that is unconstitutional and dangerous to women's health. As I have in the past, once again I oppose this legislation.

We recently honored the 30th anniversary of the landmark Roe v. Wade decision. This decision reaffirmed a woman's right to choose. H.R. 760 is not only unconstitutional but it is yet another attempt to ban so-called ''partial birth abortions.'' This is a non-medical term. The U.S. Supreme Court struck down a similar statute in Stenberg v. Carhart. The Court invalidated a Nebraska statute banning so-called ''partial birth abortions.'' So, this legislation is at odds with the court's ruling. In Roe v. Wade, the court held that women had a privacy interest in electing to have an abortion, based on the 5th and 14th Amendments' concept of personal liberty.

Despite the fact that the Supreme Court struck down legislation virtually identical to H.R. 760 in the year 2000, anti-choice Members of Congress continue to jeopardize women's health by promoting this legislation to advance their ultimate goal of eliminating a woman's right to choose altogether.

H.R. 760 is unconstitutional for the same two reasons the Supreme Court found other statutes attempting to ban partial birth abortions unconstitutional. First, H.R. 760 lacks a health exception, which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion. Second, the non-medical term ''partial birth abortion'' is overly broad and would include a ban of safe, previability abortions. Banning the safest abortion option imposes an undue burden on a woman's ability to choose.

There are several safe procedures at issue in H.R. 760: the intact dilation and extraction or dilation and extraction (''intact D&E'' or ''D&X''), the dilation and evacuation (''D&E''), and induction abortions. The proponents of H.R. 760 claim the bill would ban only the D&X procedure, but medical experts argue otherwise.

D&E is the most commonly used procedure for second-trimester abortions. Together, D&E and D&X abortions comprise approximately 96 percent of all second-trimester abortions performed in this country. Induction abortions account for the majority of the remaining 4 percent of second-trimester abortions, require hospitalization, and are more expensive than D&E or D&X abortion. While induction is a safe procedure, for some women, it poses unacceptable risks.

With the vast majority of second-trimester abortion procedures performed using the D&E or D&X methods or by induction, banning these procedures would ban virtually all previability second-trimester abortions in this country. If H.R. 760 passes, physicians will be left with very few options to protect the safety of their patients. Physicians will have to choose between performing practically all second-trimester abortions under threat of criminal and civil prosecution, changing their medical practices to the detriment of the maternal health and financial health of their patients, or stop providing second-trimester abortions altogether.

Forcing physicians to choose from these limited options, prevents physicians from electing a procedure that is within the accepted standard of care, is safe, and for some women may be safer than the options remaining. The D&X abortion procedure offers a variety of safety advantages over other procedures. Compared to D&X abortions, D&X involves less risk of uterine perforation or cervical laceration because the physician makes fewer passes into the uterus with sharp instruments. There is substantial medical evidence that D&X reduces the risk of retained fetal tissue, a complication that can cause maternal death or injury. The D&X procedure is a safer option than other procedures for women with particular health conditions. Finally, D&X procedures usually take less time than other abortion methods used at a comparable stage of pregnancy, which can have significant health advantages.

In fact, as the American College of Obstetricians and Gynecologists (ACOG) has concluded, D&X may be ''the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.''

H.R. 760 would improperly put the legislature in the physician's office. Allowing physicians to exercise their medical judgment is not only good policy—it is also the law. In Stenberg v. Carhart, 530 U.S. 914 (2000), the Supreme Court rules that all abortion legislation must allow the physician to exercise reasonable medical judgment, even where medical opinions differ. The Court made clear that exceptions to an abortion ban cannot be limited to situations where the health risk is an ''absolute necessity,'' nor can the law require

unanimity of medical opinion as to the need for a particular abortion method.

The proponents of H.R. 760 have further compromised the medical safety of women by refusing to draft an exception to the ban on certain abortion procedures to protect women's health. Such an exception is required under the Constitution. The Supreme Court has concluded in several cases that a women's health is always the physician's primary concern and that a physician must be given the discretion to determine the best course of treatment to protect women's lives and health.

The bill's ban on safe abortion procedures that are within the standard of care strips physicians of the discretion they need to make critical medical judgments. This will result in an unacceptable risk to women's health. Given the safety advantages of D&E, D&X and induction procedures over other abortion procedures, banning these procedures will necessarily harm women and deprive them of optimal care. As a physician and a woman, I consider this result unacceptable.

The findings to H.R. 760 attempt to justify the fact that the bill directly conflicts with Carhart by suggesting that the Supreme Court must defer to Congressional fact-finding, even if Congress's so-called ''facts'' conflict with the preponderance of evidence in litigation before the Court. But the drafters of H.R. 760 are wrong. First, a fundamental tenet of our constitutional structure, which establishes three separate branches of the Federal government, is that Congress can enact laws, but it cannot decide whether those laws are constitutional. The power to decide what laws are constitutional is exclusively the Supreme Court's role.

Second, the Supreme Court is not required to defer to Congressional fact-finding. Rather, the Court has the power and the duty to independently assess the evidence that is presented to it, as it did in Carhart, and has no obligation to defer to Congressional findings on ''partial-birth abortion.''

The drafters of H.R. 760 are clearly wrong in asserting that they can overrule Carhart through legislation. Prior attempts by Congress to undo disfavored Supreme Court rulings (such as Congress's attempt to legislatively overturn Miranda v. Arizona, 384 U.S. 436 (1966), and Employment Division, Dep't of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990)) have been soundly rejected by the Supreme Court. Given the utter absence of legal support for this bill, it must be seen as a purely political gesture, not as a serious attempt at legislation.

The ACOG, whose more than 44,000 members represent approximately 95 percent of all board-certified obstetricians and gynecologists practicing in the United States, opposes abortion ban legislation and has stated that ''. . . [t]he intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.''

In addition to ACOG, other medical groups have opposed attempts by Congress to enact abortion ban legislation, including:

The American Public Health Association, the American Nurses Association, the American Medical Women's Association, the California Medical Association, Physicians for Reproductive Choice and Health, the American College of Nurse Practitioners, the American Medical Student Association, the Association of Reproductive Health Professionals, the Association of Schools of Public Health, the Association of Women Psychiatrists, the National Asian Woman's Health Organization, the National Association of Nurse Practitioners in Reproductive Health, the National Black Women's Health Project, the National Latina Institute for Reproductive Health, the National Women's Health Network, and the Rhode Island Medical Society.

Mr. Speaker, the medical community has voiced wide-spread opposition to H.R. 760. Likewise, the Supreme Court has opposed the bans on abortion procedures proposed in H.R. 760. I join the medical community and the Supreme Court is standing up for women's constitutionally protected right to choose safe abortion procedures. I oppose H.R. 760 and I urge my colleagues to do the same.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 760, the Partial-Birth Abortion Ban Act.

I am pro-choice, but believe late-term abortions are wrong. Abortion is a very personal decision and a woman's right to choose whether to terminate a pregnancy subject to the restrictions of Roe v. Wade must be protected. In my judgment, however, the use of this particular procedure cannot be justified.

I have personally spoken with doctors, both pro-choice and pro-life, who made it very clear to me that the ''partial-birth'' procedure is never medically necessary.

The debate on partial-birth abortion has been difficult for me. I voted against the ban back in 1996 believing this procedure was rare and used mostly in cases where it was necessary to save the life of the pregnant woman, to prevent severe consequences to her health, or when severe fetal genetic deformities exist.

After voting, I learned this procedure was not as uncommon as it was made out to be; rather than a few hundred partial-birth abortions each year, there have been thousands. Now, choice advocates acknowledge this procedure is often used for elective abortions of healthy fetuses.

For this reason, Mr. Speaker, I have voted for the ban since 1997 and urge my colleagues to support this bill.

Mr. CRANE. Mr. Speaker, as a cosponsor of H.R. 760, I rise in strong support of the Partial-Birth Abortion Ban Act of 2003. By passing this legislation we will once again take a step towards banning the truly horrifying practice whereby an innocent life is taken in a most gruesome way.

During this procedure, which is used in second and third trimester abortions, the infant's body is delivered, leaving only the head in the womb. At that point the abortionist pieces the back of the infant's skull with a sharp instrument and then proceeds to vacuum out the infant's brain tissue, thus collapsing the skull, allowing the now-dead infant's body to be extracted.

This legislation makes it a federal crime for a physician, in or affecting interstate commerce, to perform a so-called partial birth abortion, unless it is necessary to save the life of the mother. Under H.R. 760, anyone who knowingly preforms a partial-birth abortion would be subject to fines and up to two years in prison. The bill provides that a defendant could seek a hearing before the state medical board on whether his or her conduct was necessary to save the life of the mother, and further provides that those findings may be admissible at trial.

The House has passed legislation in each of the last four Congresses banning partial-birth abortions. In the 104th and 105th Congresses, President Clinton vetoed the partial-birth abortion bans. Both times the House voted to override the veto, but the Senate sustained it.

Mr. Speaker, I urge my colleagues to vote in favor of this very important legislation. Thanks to President Bush, this Congress has an opportunity to finally ban the gruesome procedure without the threat of a presidential veto. By passing H.R. 760 today, we will take a giant step towards protecting innocent babies who, through no fault of their own, have their lives taken.

Mr. EVANS. Mr. Speaker, I believe that the decision to terminate a pregnancy is one that should be made between a woman, her doctor, and her God. Ending a pregnancy is not done lightly; it is the most difficult decision a woman can make. As a Member of Congress, I do not believe that it is the role of this legislative body to make deeply personal, medical decisions for the women of this nation.

Three years ago, the Supreme Court heard a case involving late-term abortion. In Stenberg v. Carhart (2000), the Court found a Nebraska law banning a specific late-term abortion procedure to be unconstitutional because the statute lacked any exemption for the preservation of the health of the mother. It also found that the law violated Roe v. Wade (1973), in that the language in the law was so vague that it may be applied to a common, safe, early-term abortion practice as well as a late-term abortion procedure.

Today, we see on the floor an attempt to make this rare, life-saving medical procedure into a criminal act. The circumstances that make late-term abortions necessary are largely due to a tragic illness or event that compromises either the health of the fetus or its mother. This bill, H.R. 760, seeks to interfere with a woman's access to necessary health care services by making doctors criminally liable and subject to imprisonment. This is the punishment for performing a procedure that is in the doctor's judgement the best option for the mother's life or health.

I cannot support H.R. 760; I stand by American women's right to safe and legal reproductive health care.

Mr. LANTOS. Mr. Speaker, I deeply regret that once again the time of this House and its members will be spent dealing with the so-called ''partial birth abortion'' issue. I would emphasize that the term ''partial birth abortion'' is not a medical term, but rather a political term which the sponsors of this legislation have created in order to shock people into supporting this legislation.

I will not be able to cast my vote today when the roll call is taken on this pernicious piece of legislation, so I would like to take this opportunity to indicate my views on the underlying legislation (H.R. 760) and on the Greenwood/Hoyer/Johnson (of Connecticut) amendment that will be offered to this bill.

Mr. Speaker, the amendment in the nature of a substitute that our colleague from Pennsylvania, Mr. GREENWOOD, is offering makes it unlawful to knowingly perform an abortion after the fetus has become viable, unless, in the medical judgment of the attending physician, it is necessary to preserve the life of the woman or to avert serious adverse health consequences to her. I am not in support of the Congress substituting its judgment for that of a physician in a matter of medicine and health, but clearly this amendment is a substantial improvement over the original text of

H.R. 760. I want to commend our colleagues—Mr. GREENWOOD, Mr. HOYER, and Ms. JOHNSON of Connecticut—for offering this amendment. If I where able to be here for the vote on this amendment, I would cast my vote in favor.

Mr. Speaker, even if the more reasonable and moderate language of the Greenwood Amendment is approved by this house, however, I would cast my vote against this bill if I were here when the House considers final passage later today. Even with the Greenwood language, the House is being asked to specify that a rarely utilized medical procedure is illegal. It seems to me that it is not particularly useful for the Congress of the United States to tell physicians how to practice medicine. The matter of terminating a pregnancy is a deeply personal and private matter, and it ought to be left to the woman and her physician. It is not a matter for the Congress of the United States to decide. I find it hypocritical that most members of the majority party in this body are anxious to keep the federal government out of the lives of Americans, but in the case of this most personal and most private of decisions, they seek to have the federal government take over that decision.

Mr. Speaker, I urge my colleagues to vote ''no'' on H.R. 760.

Mr. COLLINS. Mr. Speaker, America has always been a nation which values human life. We have spent trillions of dollars, and sacrificed the best and bravest of our men and women in far-flung lands to prevent the destruction of innocent life. We as a nation fight for the right of every man and woman to live without tyranny.

Our foundational document, the Declaration of Independence states ''We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life . . .''

The issue before us today is not about choice. It is not about convenience. It is not about privacy. The issue before us today is whether the United States will live up to its responsibilities, its foundational principals, and protect innocent human life.

I won't describe the brutal and barbaric practice of Partial Birth Abortion. What I will do, is urge every person within the sound of my voice to consider what allowing this practice to continue says about the American people.

In the most prosperous nation in the world, we currently allow 4,000 to 5,000 infants each year to be brutally murdered in this manner moments before they take their first, liberty laden breath.

On September 11, 2001, more than three thousand Americans lost their lives. This tremendous loss of life lead to tremendous outrage, military action, and was the most tragic experience this nation has ever faced. Yet each year we allow the brutality of between four and five thousand partial birth abortions to occur.

Mr. Speaker, I am proud to be an original cosponsor of this bill. I am proud that the American people have said ''enough'' and elected us to represent them here today so that we can prevent any more needless, tragic, painful, barbaric deaths from partial birth abortion.

I urge my colleagues to defend these innocent ones. I urge the Members of this House to support this ban on partial birth abortion.

Mr. MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 760, the Partial Birth Abortion Ban Act. I would like to thank Mr. CHABOT for introducing this important legislation and for his leadership in protecting the life of the unborn.

As elected officials, banning this horrific practice may be one of the most important matters we will ever do. For years I have listened to the dislike opponents have for this bill and for this cause. And in all honesty, their concerns deeply disturb me.

Throughout this debate, we have repeatedly heard the details of this so-called ''medical procedure.

Doctors have described to us how the baby is pulled partly out of the mother's body, only inches from a completed birth and how an abortionist inserts scissors into the skull creating a hole where the baby's brain can be suctioned out. We have all seen pictures of the life-less body pulled from the mother and tossed away like trash.

After seeing this, why is their even debate? Partial Birth abortion is murder. Anti-life advocates claim this is about a woman's right to choose. The are wrong. This is about a child's right to live.

President Reagan wrote in his work ''Abortion And The Conscience Of The Nation'', that ''every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the quality of life ethic.'' For me, like our former president, the choice is simple. We must ensure that the sanctity of human life is never compromised. The unborn child has no voice and cannot protect itself. It is up to all of us to guarantee their voices are heard and their right to life is protected.

I urge my colleagues to help protect the lives of the most innocent, helpless and defenseless among us and support the Partial Birth Abortion Ban Act.

Mr. WELDON of Florida. Mr. Speaker, as a physician, I find the practice of partial birth abortion extremely disturbing. It is an agonizing experience for the mother, a slow painful death for the child and is utterly unnecessary. Supporters of Partial Birth Abortions will say that these procedures are necessary for the mother, that it may be the safest procedure for some women in emergency situations. I ask them to consider the facts of the procedure. It is important to understand the procedure that we are banning in this bill.

The woman is subjected to three days of slow dilation of the cervix. The feet, body and arms of the baby are delivered. Only the head is not delivered. Then the abortionist kills the child by puncturing the back of the child's neck and removing his/her brain. If the baby's head were three inches further out of the birth canal, this practice would be recognized as murder under our court system.

The procedure is not in the best interest of women and even the American Medical Association has said that the procedure is ''not good medicine.'' In fact, it presents a number of serious risks to mothers. No woman and no child should be subjected to this gruesome and unnecessary procedure. In fact, this procedure is no troubling that scores of pro-choice Members of Congress have joined us in voting to ban this procedure.

Opponents of this bill are attempting to add an exemption for the mother's ''health.'' I know and they know that the courts have defined the term ''health'' to include a definition of mental health so broad as to make any ban virtually meaningless.

President Bush has said that he would sign a bill banning this practice. My hope is that the 108th Congress will give the President the Partial Birth Abortion Ban Act of 2003 for him to do just that. I urge my colleagues to do the right thing today and vote for this ban.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of H.R. 760, the ban on the procedure known as partial birth abortion. I was appalled when I learned of the partial birth abortion procedure and have been working diligently to abolish it ever since. This heinous procedure involves partially delivering fully formed babies, and then killing them. It is one of the most horrible forms of abortion practiced. The difference between abortion and murder is literally a few inches. I believe that there is no justification for this brutal and heartless procedure, and only the most calloused among us can hear the description of this procedure and not react with disgust.

We must act now to ban this appalling procedure and protect the innocent unborn from violent deaths. A vote in favor of H.R. 760 will stop the killing of innocent children and will send a message to the world that our Nation views life as a sacred and precious gift.

The overwhelming majority of the American people want to ban partial-birth abortions and no matter what your position is on abortion, this grisly procedure is indefensible in a civilized society. Thus, this vote on H.R. 760 gives all of us an opportunity to join together in protecting innocent children from this horrific and gruesome procedure.

H.R. 760 is effective legislation to ban an unbelievably gruesome act. I urge each of my colleagues to support this legislation and to protect those who cannot protect themselves.

Mr. SMITH of Texas. Mr. Speaker, I support the Partial Birth Abortion Ban Act, which bans partial-birth abortions unless they are necessary to save a mother's life. Partial birth abortion is a gruesome and inhumane procedure.

The American Medical Association has stated that partial-birth abortion is ''not an accepted medical practice,'' is ''ethically wrong,'' and is ''never the only appropriate procedure.''

A recent survey of abortion providers estimated that 2,200 partial birth abortions were performed in 2000. Most of these abortions are performed in the fifth and sixth months of pregnancy. Infants then are usually viable—that is, if they are born premature at this stage, they are born alive and usually enjoy long lives. This makes the procedure even more disturbing.

The Senate recently passed this legislation and the American public overwhelmingly supports this ban. A poll this year found that 70 percent of those asked favored a law to make partial birth abortions illegal except in cases where needed to save the life of the mother.

This bill is the same text that the House passed last year. Congress has twice approved a ban on partial-birth abortions, but both times the bills were vetoed by President Clinton. Hopefully, this time, because President Bush supports the ban, we will be successful in implementing a new policy.

Ms. ROS-LEHTINEN, Mr. Speaker, this critical legislation would prohibit physicians from

performing partial-birth abortions, a horrific and heinous procedure.

Mr. Speaker, there is overwhelming evidence that shows that partial-birth abortion is not medically necessary to preserve the health of the woman, but rather poses serious consequences to her health.

Even organizations such as the AMA have said that this procedure is ''not good medicine'' and is not medically necessary.

Partial-birth abortion is a gruesome and inhumane procedure in which the child is forcibly pulled from the mother, with only the head remaining inside the cervical canal. The head of the child is then punctured at the base of the skull, and the brain is removed with a powerful vacuum. This is a barbaric act that is a grave attack against human dignity and justice, and it must be banned. Life is a gift, and it must be embraced and respected at all stages.

In a country which espouses the importance of protecting the inherent rights of every person, partial-birth abortion denies the rights of our most innocent and vulnerable members, our children. We, as legislators, must strive to uphold the truths upon which our great Nation was founded, especially that every individual is entitled to life, liberty, and the pursuit of happiness.

Partial-birth abortion is not a sign that women are ''free to choose.'' It is a sign that women have been abandoned. They have not had the support and care that they so desperately need. Rather, abortion is the only option offered. There is increasing evidence that abortion causes extreme emotional and psychological damage. It has been determined that many abortions occur later in pregnancy when women do not want an abortion at all, but rather feel pressure to hid their pregnancy from their boyfriends or parents.

We must strive to ensure that each and every person is guaranteed the most basic human rights, the right to life. Women deserve better than to endure the physical and emotional pain and suffering associated with partial-birth abortion, and children deserve the chance to live.

I ardently support efforts to protect the dignity of women and children. As women, we have a unique role in society, to nurture and protect that dignity. Such dignity is only possible if it is promoted on every level.

It is time for partial-birth abortion to stop. We must have the courage and the strength to fight against the greatest of all human rights violations—partial-birth abortion. Women deserve better than abortion. I urge my colleagues to vote in favor of H.R. 760 the Partial-Birth Abortion Ban. A vote for the ban is a vote for life.

Mr. FRANKS of Arizona. Mr. Speaker, I rise today in support of legislation offered by colleague, Mr. CHABOT, to ban the procedure known as partial-birth abortion. Over the past 30 years, abortion has placed 42 million separate scars on America's soul. Each time, a mother was never quite the same. Each time, a nameless baby died a tragic and lonely death and all the gifts the child might have brought to humanity were lost forever. Mothers were impoverished while doctors were enriched.

I recently read the story about Samuel Armas, a three and a half year old from Villa Rica, Georgia. Samuel underwent experimental surgery at 21 weeks of gestational age to close a hole at the bottom of his spinal cord. An astonishing photo from this surgery shows Samuel's innocent and curious little hand emerging from his mother's womb during the surgery—an irrefutable example of just how precious and fragile a human life can be. The grasp of Samuel's five tiny fingers stunningly illustrates the miracle of life within the womb. The unspeakable and far-reaching cost of diminished respect for human life, born and unborn, is beginning to dawn in the hearts of us all. I urge my colleagues to vote in favor of this legislation to ban this horrific procedure, and oppose any amendment that would allow for exceptions. I commend my colleague Mr. CHABOT for this gallant legislation made in the interest of children and humanity everywhere.

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

The SPEAKER pro tempore. All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GREENWOOD

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

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

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

Amendment in the nature of a substitute offered by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Late Term Abortion Restriction Act''.

SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.

(a) IN GENERAL.—It shall be unlawful, in or affecting interstate or foreign commerce, knowingly to perform an abortion after the fetus has become viable.

(b) EXCEPTION.—This section does not prohibit any abortion if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

(c) CIVIL PENALTY.—A physician who violates this section shall be subject to a civil penalty not to exceed $10,000. The civil penalty provided by this subsection is the exclusive remedy for a violation of this section.

The SPEAKER pro tempore. Pursuant to House Resolution 257, the gentleman from Pennsylvania (Mr. GREENWOOD) and a Member opposed each will control 30 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the Greenwood substitute and claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) will control the time in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to yield 15 minutes to the gentleman from Maryland (Mr. HOYER) for the purposes of control.

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

There was no objection.

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

Debates as the one we are having today always focus on the differences between us; and there are, in fact, differences between us.

We who offer this substitute amendment believe that the 90 percent of abortions that occur in the first trimester of pregnancy should be private and legal. The proponents of this bill do not. We believe that the 99.6 percent of all abortions performed in the country that are not affected by this legislation at all should be private and legal. They do not.

But there are points of agreement. We all believe that abortions that might be performed post-viability, that are not done to protect the life or preserve the health of the woman, should be illegal. We agree on that; and now let us see which of these bills, theirs or ours, actually accomplishes this goal.

Proponents of the underlying bill claim that their legislation will stop a particular type of abortion. They are wrong. It will not.

Thirty-one States have passed this legislation and the United States Supreme Court in the famous case of Stenberg v. Carhart deemed those bills, which are essentially identical to this bill, unconstitutional; and fundamentally, they said that what was wrong with those bills was that they made no exceptions for when the woman's health was a serious issue. Our substitute, not the underlying bill, complies with the Court's requirement that there must be a health exception.

Secondly, proponents claim that they want this dilation and extraction procedure, which is what it is actually called, they say it is being performed on healthy women. Yet their bill makes no exceptions for sick women. We have heard over and over again this procedure is done on healthy women with healthy babies. Then put a bill in, as we have, that talks about making the procedure illegal for women who are healthy, but allows it for those who are sick and need it.

Third, the proponents of this legislation claim that they want to eliminate late-term abortions. Yet their bill fails to accomplish this not once, but twice. First, it does not limit itself to post-viability pregnancies, late-term abortions; but it reaches way back into the early second trimester. Secondly, it fails to ban post-viability abortions by other means, as has been said repeatedly. So women who seek post-viability abortions for important medical reasons, who would be denied access to dilation and extraction procedures under this legislation, would still be perfectly free to use other, albeit more dangerous, procedures.

Our substitute bill bans all post-viability abortions by any means, not just one means but all means, unless the woman has a serious medical reason for needing that procedure. Our substitute substitutes policy for politics, and I urge its passage.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this substitute is identical to H.R. 809, and that bill is a phony ban which would grant a giant loophole that allows abortionists to perform partial-birth and third-trimester abortions at will. The substitute, which would prohibit the performance of an abortion after the unborn infant became viable, would not prohibit any abortion, from the substitute, ''if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.''

The proponents of this substitute admit that their measure would allow any abortion at any stage of pregnancy if the mother's mental health is at risk. Thus, by its own term, this bill would not prohibit partial-birth abortions, nor would it prohibit late-term abortions because it grants the abortionist, who has a financial interest in performing as many abortions as possible, unbridled discretion to determine whether a partial-birth or third-trimester abortion may be performed.

Abortionists have demonstrated that they can and will justify any abortion on the grounds that it, in the judgment of the attending physician, is necessary to avert serious adverse health consequences to the woman. For example, Dr. Warren Hern of Colorado, the author of the standard textbook on abortion procedures who also performs many third-trimester abortions, has stated, ''I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.'' This is a man who has a financial interest in performing the abortion, and this is the physician who under the Greenwood substitute would be able to certify that the loophole is proper and the abortion can be performed.

I will quote from Dr. Hern again: ''I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.''

The substitute sponsors have stated that even psychological trauma caused by the pregnancy could justify an abortion, including a partial-birth abortion at any stage of pregnancy, including the third trimester.

The substitute would also have no effect on most partial-birth abortions because the bill only prohibits abortions after the fetus is viable in the vast majority of partial-birth abortions are performed on babies 4½ to 5½ months in development. Before it can be proven beyond a reasonable doubt that a given baby is viable, remember we are dealing with criminal statutes here; and prosecution, if this bill becomes law, the substitute becomes law, must prove that the fetus is viable in order for the ban to kick in.

The lung development of babies at this stage of pregnancy is such that most of them cannot survive if delivered from the mother's womb prematurely. Many of them can survive, but the percentages are such estimates of 39 percent of babies born at 23 weeks that it would be impossible for the government to prove beyond a reasonable doubt that any given one of these babies would have survived in a given case.

Given the substitute's failure to define the term ''viable,'' it would not be sufficient to show that the baby had a one in three or one in two or even a three in four chance of survival. Unless the baby was in the seventh month of pregnancy or later, reasonable doubt would remain as to whether that particular baby would have survived outside the womb.

Furthermore, the notion that viability is a prerequisite for giving any legal protection to a child is misguided. Premature infants who are born before the third trimester with little or no chance of survival are fully entitled to the protections of law while they are alive. A person could not, for example, just walk into a neonatal intensive care unit and kill an infant who was born 23 weeks into the pregnancy and is in an incubator struggling to survive. That child has only a 39 percent chance of surviving, but his ultimate viability has no bearing on whether or not he is entitled to the protections of the law.

In the same way, partially born children with little or no chance of survival outside the womb are entitled to the protections of law. Viability is simply not a prerequisite for legal protection of born or partially born children.

For these reasons, I urge my colleagues to vote against the substitute.

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

□ 1845

Mr. HOYER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, first, let us stipulate, I hope, that no one on this floor is pro-abortion any more than George Bush is pro-war. I supported President Bush, and I am not pro-war. There are times, though, when the health of the mother, her life, and, yes, her psychological health require and dictate, and the Supreme Court has upheld her right to seek, the termination of a pregnancy.

I do not believe that anyone here truly believes in his or her heart that abortion is a desired outcome to a woman's pregnancy. And I think, Mr. Speaker, without question, that this belief is even stronger when an abortion is obtained in the late stages of pregnancy. Yet the authors of the Partial-Birth Abortion Ban Act cannot escape the indisputable fact that their legislation would not prevent one late-term abortion or, I suggest, any other abortion at any other time, period. Not simply because the legislation they offer is undoubtedly unconstitutional, but also because there are alternative ways to terminate a pregnancy.

If my colleagues' interpretation of their legislation is that it precludes all types of termination of pregnancy, then they ought to state it as such. If, however, as they state, it is simply the elimination of a procedure, with admittedly alternative procedures available, then it does not prevent any abortion.

Mr. Speaker, on an issue of this magnitude, an issue that is fraught with emotion, that is susceptible to demagoguery and that requires us to balance a woman's right to personal autonomy with the rights of an unborn fetus, this House should seize what common ground exists.

Common ground, we do not find common ground in this House very often. We ought to find it on this issue. That is precisely what this bipartisan substitute, the Late-Term Abortion Restriction Act would do.

In short, this substitute addresses the very heart of the matter in this contentious debate, the termination of viable fetuses in the late stages of pregnancy. Unlike the Partial-Birth Abortion Ban Act, this bill focuses on when abortions are performed rather than how they are performed. It would ban all late-term abortions. Hear me: It would ban all late-term abortions constitutionally. That is to say, the Supreme Court has articulated exceptions that must be in legislation; specifically, protection of the life of the mother and the health of the mother. Thus, this substitute comports with the constitutional requirements articulated in Stenberg v. Carhart.

Recall that the Court in Stenberg struck down a Nebraska law prescribing partial-birth abortions because it, one, lacked the requisite exceptions, and two, impermissibly placed an undue burden upon a woman's right to choose. It is evident that where the Late-Term Abortion Restriction Act is constitutional, the Partial-Birth Abortion Ban Act, which deliberately excludes an exception for the health of the mother, is not.

The authors of the Partial-Birth Abortion Ban Act recognize the constitutional infirmity of their bill and thus seek to alter the facts upon which Stenberg was decided. Specifically, they reject the court's findings that partial-birth abortion may in some circumstances be the safest abortion procedure, and they state that partial-birth abortion is never necessary. But let me read to my distinguished friend a justice that I do not usually support the opinion of. In this case I think he is absolutely correct.

Justice Clarence Thomas, in a different context, says if Congress ''could make a statute constitutional simply by finding that black is white or freedom, slavery, judicial review would be an elaborate farce.'' It is not an elaborate farce and, therefore, we cannot simply state that this is constitutional or this is not necessary. That will be subject to proof and the Court's determination.

I urge my colleagues to vote for this substitute, which resembles the law in 41 States of the Nation, including the

chairman's State and my own. Let us not be driven further apart by our differences, but seize what common ground exists in this daunting debate.

I would tell my friend that our statute is not a criminal statute. If my friend will read it, it is a civil statute, a civil penalty, and, therefore, the burden of proof would be much less. And I say that in this context: If the doctor is a charlatan, if the doctor is not going to follow the law, no matter what we pass will make no difference. However, it will make a difference in the final analysis because the court, the jury, the finder of fact and the finder of the law will in fact be able to make a determination that there was not the risk of serious adverse health consequences to the mother and, therefore, in that instance, a late-term abortion was not appropriate.

I am not for late-term abortion except in an instance where the life of the mother must be saved or serious health care consequences must be avoided. But let me say this. Not all of my colleagues, some are, I think, intellectually consistent, but some give credence to an exception for abortion if it results from rape or incest. That, of course, is a psychological exception not a physical exception.

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

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

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

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

Mr. Speaker, I was just thinking, an idle mind, I guess crazy thoughts go through your head. I was thinking of theme songs, and I was thinking for the pro-life people, ''People Who Need People Are the Luckiest People in the World.'' I think it is a great theme song for us, and I am trying to think of a funeral dirge that would fit the so-called pro-choice people, but I cannot.

My good friend, the gentleman from New York (Mr. NADLER), said this is designed to undermine Roe v. Wade. Not at all. This is designed to say there ought to be civilized limits on the exercise of the abortion license. With 1.5 million abortions a year, one would think somebody would look at that and say, what can we do to stem that tide.

We are talking about human life. We are talking about death. We are talking about abortion, which does not terminate a pregnancy, it exterminates a pregnancy. And we are talking about a particularly hideous, gruesome form of abortion called partial-birth abortion.

Yesterday, we decided that flags were not for burning. I hope today we decide that little infants are not for killing. Partial-birth abortion is exactly what the pro-choice late Senator from New York said it is: infanticide.

The substitute offered by my friend from Maryland is a tactical maneuver in the ongoing war between the quality-of-life people, who think if you cannot have a decent quality of life, life is not worth living; and the sanctity-of-life people over here who think every life is important and has intrinsic value.

The victim is a nearly-delivered baby, four-fifths delivered out of the birth canal. The doctor takes a Metzenbaum scissor, jams it in the neck of the little baby, sucks out the brains and collapses the skull. How can we defend a process that we would not impose on a laboratory dog or a hamster? Cruel? Can we understand the pain that that little one must feel? Oh, my colleagues might deny it, but the medical texts are clear, absolutely.

The law exists to protect the weak from the strong. I cannot think of anything weaker than a little baby, a little nearly born infant, with little legs flailing, little arms flailing waiting for the knife to hit him in the back. The people we pretend to defend, the powerless, those who cannot escape, who cannot rise up in the streets, those are the ones that ought to be protected by the law. The law exists to protect the weak from the strong.

Let me just say this: The great Horace Mann said something interesting. He said, ''You ought to be ashamed to die unless you have achieved some victory for mankind.'' Well, I think if we can put partial-birth abortion into the torture chamber, where it belongs, and get rid of it, that may not be a major victory, but it will be a victory for humanity. I want to be on that side.

Mr. GREENWOOD. Mr. Speaker, I yield myself 30 seconds, and our theme song is ''We Trust the Women of America to Do What Is Right.''

But to respond to my friend, the chairman of the Committee on the Judiciary, who argued that our health exception is too broad and allows loopholes. Their response is to have no health exception whatsoever. If the issue here is that we want to make sure that this procedure is only used where health requirements demand it, then we should be working together to create a very tight health exception not eliminating one entirely.

Mr. Speaker, I yield 3 minutes to the gentleman Illinois (Mr. KIRK).

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

Mr. KIRK. Mr. Speaker, I want the gentleman from Illinois (Mr. HYDE) to know that he is still my hero, and with a gentle heart, I rise in opposition to the position he outlined.

Mr. Speaker, our goal is to end late-term abortions, and therefore, we must pass legislation that will be upheld by the Supreme Court. If we are to save babies, then we must do it effectively. When the underlying bill passes the House today, it will sit for 2 years while lower courts enjoin it, the Supreme Court reviews it and eventually declares it unconstitutional. So what is our goal, to end late-term abortions or to make a political statement?

The Supreme Court of the United States clearly indicated in Stenberg that any law prohibiting late-term abortions ''requires that the statute include a health exception from the majority holding.'' H.R. 760 does not include a health exception and goes far to declare that the procedure is ''never medically necessary.'' We are setting Congress up for a defeat at the hands of our highest Court, rendering the action we take today totally ineffective and the current law permitting late-term abortions unchanged.

I was not elected to Congress as a medical doctor and do not intend to tie the hands of physicians who should have the right to discuss all available options with their patients. Are Congressmen competent to regularly vote now on common medical procedures as never medically necessary? If we set this massive precedent to declare what a physician can and cannot do in their medical judgment, we give an awesome power to future Presidents and Congresses that will not share our gentle philosophy or our calm responsibility. Congressmen cannot suddenly declare they have medical degrees and are board certified to practice medicine. If my wife and I were faced with this dilemma, I would certainly hope that our physician was not hamstrung by distant Congressmen in Washington.

I urge my colleagues to support the Greenwood substitute, which effectively bans late-term abortions. To do otherwise only serves the interest of pressure groups and lawyers that will make a killing as the Supreme Court strikes down the underlying bill. The Court in Stenberg gives us a clear direction. While the underlying bill cannot survive in the Supreme Court, the substitute offered by the gentleman from Pennsylvania (Mr. GREENWOOD) does.

I oppose late-term abortions and will support effective measures to change the law and make the ban effective. Unlike H.R. 760, the Greenwood substitute bans late-term abortions in a way the Supreme Court will sustain. Passage of the Greenwood substitute would mean a quick end to litigation and a rapid change in U.S. law.

□ 1900

Failure to pass the substitute means continuing litigation and defeat at the hands of the Supreme Court.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, make no mistake about it, the Greenwood-Hoyer substitute is not a real ban at all. It is a giant loophole that allows partial-birth abortions and third-trimester abortions on demand. The substitute contains no definition of ''viable.'' It imposes no objective criteria that would bind an abortionist. An abortionist has unconstrained discretion to define and declare whether or not any given child is deemed to be viable.

If Members vote for this substitute, they might as well vote against the

ban on partial-birth abortion. Why do so many Members want to ban this horrific procedure? I have never seen one. I would venture to say nobody in this room has probably seen one before, but one person did. Brenda Schaefer who was a registered nurse for Dr. Martin Haskell, the physician in Dayton, Ohio, who is credited with developing this horrible practice.

She describes it as follows: ''Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal, and then he delivered the baby's body and the arms, everything except the head. The doctor kept the head just inside the uterus. The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out like a startle reaction, like a flinch, like a baby does when he thinks he is falling. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby moved in the pan. I asked another nurse, and she said it was just reflexes. That baby boy had the most perfect, angelic face I think I have ever seen in my life.''

That is what Brenda Schaefer witnessed with her own eyes, and that is why so many of us want to pass this today, and pass it in a form that will really mean something; and that means passing it without this phony ban, without this substitute.

Mr. Speaker, if Members vote for this substitute, they might as well vote against the bill.

Mr. HOYER. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Maryland for introducing this substitute along with the gentleman from Pennsylvania (Mr. GREENWOOD).

I have voted for the ban on partial-birth abortion at every other point when it has come up. We are talking about a procedure that represents less than one-fifth of 1 percent of the abortions that are performed in this country. Every one of us wants abortions to be rare; none of us favor abortion. We would love to see not just the issue taken off the floor, but that option taken off the table so that every family could have a healthy baby and every mother could continue to live a full life.

I am changing my vote, and I could suggest it is for legalistic intellectual reasons. I could cite the Stenberg v. Carhart decision in Nebraska where the so-called partial-birth abortion law was struck down. The Supreme Court has already deemed it unconstitutional. But my decision is not coming from the mind as much as the heart. It is because I have talked to too many families I know that I represent.

These are devoted parents, loving partners that want their children, who place their family above everything else; but when a family finds that they have a seriously deformed fetus or where they find that the mother has a very serious illness, cancer, heart disease, any number of other possible illnesses, that couple sits down at the kitchen table, or lies together at night agonizing, as agonizing a decision as they could make, and what right do we have to barge into their bedroom, to sit down at their kitchen table and put our hands on our hips and preach to them what they should do.

Do we for a moment think that they love their child in the concrete less than we do in the abstract? We are talking about the abstract here. They are talking in the concrete. We have got to respect the sovereignty of the American family. That is what this is about. They have the right to make this decision, and only they do in the context of their religion, their family, what is right for their family, what is right for each other. They know best; they know better than we do. Support the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in opposition to the substitute and in support of the original bill, H.R. 760, the Partial-Birth Abortion Ban Act.

Supporters of the substitute claim it would restrict late-term abortions, meaning after a child is viable unless a physician determines that the abortion is necessary to avert a serious health consequence to the woman; but it leaves so many doors open to the exceptions that it will have no practical effect whatsoever. It would do nothing to ban the partial-birth abortion procedure which is what we are trying to accomplish today.

As a sponsor of the substitute has stated, health consequences can mean almost anything, a level of mental health problem or a psychological trauma. The substitute also does nothing to ban a gruesome procedure known as partial-birth abortion which is shamefully legal in this country. It simply refers to late-term abortions. Seventy percent of the American people understand that this procedure is horrific, and they want it banned. The substitute ignores their pleas.

If this substitute becomes law, partial-birth abortions would continue to be performed, which is especially troubling at a time when this procedure has become even more common. Since 1994, the Alan Gutt Marker Institute noted that the number of partial-birth abortions has tripled. In fact, the substitute places no restrictions on these abortions in the fifth or sixth month of pregnancy when the vast majority of these abortions are performed. The main health reason for performing these is mental health, but it is undefined in the law.

Under Kansas law, abortion providers must report the reason for this type of abortions. Of the 182 performed last year, none of these were performed because of a problem with health of the mother or the child. It was simply and generically ''mental health.'' What does this mean? According to testimony before the Committee on the Judiciary, Dr. James McMann, who developed the procedure, said the most common reason for performing this procedure was depression.

Finally, as the findings in the bill note, partial-birth abortions are a health risk to the mother. We have had endless testimony in the last several sessions stating this. Our bill will ban it; the substitute will not. In a country where we allow such things, we should be ashamed. We should take the opportunity now to support the bill and say no to the substitute.

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

Mr. Speaker, I would state that the gentlewoman from Pennsylvania (Ms. HART) indicated that the people of this country are calling for this kind of a law. In the three States where this has been on a referendum, it has been defeated in each case.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the Committee on Rules for making this amendment in order. This is a very important issue because it involves the balancing of conflicting rights, the right of the fetus and the right of the mother; and it is because balancing rights is the very hardest thing a democracy has to do that this is a constitutional issue. It ought to matter to the proponents that every single State law has been found wanting and been overturned because it does not balance these rights fairly. It does not allow the mother, the woman, to consider her health; but the system can only consider her life and every court has overturned every single State law for this constitutional deficiency.

Some Members wonder why I am so passionate about this subject. I can tell Members it is not because I am pro-abortion. I oppose abortion. I do not like abortion. But my husband trained as an obstetrician and gynecologist in this country when abortion was illegal.

I do not know what song, Henry, you would like to have on your side, but I wonder what song you would sing to this family. My husband stood by the bedside of a woman, the mother of five children with her husband sitting there weeping as she died of an aseptic abortion because abortions were not legal and she could not get the care she desperately sought. But she and her husband, in accord with their beliefs and conscience, had sought a very early termination to preserve their ability to parent their five children.

And, yes, he saw a beautiful young woman, 22 years old, single, die of an aseptic abortion.

This bill, because it is so broad, will have such a chilling effect on the availability of abortions that there will be many forced to go back alley and will die as a consequence. I think that matters. I think there is a balance of competing rights here. That is why the American College of Obstetrics and Gynecology said D&X may be the best and most appropriate procedure in a particular circumstance to save the life or preserve the health of a mother. A particular circumstance. We do not know that circumstance. We will not be in the operating room when that circumstance comes up, and yet we are going to tell the physician you cannot do this.

Do Members know what the physician might do instead that would be perfectly legal? He can do a hysterectomy. He will have taken care of what he considers to be a life-threatening situation without running the risk of suit, which we are putting on him now; without running the risk of jail time, which we are putting on him now. This is not in the interest of the woman's life or her health.

In my substitute, we take a very evenhanded approach. We balance the rights, we allow the exception for life and serious adverse health consequences. This is not lighthearted, and I think it is a slap at all women that anyone would put out that out of fear of open space, that that would represent an adverse impact on your health. That is ridiculous and it is demeaning to women. But in certain situations you need to be able to consider health as well as life. Our amendment is evenhanded. It bans all forms of abortion after viability and all procedures equally.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), whose name was taken in vain.

Mr. HYDE. Mr. Speaker, my name was not taken in vain. The gentlewoman is incapable of taking a name in vain.

Mr. Speaker, I just want to say that it is tragic that that woman died from a bungled abortion; but every abortion is lethal and fatal to the baby, so that is a greater tragedy in my opinion.

By the way, I thought of the theme song for the pro-choice people, ''Mahler's Tenth.'' You ought to hear it. It will really make you feel sad.

Mr. SENSENBRENNER. Mr. Speaker, the example the gentlewoman from Connecticut (Mrs. JOHNSON) gave would have fallen under the exception that is contained in H.R. 760. The subsection which is the ban does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

□ 1915

The real-life story that the gentlewoman from Connecticut's husband faced would have fallen under the exception and would have allowed a partial-birth abortion. That is why this bill should pass and the substitute should be defeated.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the gentleman yielding me this time.

As I looked at this situation, there were two things that jumped out at me that cried to be answered. One of them was, as I thumbed through the Washington, D.C., phone book, I came across, by accident, ''Abortion Services.''

And we talk about viability, there is ad after ad after ad in there, multiple pages, that advertise they will provide abortions up to 24 weeks. It is in print, it is standard practice, and that is past that point of viability that has been talked about here.

It is chilling to see that, for someone who comes from the Middle West where we do not have such a thing. There is nothing in any phone books that I have seen in the Middle West. But it shocked me.

Another issue, as I sat in the Committee on the Judiciary and listened to remarks, and I am going to speak specifically to the remarks that were made by the gentleman from New York who said that we were cynical about this, that we simply wanted to ban partial-birth abortion for political reasons and that 41 States have banned late-term abortions, and that if we were serious, we would just go forward and do that. And that is what this amendment seeks to do. I rise in opposition to this substitute for that reason, because we know why it would not be effective and why it would gut this bill.

I am not a lawyer. I grew up in a cornfield and rode out on a bulldozer, but I can tell you I know this much about law. How did we get here to this point? I do not think anybody has referenced it now, and that is the case in 1965, Griswold v. Connecticut, right to privacy, when Connecticut outlawed contraceptives and the Supreme Court ruled that the State of Connecticut had no business getting into the privacy of the family and, therefore, found their law that outlawed contraceptives unconstitutional. That is the foundation for right to privacy.

Just a few years later, 8 years later, along came Roe v. Wade. That was the piece that said, well, that right to privacy extends to the woman's womb and in our declaration where it defines life, liberty, pursuit of happiness, those rights are prioritized except that the right of the liberty of the pregnant female takes priority over the life of the unborn. And then Roe v. Wade, of course, outlawed, though it did not make an exception for, late-term post-viability abortions.

But same day, concurrent decision, Doe v. Bolton gave that definition that I think we have heard that addresses the health of the mother. It does not prohibit any abortion if in the medical judgment of the attending physician the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman, a hole you could drive a truck through. That is also what this amendment seeks to do, and that is another reason that I oppose it.

Planned Parenthood v. Casey reaffirmed Roe v. Wade. That is what it looks like to this fellow who did not go to law school, but does read the cases and that precedent of right to privacy takes us to the floor of this House Chamber tonight to debate something that would be a chilling concept to us if we had been confronted with that in the environment when we were children.

And so Stenberg v. Carhart. I will just say this, it is a ghastly, ghoulish, gruesome procedure and that child is one inch from screaming for its own mercy. If ultrasound could hear the silent scream, we would not be in this debate tonight.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I support the Hoyer-Greenwood amendment for two reasons. First, this amendment makes illegal all late-term abortion procedures, unlike the underlying bill that only outlaws one late-term abortion procedure while, amazingly, allowing all other late-term abortion procedures to be left perfectly legal.

Second, passing an unconstitutional bill is not going to save one child's life. Not one. We know what the Supreme Court decision has said. It said it June 28 of 2000. The Supreme Court said, even in italics, that if you do not have a health exception, the bill will not become law. To put it in italics by the Supreme Court makes it about as clear as we can make the English language be.

I find it, Mr. Speaker, amazing that those who say their goal, and I trust their convictions, is to save babies' lives, why would you not want to ban all late-term abortions? If you assume these women are such monsters that just seconds before a perfectly healthy childbirth they would want to kill that baby, then I guess you could also assume very understandably she would just ask the doctor to use one of the other late-term abortion procedures.

Sixteen years ago, as a member of the Texas Senate, I was not interested in sound bites or partisanship. I was interested in banning all late-term abortion procedures, because no matter how a baby dies, if he dies frivolously late term, that is morally wrong in my book. But we knew then what we know today and that is, if you tonight have a health exception, your bill will not be law.

I ask once again, to the supporters of this bill, the question that has never been answered. If you assume a woman wants to kill a baby in the last seconds before a normal childbirth, why are you allowing her to do that under your bill just using other procedures?

This bill is a false promise. Vote for the Hoyer-Greenwood amendment and we can stop all late-term abortion procedures.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY) who knows more about delivering babies than practically all of us.

Mr. GINGREY. Mr. Speaker, I rise in strong opposition to this substitute amendment. The Greenwood-Hoyer substitute, make no doubt about it, will gut this bill to ban late trimester pregnancy termination just as surely as the procedure itself barbarically guts the life out of nearly born healthy children.

There are physicians who, unfortunately, and for a generous consultation fee, will readily certify that a woman's health is endangered by the pregnancy. In fact, the coauthor just a few minutes ago said that health exceptions would include psychological syndromes such as, you name it, extreme anxiety, as well as nebulous physical syndromes, such as chronic adult fatigue. So, in essence, the mother's health exception could be claimed literally in every one of these cases if we approved this substitute amendment and we would have no bill.

You talk about the fact that the Supreme Court could possibly rule this ban on partial-birth abortion as unconstitutional. If we vote in support of this substitute amendment, the bill dies right here tonight. In fact, the so-called consultant that I mentioned theoretically could come into the delivery room and declare the woman's health to be endangered within minutes of a spontaneous live birth.

The gentlewoman from Connecticut talked about sepsis. I have actually seen these tools that are used to perform this abominable procedure called partial-birth abortion. And you talk about the risk of sepsis developing after that type of a procedure. The gentleman from Virginia talked about the loving parents who would want to terminate the life of a child who was not going to be born perfect. A loving parent will allow that child an opportunity for life no matter how short it may be.

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

I ask this because I believe it is the nub of the debate. Does the gentleman from Georgia believe there is a procedure to terminate a pregnancy that is more humane or more appropriate than the partial-birth abortion?

Mr. GINGREY. If the gentleman will yield, will the gentleman mind repeating that question?

Mr. HOYER. Do you believe there is a procedure that is more humane or more acceptable than partial birth for the termination of a pregnancy?

Mr. GINGREY. The gentleman from Texas earlier talked about other late-term pregnancy termination procedures other than this one we know as partial-birth abortion. I do not know exactly what he or you are referring to.

Mr. HOYER. Reclaiming my time, and obviously I do not have more time, I wish I had more time because this is an important debate. My question to you is, A; let me ask you this, yes or no, if you can. Do you believe the only way to terminate an abortion is late-term, the procedure referred to in this bill?

Mr. GINGREY. I do not believe there is another way to terminate a pregnancy in late term.

Mr. HOYER. In late term than this? Is that correct?

Mr. GINGREY. I am sorry. I am not understanding you.

Mr. HOYER. In late term, this is the only way to terminate a pregnancy?

Mr. GINGREY. It is the only way to terminate a pregnancy without delivering a live born child. These pregnancies can be terminated by injecting saline or they can be terminated by performing a cesarean section, but the problem there is it is a live child.

Mr. HOYER. In which case, reclaiming my time, the child would not be live; am I correct?

Mr. GINGREY. In those instances, the child would be alive.

Mr. HOYER. You believe that that is more humane.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of the Hoyer-Greenwood substitute. As a pro-choice, pro-child Member of Congress and mother, I believe that abortions should be safe, legal and rare. For more than a quarter of a century, the Supreme Court has drawn a very clear line on this issue. As Americans and lawmakers, we are bound by the Constitution and we must realize that a ban on a specific late-term procedure that fails to include the life-and-health-of-the-mother standard the Supreme Court established in Roe and upheld in both Casey and Webster will be overturned by the Supreme Court.

What is wrong with the underlying bill? First, it does not take into consideration the health of the mother. Second, it bans an overly broad class of medical procedures that are also useful during pre-viability stages.

The Hoyer-Greenwood substitute gives Congress an opportunity to do the right thing. This bipartisan bill would prohibit all late-term abortions, but it makes the constitutionally required exception for when it would be necessary to save the mother's life or avert serious health consequences. Congress should leave a decision as deeply personal as whether to have an abortion to a woman, her family, her doctor and her God.

My colleagues, this vote is a test. Are we interested in banning late-term abortions? Or are we just wasting everybody's time and beating our chests just to pass something that we know will be overturned by the Supreme Court?

Let us do the right thing. Let us ban these procedures in late term. I urge my colleagues to vote for the Hoyer-Greenwood substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, all of us love this Nation. But how can all of us love this land unconditionally when there exists a law on the books that allows partial-birth abortion?

In America today, an abortionist begins partial-birth abortion by causing a woman to go into labor. Involuntary contractions begin that push a pre-born American child into the birth canal. This law, as shown on this diagram, then allows an abortionist to reach into the womb and, with the baby in the breech position, begin to pull the baby out by its feet and legs. The law and the amendment we debate today allows an abortionist to pull the baby almost all the way out of its mother, and as shown here on this diagram, insert his scissors into the base of this pre-born American child's brainstem and vacuum out its brains.

This is abuse of pre-born American children. This is violence against pre-born American babies. This is the torture and murder of future American patriots who deserve this Nation. And it is a corrupt law forced upon the land by the Supreme Court. This amendment says that an abortionist may continue to conduct this violence if he is trying to avert serious health consequences. This exemption is so big that it is nothing but a giant loophole. It once again allows the abortionist, the very menace to the child that is waiting to be paid, to define what averting serious health consequences means.

□ 1930

Think about it. The possibility of serious pain, serious stress, the possibility of serious health consequences, is what women endure in labor and in giving birth. Therefore, the very act of childbirth under this amendment would trigger the exemption. Those who have written it so broadly, so loosely defined, allow the possibilities of that which is endured during the very act of childbirth itself to be enough of a standard by which this amendment would allow an abortionist to continue his horror.

As the father of 12 children, I want to teach my children to love our Nation unconditionally, to revere her, to respect her laws and to be drawn into complying with the laws of this Nation, because her laws represent goodness, because they are filled with integrity, and because we are bound by a moral sense of obligation to abide by them.

Let us love our Nation unconditionally by removing these decrepit and immoral corrupt laws from the same books that contain our sacred rights and liberties. Stop the torture and infanticide of our preborn American children and our future patriots which this Nation needs to be born. Let them have life. Oppose this amendment.

Mr. GREENWOOD. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the previous speaker used very good words. Unfortunately, the bill that he advocates will not ban the procedure he abhors. Our amendment will.

The previous speaker talked about the broadness of our health exception. If the proponents of this legislation wanted to make sure that no healthy woman could ever get a late-term abortion, they would be advocating legislation that would require a second doctor's opinion, a clearly defined definition or list of medical conditions. That is what they would be doing if they were serious about that. But because they are opposed to abortion under any circumstances virtually at all, they cannot go there.

Now, they are very good at describing the gruesome details of abortion. Let us talk about the gruesome realities that sometimes make abortion necessary.

In March 1995, Tammy Watts from Arizona and her husband Mitch made the agonizing decision to end a wanted pregnancy at 28 weeks gestation. It would have been their first child. The fetus, however, had extensive, ultimately lethal, anomalies related to a genetic condition known as trisomy-13.

The Watts daughter, which they had already named McKenzie, was missing chambers in her heart, her brain was severely damaged and her skull had not formed in the back. Her liver and kidneys were oversized and already failing irreparably. Her bowel, bladder and intestines were formed on the outside of her body and had grown into a nonfunctioning mass of tissues. Doctors also told the couple that Tammy's health was at risk from a continued pregnancy, especially if the baby died in utero.

They decided to terminate the pregnancy, and Tammy and Mitchell were able to conceive again and announced the birth of their daughter, Savannah Whitnee, last July.

These are the realities that American women confront with their physicians, and that is why, in cases where their life or their health is at risk, this is none of our business and we do not belong in this decision.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in opposition to the substitute amendment to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

The partial-birth abortion procedure is a brutal and violent act that kills a living baby just seconds before it takes its first breath outside the woman. We must call partial-birth abortion what it really is, the murder of a baby during delivery.

Former Surgeon General C. Everett Koop has stated, ''Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both.''

The substitute amendment being offered today includes a so-called health exception to the partial-birth abortion ban. Yet this broad definition, according to the Supreme Court, includes factors such as physical, emotional and psychological issues. All of these factors relate to health. Subsequent testimony has clarified that this health exception includes age, depression and even a fear of open spaces.

Mr. Speaker, this substitute is a facade. It is a ploy designed to gut the intent of the ban on partial-birth abortion.

The future of our Nation depends on decisions such as this. Does America have the moral and ethical fortitude to protect the most basic of human rights, the right to live? We as a civilized culture cannot stand by and allow defenseless, innocent children to be killed. We are not savages. We are not barbarians. We are human beings. Partial-birth abortion is insane, and this killing must end.

I am proud to offer my support for the partial-birth abortion ban. I urge my colleagues to reject this substitute amendment and pass the underlying bill, H.R. 760.

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

Mr. GREENWOOD. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to correct the record to some extent. It was said that the case examples that I gave would have been covered under the underlying bill. I want to make clear that they would not have been covered, because those women were dying of the infections caused by being forced to get back-alley abortions under unsterile circumstances. If they had been allowed to be in a hospital and get the legal treatments that are available under our law, they would not have gotten the infection and they would not have died. But this underlying bill denies them that right because its definition is so broad. It reaches way down to fairly early decisions to terminate. So I do not accept that those women's lives would be saved under the underlying bill.

I also regret that one of my colleagues, a very skilled colleague who himself has a lot of experience, maintained that there were no other techniques other than late-term abortions that could be used. There are other techniques that are just as harsh, they look just as bad on a poster, and the underlying bill does not ban them.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise to support the underlying bill and to strongly oppose the substitute amendment.

Mr. Speaker, I just want to point out that this substitute amendment is built on two myths. The first is the myth that this specific procedure we are talking about is somehow medically necessary in certain circumstances. It is not.

The American College of Obstetricians and Gynecologists states, ''There are no circumstances under which the procedure would be the only option to save the life of the mother and preserve the health of the woman.''

In 1995, a panel of 12 doctors with the AMA voted unanimously to ban the procedure, calling it ''basically repulsive.''

As one of my colleagues mentioned, former Surgeon General C. Everett Koop says that this procedure is ''never medically necessary to protect a mother's life or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

So if we want to follow medical advice, let us do that and admit this procedure is never medically necessary.

The second big myth is that somehow this exception in the substitute amendment will in fact allow a real ban, and it will not. The health exception, you can drive a truck through it. That is clear in 41 states, and it will be no ban whatsoever.

Mr. HOYER. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the last speaker just read part of the American College of Obstetricians and Gynecologists' statement. He said that they could identify no circumstances under which the procedure identified above could be the only option to save the life or preserve the health of the woman. Then he stopped. The rest of it is, ''However, it may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman, and only the doctor, in consultation with the patient, based on the woman's particular circumstances, can make that decision.''

We just want the whole statement in the RECORD.

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

Mr. Speaker, the AMA opposes this bill. The Organization of Obstetricians and Gynecologists, you heard their statement. We are speaking past one another and we are not speaking to the American public.

Your bill is unconstitutional. You know it. You tried in 17 or 18 pages to restore it. You cannot do it, because you do not include what the Supreme Court requires, protecting the health of the mother.

Our bill is constitutional, and, except for the premise that you make that

doctors are charlatans and will not be held accountable for breaking this law, which has to be proved only by a preponderance of the evidence, you say this law does nothing. In fact, it is the only statute on this floor which will preclude abortions at late-term being performed by any procedure; by any procedure.

Now, I tried to get the gentleman from Georgia (Mr. GINGREY) to respond. He would not respond. Why would he not respond? Because my friend, the gentleman from Illinois (Mr. HYDE), for whom I have unrestrained respect, believes the termination of a pregnancy, the taking of a life of a fetus, is wrong, however you do it. He is shaking his head affirmatively. That is an intellectually honest position. I respect it.

Partial-birth as described is an awful procedure. Abortion is an awful procedure. I accept that. And I personally oppose late-term abortions. When I am accused of being for abortion on demand at the 8th month, 29th day, I am not. We ought to protect those lives. But we have to balance it. That is what the Court says, that is what the Constitution of the United States says.

Support the Greenwood-Hoyer alternative. It is the only legislation that will be effective in trying to make some sense of this issue that so vexes America.

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

Mr. Speaker, why are we here? Are we here because we are about to vote on a piece of legislation that will become law? No, we are not. It will not. It has been abundantly clear. The Supreme Court has voted on this issue. It has nullified every identical state law, and, as sure as God made little green apples, if this bill goes to the United States Supreme Court, by a vote of 5 to 4 it will be discarded.

So we have engaged in a political issue. I know what the political issue is. The political issue is to try to make those of us who are pro-choice appear to be extreme. Good politics, lousy use of this Chamber. It is a lousy use of this Chamber.

If Members who propose this legislation were serious about limiting late-term abortions and joining us in that effort, what would they do? They would help us create a tight, tight law that makes it clear that healthy women with healthy fetuses cannot get late-term abortions. We would all be in agreement. We would get something done.

□ 1945

We would make sure all of this talk of a loophole big enough we can drive a truck through would be gone. We would settle that.

But they cannot go in because they do not believe in a woman's right to choose at all, so they cannot craft reasonable legislation that would take care of the late-term issue. They cannot do that. So all they can do is go to the extreme, create the most exaggerated circumstances, and point to the most gruesome photographs and drawings.

I submit that this is an exercise in futility and urge Members to support the Greenwood-Hoyer-Johnson substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the chairman bringing this bill to the floor.

Mr. Speaker, as I have watched the debate, and it has been a good debate, what I have heard from the proponents of the substitute are two factors.

One is that this is unconstitutional, theirs is constitutional, and they have made a decision for the courts. I did not come to the House to make a decision for the courts. I came to the House to pass very strong, important legislation and then to fight in the courts for my position. I do not let the courts decide what direction I go. I do not make those decisions in this Chamber. If Members want to make decisions for the courts, then go down to the White House and get a nomination from the President.

The second is that their amendment will end late-term abortions, as if they are more pro-life than the gentleman from Illinois (Mr. HYDE). It is amazing to me. If we took this substitute and put it out here freestanding as a bill, which we may get the opportunity to do, they would vote against it and their outside groups, their pro-abortion groups and pro-choice groups, would be rallying outside these doors against their substitute.

So, Mr. Speaker, we have, though, a chance today to make the world a little less cruel for the defenseless. Opponents of this bill have condemned it to the top of their lungs, but we will not mistake volume for veracity. Despite the howls of extremism, all this bill really says is that even in this violent world, we can still tell the difference between right and wrong. We can still recognize that the inhumanity of this procedure has no place in a moral society. We can still recoil at brutality.

We should set aside the politics for a moment and just close our eyes and try to imagine what it is we are talking about. Think of the grip of the doctor's hand, like a vice, pulling a frightened baby, pulling on a frightened baby's legs out of the womb and into the world. Think of the frantic wriggling of that little body in that gloved hand. Think of that moment of pure terror when those sanitized scissors puncture the baby's neck. Then ask yourself, is this the best that we can do for unborn children, however unwanted; for pregnant women, however desperate; for the American people, however divided?

How can anyone think so? After all, women do not ask for partial-birth abortions. No, its violence is unleashed for the convenience of the doctor, not the health of the patient. Women who undergo the procedure run the risk of infection, future pregnancy difficulties, and infertility. Yet its defenders tell us that this cruel, dangerous, and medically unnecessary procedure is essential to the well-being of American women.

Mr. Speaker, it is just not true, but it is an untruth we will not have to bear or hear again after today. After 8 long years and many partial-birth abortions, Congress will finally send the Partial-Birth Abortion Ban Act of 2003 to a President who is willing to sign it.

When he does, abortion will still be with us. The debate over the rights of the unborn will continue and new battles will be fought. But in the meantime, in the meantime, the American people will take this one stand, this one stand on behalf of the innocent, to tame the savageness of man and to make gentle the life of this world.

Take that stand with them now. Vote against this substitute and vote for the bill.

Mr. MENEDEZ. Mr. Speaker, I rise today in strong support of he Hoyer-Greenwood substitute. It is refreshing to finally give policy a chance over politics. By allowing us the opportunity to vote on the Hoyer-Greenwood alternative as a substitute, the debate today is about making good public policy.

Our goal should be to increase services that prevent unwanted pregnancies. However, when the unintended happens, let us remember that the decision to have an abortion is an extremely difficult and personal one. I believe it is a decision that is best left to a woman in consultation with her doctor, her family, her loved ones, and her faith.

The Hoyer-Greenwood substitute is a superior alternative providing the most broad-based restriction on late-term abortions of any bill being considered in the House.

This proposal ensures that no healthy women with a healthy fetus can terminate her pregnancy in the third trimester, regardless of the type of procedure used. I strongly support thee restrictions and always have. But for the life and extreme health threats to the mother, I know of no compelling reason to terminate a pregnancy at his late stage, and Hoyer-Greenwood alternative would ban all such procedures.

Evidently, my Republican colleagues oppose what President Bush governed under in Texas. The Texas laws is even broader than the Hoyer-Greenwood substitute we are now considering. It says that no abortion may be performed in the third trimester on a viable fetus unless necessary to preserve the woman's life or prevent a ''substantial risk of serious impairment to her physical or mental health, or if the fetus has a severed and irreversible abnormality.'' That is the law in the State of Texas. That is the law under which President Bush operated during his terms as Governor of the State of Texas. It is a law similar to the 41 laws that have been passed in the different states that have such meaningful late-term abortion restrictions.

I hope all of my colleagues recognize the opportunity we have today, an opportunity to vote in support of commonsense legislation. I urge my colleagues to support the Hoyer-Greenwood substitute.

Mr. KIND. Mr. Speaker, I rise today in support of the Hoyer/Greenwood/Johnson substitute, the Late Term Abortion Restriction Act, and in opposition to the underlying bill.

In June 2000, in Stenberg v. Carhart, the U.S. Supreme Court invalidated a Nebraska statute that ostensibly prohibited ''partial-birth'' abortions. The court based its decision on two determinations: (1) the statute lacked any exception for the preservation of a woman's health; (2) the statute placed an ''undue burden'' on the right to choose abortion because its vague definition of ''partial birth'' abortion could cover multiple procedures, at any time during a pregnancy, regardless of viability. Due to these determinations, the court found the Nebraska statute unconstitutional.

Justice Sandra Day O'Connor, however, indicated that if changes were made in the legislation to address these concerns, restrictions on late-term abortions could be found constitutional. Unfortunately, the authors of H.R. 760, the underlying bill, failed to follow the outline by Justice O'Connor.

The legislation I support, the Hoyer/Greenwood/Johnson substitute, is a bipartisan effort that meets the Supreme Court's criteria. This substitute would ban all abortions after fetal viability, allowing an exception to protect the life or health of the mother. This bill did not eliminate a particular procedure; it would prohibit all late-term post-viability abortions by whatever method or procedure.

Most people, even those who oppose abortion, would make allowances for pregnancies as a result of rape or incest. There is no doubt that a young girl who becomes pregnant as the result of rape or incest can medically carry the pregnancy to term. However, many of us would say that that young girl should have the option to terminate that pregnancy as a means to safeguard emotional well-being—that is an argument in favor of recognizing the traumatic impact of a pregnancy due to rape or incest.

Some would argue that the pregnancy could be terminated earlier. We would hope so. However, the psychiatric and sociological record is replete with scientific and anecdotal evidence that even in the most supportive environments, girls who are victims of rape and incest are reluctant to reveal their abuse, leaving them vulnerable to emotional and mental breakdown, self-destructive behavior, and, in the worst case, unrecognized or unacknowledged pregnancies up until the last trimester. Only the Hoyer/Greenwood/Johnson substitute would adequately address this serious issue.

While this has been a difficult issue, I must oppose H.R. 760. This bill does not recognize the constitutionality issues raised by the Supreme Court. It does not contain an exception for a woman's health, nor does it adequately define ''partial birth'' abortion in such a way as to address the issue of ''undue burden.'' I am confident that if this bill is signed into law, the Supreme Court would strike it down.

As a Member of the U.S. Congress, I took an oath to uphold the Constitution of the United States. I will not betray that oath. Now that the Supreme Court has determined the constitutional parameters for a partial-birth abortion ban in the Stenberg case, I must adhere to that decision and cannot vote for a bill that is blatantly unconstitutional. H.R. 760 does not comply with the Court's decision.

Mr. KOLBE. Mr. Speaker, I rise today in support of the Greenwood, Hoyer, and Johnson amendment to the Partial-Birth Abortion Ban Act of 2003, H.R. 760.

For several years, Congress and the American people have endured a wrenching debate concerning abortions. Although I believe in a woman's right to determine her reproductive destiny, I do not support partial birth abortion. In fact, I am opposed to any post-viability abortion by whatever method, unless it is performed to save the life of the woman or to avert serious adverse consequences to her health.

To date, congressional debate has centered on legislation that would federalize the regulation of abortion, a matter historically left to the discretion of the States. And, for the first time in medical history, it would ban a specific procedure, known medically as a dilation and extraction, D&X. I cannot support this legislation because of its uncompromising language banning this specific late term abortion method even in a case where a pregnancy goes tragically wrong and the woman's health is placed in serious peril.

Recognizing the need for some answers in a debate that has generated more heat than light, I join my colleagues, Congressman JIM GREENWOOD, and STENY HOYER, and Congresswoman NANCY JOHNSON in support of an amendment that would prohibit all late-term abortions, regardless of the method used to terminate the abortion. The Greenwood, Hoyer, and Johnson amendment applies to all abortions performed after ''viability'', defined as that time when a fetus is able to survive outside the womb. The amendment provides an exception only in cases where it is necessary to save the life of the woman or to avert serious adverse consequences to her health.

The Greenwood, Hoyer, and Johnson amendment correctly puts the emphasis on when abortions are performed, not how they are performed. This amendment does not try to put Congress in the inappropriate role of determining the correctness of one particular medical procedure. Instead, this amendment makes clear that throughout the course of a pregnancy, prior to viability, medical decisions regarding a woman's personal care and treatment must lie with the patient, her physician, and her family—not lawmakers in Washington.

Mr. Chairman, the Greenwood, Hoyer, and Johnson amendment would prohibit all post-viability abortions even if the woman suddenly decided she no longer wanted the child or was emotionally unable to care for a child. I cannot and I will not justify a late-term abortion in these instances. However, when an abortion is medically necessary, I want every woman to have available to her the procedure that is the safest. I encourage all my colleagues, Republicans and Democrats alike, to support this amendment.

Mr. LEVIN. Mr. Speaker, I rise in support of the Greenwood-Hoyer Substitute, the Late Term Abortion Restriction Act, and in opposition to the underlying bill.

I oppose all late term abortions with exceptions only when the mother's own life is at risk or to prevent serious adverse consequences to her health.

Federal courts have ruled unconstitutional at least 19 different State laws with similar or identical language to the underlying bill because they do not contain adequate health exceptions. In Stenberg v. Carhart, the U.S. Supreme Court noted that ''a State may promote but not endanger a woman's health when it regulates the methods of abortion'' and that ''the absence of a health exception will place women at an unnecessary risk of tragic health consequences.'' Despite this clear Court opinion, the bill's sponsors refuse to allow an exception to protect against adequate health consequences to a woman's health.

We should be working together to approve legislation that bans late-term abortions in a manner which protects the mother's health and which is consistent to the decisions of the Federal courts and the Supreme Court. The Late Term Abortion Restriction Act, which I cosponsor, does just this.

Mr. HOSTETTLER. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute. This amendment inserts a so-called ''health exception'' in the ban.

I hope my colleagues will realize that this substitute would completely destroy the ban on partial-birth abortions. The amendment relies upon an outrageously broad definition of health that would effectively allow the doctor to determine that any circumstance qualifies for a ''health exception.''

That means that a doctor could prescribe a partial-birth abortion because a mother is suffering from temporary depression or any number of other such circumstances.

The mother's depression should be taken seriously and she should receive the best care possible, but snuffing out the life of her child is not a good cure for depression.

In fact, partial-birth abortion has a great likelihood of being injurious to a woman's health—the doctor, while jabbing a pair of scissors into the child, could also stab the mother, as well.

The Subcommittee on the Constitution held hearings on the Partial Birth Abortion Ban on March 25, and during that hearing, Dr. Mark Neerhof testified that hemorrhage, infection, and uterine perforation are all possible results of partial birth abortion. These women are put at greater risk of severe bleeding, uterine rupture, and death, as well.

Women deserve better. Do not sell women short by making them pawns of abortion providers. It is not right to murder children—we should make strides to help these mothers without killing their children.

Every child is precious in God's eyes, and we must learn to look at all children and their parents through God's eyes.

I urge my colleagues to support the ban on partial-birth abortion, and to oppose the substitute.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD) has expired.

Pursuant to House Resolution 257, the previous question is ordered on the bill and on the amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 133, nays 287, not voting 14, as follows:

[Roll No. 240]

YEAS—133

Abercrombie
Allen
Andrews
Baca
Baird
Ballance
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dingell
Dooley (CA)
Edwards
Emanuel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hill
Hoeffel
Hooley (OR)
Houghton
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (RI)
Kind
Kirk
Kleczka
Kolbe
Larsen (WA)
Levin
Lewis (GA)
Lynch
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Napolitano
Neal (MA)
Obey
Olver
Ose
Pascrell
Pastor
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Simmons
Snyder
Spratt
Strickland
Sweeney
Tauscher
Thomas
Thompson (MS)
Tierney
Towns
Turner (TX)
Van Hollen
Visclosky
Watson
Watt
Waxman
Wu
Wynn

NAYS—287

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Latham
LaTourette
Lee
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryun (KS)
Sanders
Saxton
Schakowsky
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Stark
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—14

Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Leach
Lewis (KY)
Lofgren
Rothman
Ryan (WI)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2011

Messrs. OWENS, JANKLOW, HINCHEY, NADLER, HONDA, HOLT, ENGEL and Ms. WATERS changed their vote from ''yea'' to ''nay.''

Messrs. BACA, FATTAH, SWEENEY, GUTIERREZ, Ms. HARMAN and Ms. LINDA T. SÁNCHEZ of California changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on 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. BALDWIN

Ms. BALDWIN. Mr. Speaker, I offer a motion to recommit.

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

Ms. BALDWIN. I am, Mr. Speaker.

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

The Clerk read as follows:

Ms. BALDWIN moves to recommit the bill H.R. 760 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 17, line 2, strike ''abortion'' and all that follows through ''itself'' in line 6, and insert ''abortion that is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes in support of her motion.

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

Mr. Speaker, I rise today to offer a motion to recommit that would provide an exemption to protect the health of the woman.

Women do face profound medical crises during pregnancy. Conditions like hypertension, heart defects, diabetes, and breast cancer can cause serious trauma to a pregnancy. These potential traumas demand a health exception.

The consequences of this sweeping ban are frightening. Women may face severe health consequences such as death, infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

□ 2015

Mr. Speaker, the list of consequences becomes even more horrifying when we realize that the families faced with crisis pregnancies are real.

Allow me to tell my colleagues the story of a Wisconsin family, Kathy and her husband, Chris. Kathy was over 6 months into her pregnancy when doctors discovered through an ultrasound that their baby had no brain. There was a tumor in the baby's brain cavity, and the ultrasound revealed other factors that would complicate the delivery and jeopardize Kathy's health. Her doctor recommended that she have an abortion. After the procedure, Kathy was in tears for weeks suffering from depression. She felt alienated and shamed, even though she had done nothing wrong.

The women who face this terrible decision want nothing more than to have a child and are devastated to learn that their baby cannot survive outside the womb. In consultation with their doctors and families, they make this difficult decision to preserve their own health and in many cases to preserve their ability to have children in the future.

How can we look a woman like Kathy in the eye and tell her that she cannot have a safe procedure that would preserve her health and give her the best chance to have children in the future?

Simple humanity alone should be sufficient to justify a health exception; but if my colleagues need more, the U.S. Supreme Court has made it clear that such an exception is legally required. In Stenberg v. Carhart, the Court held the Nebraska ban was unconstitutional because there was no health exception for the mother.

Language in this motion is taken directly from the Supreme Court ruling. Denying a health exception is wrong and unconstitutional. If this bill passes today without this motion, women who are already dealing with the tragic consequences of crisis pregnancies will have their health put in serious danger.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, even if this bill were constitutional, it would not stop any abortions, just a procedure. The abortion would still take place using an alternative procedure. I am not going to inflame the debate by describing those alternative procedures; but this bill in its present form, without this amendment, is clearly unconstitutional.

This amendment would make it constitutional. The Supreme Court said in Stenberg v. Carhart that the ban on partial birth abortions was unconstitutional because the law lacked any exception for the preservation of the health of the; mother, and reading out of the case, it says subsequent to viability the State, in promoting the interests of the potentiality of human life, may, if it chooses, proscribe an abortion and in italics it says except where it is necessary in appropriate medical judgment for preservation of the life or health of the mother. This is what this amendment says. That was in italics.

Later down it says the governing standard requires an exception, and it says, where it is necessary in appropriate medical judgment for preservation of the life or health of the mother. That is the language of this amendment. It also says, our cases have repeatedly invalidated statutes, and the process of regulating the methods of abortion imposed significant health risks.

Finally, it says, but where the substantial medical authority supports the proposition that banning a particular abortion procedure could endanger women's health case law requires the statute to include a health exception when the procedure is, and listen up, necessary in appropriate medical judgment for the preservation of life or health of the mother.

That is what the Supreme Court said in June 2000. Five judges found that opinion. All five are still on the Court. They used the same language in this amendment in plain print, in italics and in quotes. They were serious about this legislation. We ought to read the case and apply the law and adopt the motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman's time has expired.

Who claims time in opposition?

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

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

This motion to recommit should be rejected for several reasons. The overwhelming weight of evidence compiled in a series of hearings indicates that partial-birth abortions are never necessary to preserve the health of a mother and, in fact, pose substantial health risks to women undergoing the procedure.

No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy as compared to other abortion methods. There have been no articles published in peer review journals that establish that partial-birth abortions are superior in any way to establish abortion procedures.

Furthermore, experience indicates that partial-birth abortions are not performed to preserve the health of a woman. The late Dr. James McMahon, developed this method and performed thousands of them, some as late as the ninth month. In 1995, Dr. McMahon submitted to the Committee on the Judiciary a graph and explanation that explicitly showed that he aborted healthy babies even in the third trimester which begins after the 26th week of pregnancy. His own graph showed, for example, that at 29 or 30 weeks one-fourth of the aborted babies had no flaw.

Furthermore, leading proponents of partial-birth abortion acknowledge that it could pose additional health risks because, among other things, the procedure requires a high degree of surgical skill to pierce the infant's skull with a sharp instrument in a blind procedure.

Dr. Warren Hern testified that he had very serious reservations about this procedure and that he could not imagine a circumstance in which this procedure would be safest. Although he was opposed to legislation banning partial-birth abortion, he also stated, ''You really can't defend it. I'm not going to tell somebody else they should not do this procedure, but I'm not going to do it.'' He also stated, ''I would dispute any statement that this is the safest procedure to use.''

The procedure also poses the following additional health risk to the woman: an increase in the woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position.

Finally, a health exception, no matter how narrowly defined, gives the abortionist unfettered discretion in determining when a partial-birth abortion may be performed, and abortionists have demonstrated they can justify any abortion on this ground. Again, Dr. Warren Hern, ''I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.'' I repeat, ''I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.''

It is clear then that a law that includes such an exception would not ban a single-birth abortion; and for that reason, I would urge a ''no'' vote on the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

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 noes appeared to have it.

Ms. BALDWIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 165, nays 256, not voting 13, as follows:

[Roll No. 241]

YEAS—165

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Larsen (WA)
Lee
Levin
Lewis (GA)
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone

Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—256

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Lofgren
Rothman
Ryan (WI)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2040

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. 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.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 282, nays 139, not voting 13, as follows:

[Roll No. 242]

YEAS—282

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kilpatrick
Kind
Kirk
Kolbe
Kucinich
Larsen (WA)
Lee
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Lowey
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Meeks (NY)
Menendez
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Miller (NC)
Miller, George
Moore
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Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos

Larson (CT)	Lofgren	Ryan (WI)
Lewis (KY)	Rothman	Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2047

Mr. BERMAN changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I could not be present today, Wednesday, June 4, 2003, to vote on rollcall vote Nos. 236 through 242 due to a family medical emergency.

Had I been present, I would have voted:

''Yea'' on rollcall No. 236 on H. Res. 257; ''yea'' on rollcall No. 237 on H. Con. Res. 177; ''yea'' on rollcall vote No. 238 on H. Res. 201; ''yea'' on rollcall vote No. 239 on H.R. 1954; ''yea'' on rollcall vote No. 240; ''yea'' on rollcall vote No. 241; and ''no'' on rollcall vote No. 242.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 257, I call up from the Speaker's table the Senate bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 3 is as follows:

S. 3

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 ''Partial-Birth Abortion Ban Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

(2) Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. As a result, at least 27 States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

(3) In Stenberg v. Carhart (530 U.S. 914, 932 (2000)), the United States Supreme Court opined ''that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure'' for pregnant women who wish to undergo an abortion. Thus, the Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it placed an ''undue burden'' on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother.

(4) In reaching this conclusion, the Court deferred to the Federal district court's factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures.

(5) However, the great weight of evidence presented at the Stenberg trial and other trials challenging partial-birth abortion bans, as well as at extensive Congressional hearings, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed, and is outside of the standard of medical care.

(6) Despite the dearth of evidence in the Stenberg trial court record supporting the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of appellate review, they were not ''clearly erroneous''. A finding of fact is clearly erroneous ''when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed''. Anderson v. City of Bessemer City, North Carolina (470 U.S. 564, 573 (1985)). Under this standard, ''if the district court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently'' (Id. at 574).

(7) Thus, in Stenberg, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

(8) However, under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual findings that the Supreme Court was bound to accept in Stenberg under the ''clearly erroneous'' standard. Rather, the United States Congress is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

(9) In Katzenbach v. Morgan (384 U.S. 641 (1966)), the Supreme Court articulated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in ''gaining nondiscriminatory treatment in public services,'' the Court stated that ''[i]t was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support section 4(e) in the application in question in this case.'' (Id. at 653).

(10) Katzenbach's highly deferential review of Congress's factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the ''bail-out'' provisions of the Voting Rights Act of 1965, (42 U.S.C. 1973c), stating that ''congressional fact finding, to which we are inclined to pay great deference, strengthens the inference that, in those jurisdictions covered by the Act, state actions discriminatory in effect are discriminatory in purpose''. City of Rome, Georgia v. U.S. (472 F. Supp. 221 (D. D. Col. 1979)) aff'd City of Rome, Georgia v. U.S. (46 U.S. 156 (1980)).

(11) The Court continued its practice of deferring to congressional factual findings in reviewing the constitutionality of the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See Turner Broadcasting System, Inc. v. Federal Communications Commission (512 U.S. 622 (1994) (Turner I)) and Turner Broadcasting System, Inc. v. Federal Communications Commission (520 U.S. 180 (1997) (Turner II)). At issue in the Turner cases was Congress' legislative finding that, absent mandatory carriage rules, the continued viability of local broadcast television would be ''seriously jeopardized''. The Turner I Court recognized that as an institution, ''Congress is far better equipped than the judiciary to 'amass and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here'' (512 U.S. at 665–66). Although the Court recognized that ''the deference afforded to legislative findings does 'not foreclose our independent judgment of the facts bearing on an issue of constitutional law,' '' its ''obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'' (Id. at 666).

(12) Three years later in Turner II, the Court upheld the ''must-carry'' provisions based upon Congress' findings, stating the Court's ''sole obligation is 'to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.' '' (520 U.S. at 195). Citing its ruling in Turner I, the Court reiterated that ''[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to ''amass and evaluate the vast amounts of data'' bearing upon' legislative questions,'' (Id. at 195), and added that it ''owe[d] Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power.'' (Id. at 196).

(13) There exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a ''health'' exception, because the facts indicate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress was informed by extensive hearings held during the 104th, 105th, and 107th Congresses and passed a ban on partial-birth abortion in the 104th, 105th, and 106th Congresses. These findings reflect the very informed judgment of the Congress that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care, and should, therefore, be banned.

(14) Pursuant to the testimony received during extensive legislative hearings during the 104th, 105th, and 107th Congresses, Congress finds and declares that:

(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, ''there are very few, if any, indications for . . . other than for delivery of a second twin''; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death.

(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

(C) A prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice,'' that it has ''never been subject to even a minimal amount of the normal medical practice development,'' that ''the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,'' and that ''there is no consensus among obstetricians about its use''. The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is ''ethically wrong,'' and ''is never the only appropriate procedure''.

(D) Neither the plaintiff in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

(H) Based upon Roe v. Wade (410 U.S. 113 (1973)) and Planned Parenthood v. Casey (505 U.S. 833 (1992)), a governmental interest in protecting the life of a child during the delivery process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in Roe when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child ''in a state of being born and before actual birth,'' was not under attack. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a ''person'' under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a ''person''. Thus, the government has a heightened interest in protecting the life of the partially-born child.

(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortions are ''ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb''. According to this medical association, the '''partial birth' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body''.

(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Thus, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

(N) Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

(O) For these reasons, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.

SEC. 3. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.
''1531. Partial-birth abortions prohibited.

"§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This subsection takes effect 1 day after the date of enactment of this chapter.

''(b) As used in this section—

''(1) the term 'partial-birth abortion' means an abortion in which—

''(A) the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

''(B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus; and

''(2) the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(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 73 the following new item:

"74. Partial-birth abortions ..... 1531".

SEC. 4. SENSE OF THE SENATE CONCERNING ROE V. WADE.

(a) FINDINGS.—The Senate finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973)); and

(2) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decision of the Supreme Court in Roe v. Wade (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and

(2) such decision should not be overturned.

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 257, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves to strike all after the Enacting clause of S. 3, and insert in lieu thereof the provisions of H.R. 760 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1 of rule XXII, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves that the House insist on its amendment to S. 3 and request a conference with the Senate thereon.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 3 be instructed to insist that—

(1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and

(2) all meetings of the committee of conference—

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance of the public and the media.

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The gentleman from New York (Mr. NADLER) is recognized for 30 minutes.

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

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

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

Mr. SENSENBRENNER. Mr. Speaker, as I understand it, the motion says that the conferences should be open, and I am pleased to support the motion.

Mr. NADLER. Reclaiming my time, the gentleman is correct, the motion is to have the conference be open. I appreciate the gentleman's support.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I just want to say that I support the motion, and hope it passes.

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

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The motion to instruct was agreed to.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE and NADLER.

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Monday June 2, 2003, I was unavoidably detained in my district in Houston on official business and missed the following rollcall votes: Rollcall vote 227, H. Res. 159, if I had been present, I would have voted aye; rollcall vote 228, H. Res. 195, if I had been present, I would have voted aye; and rollcall vote 229, H.R. 1469, if I had been present, I would have voted aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. MCINTYRE. Mr. Speaker, I ask unanimous consent to have the gentleman from Missouri (Mr. GEPHARDT) removed as a cosponsor of H.R. 898.

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

There was no objection.

PARTIAL-BIRTH ABORTION BAN UNCONSTITUTIONAL

(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, in an intent to correct the record, in the debate that we just finished, H.R. 760, I was taken to task of being wrong for a proposition that I raised on this floor.

Let me correct the record and say I was not wrong, I was right. This partial-birth abortion bill, H.R. 760, is unconstitutional for the same two reasons that the Supreme Court found other statutes attempting to ban partial-birth abortions unconstitutional.

First, H.R. 760 lacks a health exception which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion.

Second, the nonmedical term partial-birth abortion is overly broad and would include a ban of safe previability abortions. Banning the safest abortion option imposes an undue burden on a woman's ability to choose, and the life of the mother and the health of the mother, and the mother's ability to give birth in the future.

Finally, let me say this: We want to save lives, H.R. 760 does not.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISPARITY OF COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight again to talk about the issue of the disparity between the price that Americans pay for prescription drugs and what the rest of the world pays for the same drugs.

On several occasions I have used articles from the newspapers, whether it be the New York Times or the Wall Street Journal, other newspapers, and I started many of my conversations with something that Will Rogers said so many years ago, and that is ''All I know is what I read in the newspapers.''

Today I read in one in the publications up here on Capitol Hill a story that really surprised me, the first story that they have actually done on the whole issue of prescription drugs, and they decided to do essentially a piece that destroys the credibility of one of the groups that I have gotten much of the research information that I have gotten in the past from, and that is the Life Extension Foundation, and I want to talk about some of the numbers that they have sent me.

I have never personally met anybody from Life Extension, but everything they have sent me checks out. So I have used their statistics in the past, and I will use them in the future. I have also been quoting from a book by

Katharine Greider. The title of the book, and I recommend it to all of my colleagues, is ''The Big Fix: How the Pharmaceutical Industry Rips Off America.'' I do not know what her philosophy is. I do not know what her politics are. I do not know what religion she practices, but I have to say that the research that she has done is extremely good and it raises some very difficult questions.

□ 2100

The other thing that I have been doing is talking to Members about these huge disparities between what we pay in America and what the rest of the world pays for the same drugs. Let me give my colleagues some examples. These are my own research, drugs that we actually bought at the Munich airport in Munich, Germany, and then we compared what the price is in the United States. Let us take the drug Glucophage. Glucophage is a wonderful drug, particularly for those people suffering from diabetes. Glucophage in the United States, 30 tablets, 850 milligrams, sells for about $30. That same drug in Germany sells for $5.

We can go on down the line. Cipro. This is the drug Cipro, a very commonly prescribed, very effective antibiotic made by a company called Bayer. In the United States we usually call it Bayer, Bayer aspirin. We are probably more familiar with that. But this drug in the United States sells for an average of about $55. It sells in Germany for $35.

We go on down the list. I will not read the whole list tonight, but the one that really chaps my hide is this drug right here. This is Tamoxifen. We bought this drug at the airport pharmacy in Munich, Germany, for $59.05 American. In this quantity, 100 tablets, 20 milligrams, in the United States this same drug sells for $360. $60 in Germany, $360 here.

The real point is this. I have shared this story, too. If you go to Tokyo, Japan and you order a steak dinner, about the cheapest you will find it in Tokyo is about $100. You can buy an equal quality, in fact perhaps a better quality steak anywhere here in the United States for probably $20. Why is there so much difference between what you pay for a steak in Tokyo versus here in the United States? The answer is simple. The people of Japan are a captive market. They do not allow other products to come in. That is what we have done with drugs in this country. We literally have made Americans a captive market.

We are talking about a prescription drug benefit and everybody is talking about coverage. Ladies and gentlemen, the issue is not so much coverage, because every senior in America has at least the opportunity to buy prescription drug coverage through the AARP and lots of other organizations. The problem is not coverage. The problem is affordability. We will never solve the entire problem for all of those seniors. One of the points that is made by Ms. Greider in her book, she mentions a study that was done. This is one of the most damning studies and every one of us should be ashamed. The study says that 29 percent of seniors say that they have had prescriptions that went unfilled simply because they could not afford them.

A couple of weeks ago I was addressing community pharmacists, and I asked them the question: Have you ever had a senior come in and give you a prescription and you told that senior how much this was going to be and they sort of dropped their head and said, well, maybe I'll be back tomorrow. And they do not come back because they cannot afford it. That is something we can change, that is within our power to change. Shame on us if we do not. I hope you will cosponsor my bill to give Americans access to world class drugs at world market prices.

VETERANS BUDGET CUTS

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to remind my colleagues who yesterday were announcing so passionately their love of the flag and all it represents, how 75 short days ago in this same room we stood in the People's House and stripped the veterans budget by almost $30 billion.

I have heard my colleagues on the other side accuse those who oppose the flag amendment as being unpatriotic. No, Mr. Speaker, what is disgracefully unpatriotic and a flagrant dishonor to the hundreds of thousands of Americans who died defending this country, and to those who even now are still in harm's way overseas, are the reverse Robin Hoods that walk these halls of Congress, the ones who find it so easy to sneak money to their country club buddies for their tax breaks while stripping the benefits and services from those who fought to defend the very freedoms that our flag represents. To all of those who are so quick to question their opponents' patriotism, where was your patriotism when you cut almost 20,000 VA nurses? Where was your patriotism when you voted for the loss of 6.6 million outpatient visits? Were you waving your flag as you voted to drop over 160,000 veterans from the VA health care system? I missed the rendition of the Star Spangled Banner when you voted to reach into the pockets of our Nation's service-connected veterans and rob them and their survivors, their widows and children, of a portion of their promised compensation.

And the list goes on. Just today these same hypocrites, calling themselves patriots, fought to take away women's constitutionally protected rights. This administration laughs in the face of our Bill of Rights as it holds thousands of people in jail without any due process under the guise of national security. At this very moment there are Haitians being held illegally in prison even after a judge ruled in their favor. They offer no threat to this country, but Attorney General Ashcroft is arbitrarily taking their rights. Not only is this administration arresting adults but they are arresting children. These are the actions of a dictator. And worst of all, the administration has lied time and time again to the American people when trying to invent reasons to preemptively invade Iraq. I cannot find a shred of patriotism in any of this.

Mr. Speaker, I call on my so-called patriots here who proclaim so loudly their love of the flag to put their money where their mouth is. Everybody can talk the talk. It takes a real patriot to walk the walk. I stand in protest of this House being derelict in its duties and leaving our veterans behind. Wake up, America.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

(Mr. CULBERSON. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REGARDING THE CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, once again this week the Republican majority showed its true colors, a party looking out for the elite at the detriment of middle- and low-income working families. During the final negotiations on their tax package, Republicans deliberately chose to leave more than 12 million children behind. The omission of a provision that would have extended a $400 child tax credit to working families making $10,000 to $26,000 a year was neither an accident nor an oversight. The provision, which had not been included in President Bush's initial $726 billion proposal or the House Republicans' $550 billion, was added in the Senate by a Democrat, Senator BLANCHE LINCOLN. Why did this considerably small provision, $3.5 billion out of a giant $350 billion tax bill, make the Republicans' chopping block during their final negotiations with each House? As my colleagues already know, not one Democrat was allowed to negotiate the differences between the House and the Senate bill.

White House press secretary Ari Fleischer probably explained it best when he said, ''Does tax relief go to people who pay income taxes or does it go above and beyond the forgiving of

all income taxes and you actually get a check from the government for more than you ever owed in income taxes?'' The House majority leader supported Fleischer's claims yesterday when he said, ''To me, it's a little difficult to give tax relief to people that don't pay income taxes.''

Mr. Speaker, what the President's press secretary seems to forget and what the majority leader seems to ignore is that these workers do pay Federal taxes. 7.65 percent of their earnings go to pay for Social Security and Medicare. They are in fact paying taxes. Bob Herbert of the New York Times called the Republican action ''the reverse Robin Hood'' and he wrote, ''The fat cats will get their tax cuts. But in the new American plutocracy, there won't even be crumbs left over for the working folks at the bottom of the pyramid to scramble for.''

After realizing that the Republicans had left this provision out of the final tax bill, several of my Democratic colleagues introduced a bill earlier this week that would repair the damage from this irresponsible tax package. Congressman RANGEL'S legislation would provide greater tax relief to the families of 19 million children and the legislation is fully paid for so this relief would not add to the record deficits created by the President and the Republicans in Congress.

Yesterday, Democrats in the House said they would not allow business to continue as usual around here until Republicans agreed to address the Rangel legislation. Not only did Majority Leader TOM DELAY say the House would not consider the Rangel legislation, but in attempting to justify this action, the gentleman from Texas (Mr. DELAY) said, ''There are a lot of other things that are more important than that.''

Mr. Speaker, how can the majority leader say that helping these children is not important? I think it is very sad, Mr. Speaker, because the Republican leader's statement is not shocking to anyone who watches what goes on around here. In fact, unlike some of his Republican colleagues, at least Congressman DELAY tells it like it is. And what it is, is that the Republican leadership continues to do the important work for the wealthiest elite in this country at the detriment of low- and middle-income families. Just 2 weeks after the Republicans passed their tax bill, the Tax Policy Institute released a report yesterday showing that the middle class tax share is set to rise, a surprise to no one. The report, which analyzed the three tax initiatives President Bush has signed into law, concluded Americans earning between $28,000 and up to $337,000 will soon take on a greater share of the taxes than they had before President Bush took office. The only people that benefit are the millionaires.

Mr. Speaker, I just hope that one day these Republican attacks on low- and middle-class people will come to an end, but so far they are not coming to an end and I expect them to continue with this Republican leadership.

REPORT CONCERNING IRAQ'S WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, as the President arrived in Europe during this recent and historic journey, culminating, we hope, in progress today in the nation of Jordan, several days ago he was greeted with what can only be described as a hysterical European press attack on what were called the lies and distortions of this administration relative to its pronouncements about Iraq's weapons of mass destruction in the months leading up to Operation Iraqi Freedom.

After that hysteria in the European press, even some editorial pages in the United States have gone forward with similar recriminations and I thought that it would be useful tonight, Mr. Speaker, to rise and talk about the facts of weapons of mass destruction. I do so having literally just come this morning from a briefing by the Under Secretary for Arms Control for the United States Department of State, Mr. John Bolton, perhaps one of the most distinguished and informed leaders in our Nation, on the subject of arms control and weapons proliferation.

Mr. Bolton spoke before us today of the efforts within Iraq, the Iraq survey group, that he believed would bear fruit soon, in his words, in finding both evidence of a WMD program and also ultimately weapons of mass destruction themselves. He said that he believed that we would be soon finding weapons and the means of production in due course. But where comes his confidence, Mr. Speaker? Perhaps it comes with a brief recitation of the history of the region. People are very quick to forget, especially in the European press that seems to suggest that this idea of Iraq having weapons of mass destruction was somehow invented out of whole cloth.

Many seem to forget that it was Iraq themselves, 18 April 1991, that provided an initial declaration required under U.N. resolution 687 declaring themselves, Iraq declared themselves in the possession of chemical weapons and materials and 53 al Hussein and Scud type long-range ballistic missiles. At that point in April of 1991, they denied the presence of any biological weapons. By May, Iraq submitted a revised declaration covering additional chemical weapons and a refinement of the missile declaration. And then after pressure from UNSCOM, Iraq admitted in August of 1991 that they had a biological research program for defensive military purposes.

According to UNSCOM estimates, Iraq acknowledged that they were in possession of 10,000 nerve gas warheads, 1,500 chemical weapons and 412 tons of chemical weapon agents. 1991. As Under Secretary Bolton said today, it has been the unchanged position throughout the Clinton administration and through the Bush administration that those weapons are unaccounted for to this day. Both administrations held, in Mr. Bolton's words as a representative of the State Department, precisely the same view of these weapons, that were not invented by some political spinmeister in the run-up to Operation Iraqi Freedom, they were admitted to by the regime in Baghdad, who went on year after year delaying inspections, denying their presence and refusing to prove their destruction, leading up to the 1998 expulsion of U.N. weapons inspectors, resulting in President Clinton's attack on Iraq with cruise missiles. And President Clinton, of course, gave the reason at that time that he needed to ''attack Iraq's nuclear, chemical and biological programs and their capacity to threaten their neighbors.''

And so I thought it important tonight, after hearing on the International Relations Committee, Mr. Speaker, from John Bolton, the Under Secretary of Arms Control, that there is confidence that the Iraq survey group at the State Department will bear fruit. We will continue to find evidence, like the mobile labs, like the unarmed aerial vehicles, we will continue to find evidence of a WMD program in Iraq.

□ 2115

That confidence arises not from the heart of the White House or the West Wing, but, rather, from the pronouncements of the regime in Iraq about their own possession a decade ago of hundreds of tons of chemical and biological agents. The facts speak for themselves.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 222, ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT AND S. 273, GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–140) on the resolution (H. Res. 258) providing for consideration of the Senate bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the Senate bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–141) on the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H. CON. RES. 190, ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider House Concurrent Resolution 190;

The concurrent resolution shall be considered as read for amendment;

The concurrent resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and

The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from California?

Mr. MCDERMOTT. Mr. Speaker, reserving the right to object, maybe a little explanation about what we are doing would help.

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

Mr. MCDERMOTT. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

We have, I am very happy to say, in the Committee on Rules worked with the minority to put into place an agreement where, under unanimous consent, we will establish a joint committee that will be addressing the issue of the continuity of Congress. We are going to be tomorrow working on this with the gentleman from Texas (Mr. FROST), and this request will simply allow us to bring this measure up.

Mr. MCDERMOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 California (Mr. WAXMAN) is recognized for 5 minutes.

(Mr. WAXMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAX RELIEF FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, yesterday those opposed to tax relief came to the floor to wage an orchestrated campaign of disinformation against the Jobs and Growth Act. Having lost the battle to convince the voters that tax relief is fundamentally bad, and unable to win the legislative battle over passage of the tax cuts, Democrats are now engaged in damage control. That means that they will lie, twist and distort the truth about the benefits of the plan, benefits that extend to nearly every person who actually pays Federal income taxes.

They were on the wrong side of the issue then, and they are on the wrong side of the issue now. At least they are consistent.

Fortunately, Republicans have the truth on our side and we are also consistent. We are consistently supporting legislation that will give working families tax relief.

The facts are that the tax cuts Republicans passed will do these things:

First, it will take an additional 3 million low income families off the Federal tax rolls completely. Let me repeat this, because I know as soon as I am finished, an opponent of tax relief will say this bill does nothing for the working poor. This bill takes an additional 3 million low-income families off the Federal tax rolls completely.

Second, we have also expanded the 10 percent tax bracket and increased the standard deduction for married couples. Both of these provisions are targeted to low and middle-income families.

Third, the decision at the center of this maelstrom of misinformation, the child tax credit. Republicans raised the child tax credit from $600 to $1,000 effective immediately. All those families with children who pay Federal taxes will be able to take advantage of this credit.

Those who oppose the tax relief plan are claiming this provision ignores some families. Absolutely untrue. Families that pay zero Federal taxes will not get this tax credit because they are already exempt from paying any Federal taxes. This credit is for the millions of families that do pay Federal taxes, giving them tax relief.

The frantic attempts to discredit the jobs and growth plan are proof of just how great these tax cuts are for hardworking Americans. Those who oppose tax relief know that they have made a mistake and, instead of owning up to that mistake, they are trying to cover it up.

Mr. Speaker, taxpayers should immediately adjust the amount withheld from their paychecks for Federal income taxes so that they feel the tax relief as soon as possible. When Americans start to keep more of their paychecks, when they get that child tax credit, they are going to remember who stood here and told them they did not deserve tax relief, and it was not the Republicans.

WHERE IS THE JUSTIFICATION FOR WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, it is very difficult to stand on the floor of the House to question whether those in power deliberately misled and deceived the American people and the community of nations. However, the events in Iraq leave me no other choice.

Our President, Secretary of State, Secretary of Defense and Undersecretary of Defense told the men, women and children of this Nation and of the world that we must go to war in Iraq because the country had weapons of mass destruction. Time and time again, they told us that Iraq posed a clear and present danger to the health, well-being and life of our people.

Why? Because Iraq had weapons of mass destruction and was prepared to use them or give them to terrorists who would use them.

So where are the weapons that President Bush promised?

Saddam is gone. For several weeks, American troops have been free to search Iraq. They have been free to search Iraq, virtually at will. Today we find no weapons of mass destruction. No chemical weapons, no biological weapons, no nuclear weapons. Nothing.

Where are the weapons? Where is the threat?

Mr. President, where is your justification for war? The credibility of this administration is at stake.

Americans died in Iraq because President Bush told us that Iraq had weapons of mass destruction. Children lost their mothers and fathers. Parents lost their sons and daughters. Women lost their husbands, and husbands lost their wives.

For what?

Excuses and explanations cannot answer this question. We need, we deserve, we demand justification.

What justified the loss of American lives? What justified taking $100 billion out of the pockets of our children, our grandchildren and unborn generations?

Three major American news organizations have cited leaks from Federal intelligence officials that the Bush administration manipulated intelligence about weapons of mass destruction, that the President and his advisers told the intelligence community to provide evidence to support the war in Iraq.

In Britain, senior war correspondent Max Hastings, who supported the war against Iraq, wrote that ''the Prime Minister committed British troops and sacrificed British lives on the basis of a deceit, and that stinks.''

These accusations cannot go unanswered. We are not just talking about the veracity of the Bush administration. We are talking about the credibility of the United States of America. Our Nation's reputation is at stake.

The next time we go to our allies, the next time we go to the United Nations, they will doubt what we say. Our enemies will be safer, and our citizens will be less secure.

The President and members of his administration have an obligation to come clean, to put their cards on the table and level with the American people. What did they really know and when did they know it?

They are the ones who toured the country, beating the drums of war. They are the ones who told the American people that we needed to go to war. They are the ones who traveled the globe campaigning for a war to save us all from weapons of mass destruction.

In the name of our fallen soldiers, in the name of the credibility of the United States of America, in the name of what is right and just and true.

We need an answer, and we need it now.

JOBS AND GROWTH, TAX CREDITS AND SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, last Wednesday President Bush signed the Jobs and Growth Act of 2003, a bill that I was proud to cosponsor. As a former small businessman, I believe I know something about what it takes to help build businesses and create jobs. But although our bill had to be compromised, it still has the ability to create more and better jobs for the American people.

Yet there are some in this body who say that this legislation is not fair. They say there is not sufficient tax relief for low income Americans.

Mr. Speaker, number one, they are wrong; and, number two, this is just another example of Democrats trying to foment class warfare in America.

Let us get beyond the usual class warfare rhetoric and examine the facts.

First of all, for all practical purposes, low-income people do not pay income taxes. In fact, in this bill we take 3.7 million Americans off the tax rolls. That is right, almost 4 million people who paid income taxes last year will pay no income taxes this year. None. How much more tax relief can you receive than having your tax bill torn up, thrown away, abandoned?

These Americans join millions of other low-income Americans who have already been taken off the tax rolls in recent history.

Additionally, Mr. Speaker, by lowering marginal rates, other low-income Americans benefit as well. Millions who were in the 15 percent tax bracket last year are now in the 10 percent tax bracket. More tax relief for low-income families.

The net result now is this: The bottom 50 percent of wage earners in America pay only 3.9 percent of the income taxes. In other words, half of all Americans, low-income Americans, pay almost none of the national income tax burden. In contrast, the top 10 percent of wage earners in America pay almost two-thirds of the income taxes.

Mr. Speaker, the critics of the jobs and growth bill fail to appreciate two other important facts:

Number one, tax relief is for taxpayers. If you do not pay taxes, you should not expect tax relief.

Number two, if you want jobs, give job creators tax relief. Tax relief is about capital. You cannot have capitalism without capital. You cannot claim to love jobs and then vilify job creators.

Mr. Speaker, it is clear that some in this body want to turn our Tax Code into a welfare system. Well, guess what? We already have a welfare system. Fortunately, under a Republican Congress we have continued to move millions of Americans from welfare to work. And, to dispel the Democrat's disinformation campaign, we have increased Federal child care funding by 166 percent. We have increased Federal funding for housing by 75 percent. And, just this past year, we committed $17 billion to the TANF welfare program.

Tax relief is different from welfare. Tax relief is about allowing taxpayers to keep more of what they earn, earn through their hard work, helping to keep them keeping more of their own wages for their own families.

□ 2130

Mr. Speaker, let us not forget, it is not the government's money, it is the American family's money.

Furthermore, if critics of the Jobs and Growth Act truly care about low-income people, they should join us and help us move them off of welfare checks and onto paychecks, move them up from smaller paychecks to bigger paychecks. In other words, these critics should help us join together and create more jobs.

But Mr. Speaker, jobs are not created here in Washington, D.C. They are not created by the Federal Government. Jobs are created by hardworking risk-taking visionary men and women who, when granted access to capital, will roll up their sleeves and work hard to create that next generation of software or that new automobile repair shop or that innovative sign painting company, or any other enterprise. That is where jobs come from.

But Mr. Speaker, the number one impediment to launching new job-creating enterprises in America is access to capital. That is why we cut capital gains and dividend taxes in this bill. Additionally, we have lowered marginal tax rates. That is important because 80 percent of the tax relief at the top marginal rate goes to small businesses and entrepreneurs.

If we truly care about low-income families in America, let us quit trying to turn the Tax Code into a welfare system. If we want jobs, tax relief should go to job creators. If we want job fairness, then tax relief should go to taxpayers.

CHILD TAX CREDIT

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, our working families need a break. They need a break more than anyone in this country, especially since they bear the brunt of this weak economy. But, for some reason, the Bush administration continues to cast them aside in favor of the privileged few.

Working men and women are the backbone of this Nation. They are the ones who struggle day in and day out to provide the bare necessities for stable, happy homes. They know how hard it is to balance work and family, and they need our support.

The Bush administration, however, and the Republican leadership, in their faux ''compassionate conservatism,'' continue to slap working families in the face. They said that the recent tax cut bill would provide relief for all Americans. But here is the truth: increases to the child tax credits were given to the families who need it the least, while low-income families were left with nothing. Worse hit were working families earning between $10,500 and $26,600 a year. Working families in this tax bracket were completely ignored. The Republican leadership denied them their fair share.

Mr. Speaker, I want Members to hear about a mother from my district, the Sixth District of California north of San Francisco across the Golden Gate Bridge. Cori and her family were cast aside by the Republicans.

Let me tell the Members about Cori. Cori came to a local Head Start program at a low point in her life. She was

a single parent without a support system and with very little money and very little self-esteem. She had just completed a recovery program and was seeking to put her life back together. It was the first time in years that she felt needed, comfortable, and good about herself and her life.

Cori went on to volunteer for Head Start. She then completed an AA degree in early childhood development because she wanted to give back to the program that got her on her feet. Now Cori has been a Head Start employee for the past 3 years, with the goal of getting a Bachelor of Arts degree.

Mr. Speaker, why should Cori be denied the child tax credit, while those making more than $1 million a year received overall tax cuts totalling $93,500 each? What definition of compassionate are we using here?

This attack on our working families must end. But sadly, the attack on working families does not stop with denying the child tax credit to Cori. Sometime soon we will debate a Republican bill to deny workers the benefits of overtime pay, the heart of the very Fair Labor Standards Act.

If the poorly named ''Family Time Flexibility Act'' passes, the Republican leadership will take a step to undermine protection of the 40-hour work week, so employers can avoid paying their workers like Cori overtime. This is not only poor economics for struggling families who count on overtime, it is just plain bad public policy.

It is time that we restore the balance for families so they can earn a living and meet family demands at the same time. We must pass H.R. 2286, which will expand the child tax credit and marriage penalty relief for lower-income families like Cori and her two children. Passing the legislation can be the first step in reversing the wrong done to these hard workers.

In the coming year, I plan to introduce legislation called the Balancing Act, which will improve the lives of working families and their children. That would mean providing paid family leave after the birth of a child, increasing the funding for child care, granting school breakfasts for all students, and helping with the care of aging parents. I urge my colleagues to join me in that effort.

Mr. Speaker, it is time to restore compassion for our Nation's working families, rather than our Nation's millionaires. Our families need to know that we have not forgotten them.

THE HAND OF HOPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, it is often repeated that a picture is worth a thousand words. A very powerful picture exemplifying that statement began circulating across America this last November. I would cite the commentary that accompanied it.

It should be the picture of the year, or perhaps the picture of the decade, but it will not be. In fact, unless Members obtain a copy of the U.S. paper in which it was published, they probably never saw it.

The picture was that of a 21-week-old unborn baby boy named Samuel Alexander Armas. He was being operated on by a surgeon by the name of Dr. Joseph Bruner. The baby was diagnosed with spina bifida, and would not have survived if removed from his mother's womb. But little Samuel's mother, Julie Armas, was an obstetrics nurse in Atlanta and she knew of Dr. Bruner's remarkable surgical procedure. Practicing at Vanderbilt University Medical Center in Nashville, he performs these special operations while the baby is still in the womb.

During the procedure, the doctor removes the uterus via the C-section, and makes a small incision to operate on the baby. As Dr. Bruner completed the surgery on Samuel, this amazing little baby reached out his tiny but fully developed hand through the incision and firmly grasped the surgeon's finger. Dr. Bruner was reported as saying that when his finger was grasped, it was the most emotional moment of his life, and that for an instant during the procedure he was completely frozen and completely immobile.

The photograph captures this amazing event with perfect clarity. The editors title the picture ''hand of hope.'' They said that this tiny little hand seemed to emerge to grasp the finger of Dr. Joseph Bruner, as if thanking him for the gift of life. Little Samuel's mother said they wept for days when they saw the picture. She said the photo reminds us that pregnancy is not about disability or an illness, it is about a little person. The operation was 100 percent successful, and little Samuel was born in perfect health.

Mr. Speaker, abortion on demand has taken the lives of 43 million little Americans. That is 10,000 times as many innocent lives as were taken in the tragedy of 9–11. Before the sun sets in America today, 4,000 more will have died, nameless and alone.

Mr. Speaker, it is time for those of us on both sides of this aisle to begin to ask ourselves the real question, and the real question simply is this: does abortion take the life of a child? If it does not, then it is a nonissue. But if abortion really does kill a baby, then those of us in the seat of freedom standing here, given the charge to protect the innocent, are living in the midst of the greatest human holocaust in the history of humanity.

I would suggest, Mr. Speaker, if we lose the courage to protect the innocent in this place we will never find the will or the courage to protect any kind of liberty for anyone.

Mr. Speaker, today we were asked to protect a very small number of those children who were already partially born and only moments away from taking their very first breath. It beggars human imagination that voting to support such basic compassionate humanity is even debatable, and that it got 100 votes to the contrary is a disgrace beyond expression.

Mr. Speaker, the tiny hand of hope reaches out to all of us today and asks only for mercy. God help us all to hear that little voice in our own hearts.

CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise tonight to address the way that the Republicans have devastated the child tax credit for low-income families.

When the child tax credit was created in 1975, it was for the purpose of helping families, not hurting them; and it was not meant to create divisions within parents and families, it was intended to include and benefit all families.

Initially, it seemed that the Republicans and President Bush's $400 per child increase in the child tax credit was meant for all families. At least, that is what we were told. According to the Bush plan, families would receive the checks for this credit in either July or August as a way to jumpstart the economy that, of course, this administration has crippled, losing more than $2.7 million jobs since the beginning of the Bush presidency.

Somehow, though, the attempt to help families did not extend to low-income families. The same people who were already left out of the President's tax cut on dividends, which President Bush, of course, offered the wealthiest of Americans, are the same individuals, the same families that the budget cuts are hitting the hardest.

When Republican negotiators went behind closed doors without any Democratic conferees, suddenly the families of approximately 12 million children were excluded from the child tax credit. Nationwide, this means that one out of every six American children were excluded.

What the Republicans did here is really revealing on two different levels. First, it says that their credibility really is an issue. Second, even worse, it says that they think that the priorities of the country should focus on fattening the wallets of the wealthy, not helping those who need help the most.

The Republicans' actions clearly represent a credibility gap, also. When the tax plan first came through the House and Senate it included the child tax credit, but apparently that credit did not fit with the numbers that they needed. It did not fit with their effort to provide tax cuts for the wealthiest Americans. They needed $3.5 billion more for the cuts for the wealthiest Americans, so they eliminated credit for all families making between $10,500 and $26,625. What a terrible thing to do.

The Republicans, with the blessing of the White House, clearly recognized

the possibility of a backlash, I assume. Otherwise, why did they hide their actions from public view? President Bush said that all Americans would receive tax relief, but that was not the case. This sort of double-talk is not the way to run a country, not the way to run this country.

This double-talk also reflects the misplaced priorities that the Republicans and their leadership have for this country. What they are telling us is that it is important to have a dividend tax break for people who live well, extremely well. What they are also telling us is that it is not important to help those people who are struggling to find adequate housing, enough food, or a decent job.

Of course, children, unfortunately, are hit the hardest. These children come from families where the parents work hard and play by the rules. They deserve the same tax credit that other parents will receive, and they, of course, need much more. Their families do not have the advantages that others have.

In a jobs depression like President Bush has put us in, the loss of the $400 tax credit is really rubbing salt into their wounds. 8.1 million taxpayers will receive no relief under the Republican tax cuts, and 1.6 million of these taxpayers are Hispanic. 8.1 million represents 44 times the number of taxpayers who have incomes exceeding $1 million, yet the President and the Republicans have gone out of their way to help the wealthy.

□ 2145

In fact, those people with incomes over $1 million will receive an average tax cut of $93,500 in 2003. In terms of the child tax credit, one-half of all African-American families will not get the full tax credit and one-quarter will receive no tax credit.

For Hispanic families, 40 percent will not get the full tax credit, while one-fifth of Hispanic families will receive no child tax credit at all.

What message does this send to minorities? Of course, the Republicans have a checkered history of offending minorities, so perhaps this behavior is to be expected. But interestingly enough, the Republicans' actions on the child tax credit also offend military families. According to the Washington Post, as many as 200,000 military families were excluded from the increased child tax credit by the actions of the last few weeks.

This is just downright wrong. We should move immediately to pass legislation to restore the child tax credit and we should do it now.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

(Mr. COLLINS 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 Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MISREPRESENTED JOBS AND GROWTH PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to discuss some of the recent misrepresentations of the Jobs and Growth Package, a package that this Congress passed before the Memorial Day recess.

Last night I had the opportunity to listen to many of our friends on the other side characterize the tax cuts as misdirected and targeted to the wrong people.

According to the Joint Economic Committee, this tax bill provides the largest percentage reductions in the income taxes of low and middle income Americans, thereby shifting the tax burden upward. The Jobs and Growth Tax Act exempts another 3 million workers entirely from Federal tax liability. And low income families in particular benefit from this economic and growth tax package relief through a number of provisions.

First, there is the acceleration of the expansion of the 10 percent rate bracket which means that workers can earn more before they get moved into the 15 and 25 percent tax brackets, elimination of the marriage penalty, and the acceleration of the President's 2001 tax cut provisions to increase the child tax credit to $1,000.

Accelerating the expansion of the child tax credit will provide 26 million families with an average tax cut of over $600. This could mean a great deal to a family of 4 working to make ends meet each year. Even families who do not owe taxes may benefit from the increase in the child credit to $1,000 because of the current refundable feature of the credits.

So some ask, Who benefits from this credit? Well, what about 44 million children who will benefit?

So, Mr. Speaker, do not be fooled when certain groups do not explain the whole story. Some low income Americans are not included in this credit because their family income is low, but they qualify for other, more beneficial anti-poverty programs. And let us not forget that that group of low income taxpayers received significant benefit from the tax cuts that passed in this Congress in 2001, and they continue to benefit from that legislation today.

The fact is, Mr. Speaker, we cannot continue to punish those who work hard, take risks and are subsequently successful. We need their success for the economy to recover. The country needs the jobs their success will generate.

I remember a few weeks ago when the folks on the other side of the aisle opposed a tax cut of any kind during the debate on the economic stimulus bill. Well, Mr. Speaker, the time has come for them to figure out where they stand.

TAX CUT HURTS LOW INCOME CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, when the President and the Republican party made a decision that they would not extend the financial benefits of the increase in the child tax credit to all families, they essentially made a decision that they would leave out millions of young children who live in families who earn between $10,000 and $26,000 a year.

What they said was somehow those families and those children were not worth as much as the rest of children and families in this country. Thirty years ago we made a decision to have a child tax credit to help families with the cost of raising their children, to ease the burdens of raising their children, educating them, providing health care, and it was extended to all Americans with children.

Over time we have increased that child tax credit, and this year a decision was made that we would increase that child tax credit by $400 for each child, and those checks would go out this summer. But, tragically, in a back room, in the late night, in negotiating the bill under the leadership of Vice President CHENEY, the Republicans made a decision that low income working families would not get that child tax credit for their children. They will not get that $400 per child increase this summer.

Erin Doyel of Vallejo, California in the district in which I represent and her daughter, Adrienne, will not get that tax cut. Erin is going to work every day and earning $12,675 as a financial administrative assistant. Erin is doing everything that this Federal Government told her to do: To get off of welfare, to take responsibility for her child and to get a job. And she has been doing it and she is doing it well.

But as we can see here, Erin and her daughter Adrienne, Erin is asking the question, What about my kid? Why is not my kid worth the same tax credit as the other children? Because I only make $12,000 a year?

She needs this help for her family. She needs this benefit for her family so that she can provide the education, she can provide the wherewithal to hold her family together. She knows how much she needs it. She says they made a big mistake when they left her daughter out of the tax cut. She needs this money to help her pay the rent, to pay for her car, to pay for her job expenses.

That is what she would do with that money. She would immediately put it

back into the economy. That is why that tax credit was given to help those families with those expenses in a difficult environment.

Some people say that this was a mistake by the Republicans, but the fact is we know now as the facts have come out it was no mistake. The Senate, in fact, put this tax credit in for Erin and her daughter, Adrienne. But the Republicans in the House decided they were not going to accept it. They wanted to use the money that that tax credit would cost to give a greater tax cut to those people making over a million dollars. If they had given a $400 tax credit to Erin and her daughter, Adrienne, and to other similarly situated families and children, those millionaires would have only gotten a tax cut this year of $88,000 as opposed to $93,000.

So the Republicans in the House made a choice that they were going to deny Erin and Adrienne the tax credit. They were going to give it to the millionaires.

Now, we understand that the Senate is going to change this. The Senate has come to its senses. The Senate now understands what they have done to Erin and her daughter, Adrienne, and the impact that they are having on her ability to hold their family together. But we are also told that the majority leader, the Republican majority leader, the gentleman from Texas (Mr. DELAY) has said he is not going to do that. He is not going to pass that tax cut to Erin and her daughter, Adrienne. He is not going to do it. Republicans in the Senate who sponsored it originally, who voted for it, who participated have said we wanted to do this. It is a matter of equity. It is a matter of fairness. It is a matter of justice to these families who are working hard, as the gentlewoman from California (Ms. LEE) stated, playing by the rules, doing what we asked them, that they should be able to share in this tax cut like other families with children. But the Republicans in the House say no.

They say no to 12 million children and families earning between $10,000 and $26,000 a year. However you measure it, it is not very much money to survive in American society today. These are people who work hard. They do not get paid terribly well, but they get up every day and they go to work and they do many of the jobs that many other Americans would prefer not to do. And that is why we created the tax credit. To help them. And somehow, somehow along the way to finalizing that tax bill, somehow the Republicans in the House became mean spirited. Somehow they lost their sense of humanity and somehow they lost their direction in terms of economic justice and decency for all families and all children in America.

It is a sad and tragic day when a party loses its direction and becomes that cynical about decent people like Erin and her daughter, Adrienne.

TAX CUT HELPS WORKING AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, it is an interesting use of words that are employed to describe this event, this process, this phenomenon we call a tax cut, and those who are helped and those who are hurt. And we sit here tonight and we listen to people describe the perils of those who do not receive a ''tax cut.''

Tax cut. Now, let us analyze those two words. A tax. Something people pay. A cut. A reduction in that amount. In the case that was just brought to us and the case that, in fact, has been characterized over and over and over again as the people who do not, who will not be getting this tax cut, who are purposefully left out of this tax cut because we are so hardhearted on our side, we are so mean and hateful to people who make a little bit of money, very poor people, so that we decided, I know what. Let us make their life even more miserable. We will not give them their tax cut.

Mr. Speaker, it has nothing to do with this process of a tax cut. Because, of course, the people that we are talking about here, the people that are suggested are not participating in this, do not pay taxes; therefore, we cannot cut the taxes they pay. And they do not get a refund of those taxes because, in fact, they do not come to the government in the first place.

So now if you want to simply move money from one source to another, if you want to redistribute the wealth, which is, of course, part of our great tax scheme and something the Democrats have been so cozy with for so long, something they feel strongly about, something they can endorse wholeheartedly, moving money from people who pay taxes to those who do not, that is a different plan. That is okay. We do it all the time. It is called welfare. And that is, of course, an acceptable thing in this Nation. It is just not part of a tax cut plan.

The reality is that this is a problem we face with more than just this issue. The whole concept of what we are doing for working Americans, what we are doing with a tax cut proposal that is designed to increase the number of jobs out there. I certainly support this concept. I certainly supported the job stimulus package that was passed here in the House, and I hope that it works. It is designed to do just that. If we leave more money in the hands of the people out there to invest, to, in fact, create jobs, that is good, I am happy. Then people like the ones that we were talking about here earlier and that had been brought to our attention who are in the lower income levels of society, those people will benefit also and that is the whole purpose of a stimulus package. It is to increase the economic benefit to all Americans, to all working Americans. That is the whole idea.

Now, let us look at another aspect of this that I never ever see in terms of this being discussed, in terms of what really could help American jobholders or those people who are job seekers, the millions of Americans who are today unemployed or underemployed, the people who are making minimum wage, the people who are desperately looking to better their lives and are wondering about, in fact, what the government can do to help.

Well, I agree that one of the things we can do to help is, in fact, propose and, in fact, pass a tax cut like we have done. But there is something else that we can do and then I would encourage all of my friends on the other side of the aisle to help us do. And that is to do something about the massive number of people who are in this country illegally and working illegally, people who are here, low-wage, low-skilled workers who have come into the United States.

There are something like 13 million, maybe more than that, who are here today employed and they are actually illegally employed. They are employed by people who know that they are here illegally but it does not matter. They take their jobs, the jobs that could be going to other Americans, and, in fact, we allow that to occur. We encourage that.

□ 2200

We have all kinds of loopholes in our immigration, not just in the borders that exist, not just in the fact that we have porous borders through which these people come, take the jobs that American citizens would take if they had the opportunity, and in fact, even those jobs, American citizens who are working, many of them are working for very low wages. As has been talked about tonight over and over again, that is true, but the reality is that those wages are kept low by the massive number of people who are coming into this country illegally, with low skills and, therefore, get paid low wages, and just the numbers here depress the wage base.

I would like to have people support our efforts to try and secure the borders and stop all the loopholes in our immigration law. That would help working Americans.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FAMILIES DO MATTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, meet the Narvaez family. Maria Guadalupe Narvaez and her two daughters, Alma and Elia. Maria also has a son.

Ms. Narvaez works very hard to take care of her children. As a day care teacher at the Howard Area Community Center in Chicago, which is my District, she takes good care of other people's children, too. She cares for other people's children as if they were her own. In this picture, she is standing in front of a sign at Family Matters, a community organization in my District that helps hardworking families with a variety of services.

Sadly, the Narvaez family does not matter much to the Republican leadership. For those of us on this side of the aisle, though, her family does matter. So, too, do the families of the 12 million other children who were tossed aside by the Republican tax bill negotiators.

About 1 million of those 12 million children who were left out live with parents who are serving on active military duty, our veterans, or who have spouses serving in the Armed Forces, the very people that this House today earlier paid verbal tribute to, even as they were dumped from the tax cut bill. By the way, the tax credit we are talking about, this refundable tax credit was started in the Nixon and Ford administrations.

Those children would have benefited in 2003 from the child tax credit provisions that the Republicans stripped from their bill in order to provide even more giveaways to millionaires.

Denying Ms. Narvaez and her three children and our heroic families from their child tax credit is unfair. It is mean-spirited and it is bad for the economy. After all, Mrs. Narvaez is not likely to invest her money in Bermuda tax havens. If the Republicans had given her the child tax credit she deserves, she would be buying shoes and clothes and other necessities for her children from local businesses. The money would have gone straight into circulation, helping the economy and creating jobs.

The Narvaez family matters to me. If it were up to me, they would get the child tax credit that they need and deserve. Unfortunately, the decision was not up to me. Maria and Alma and Elia were not ignored by accident. They were deliberately and callously determined to be unimportant.

They were included. They had been in the tax bill that was in the United States Senate until it became clear that the tax cuts had gone too high. So instead of saying, okay, well, what can we do to bring that dollar figure down, maybe we ought to slightly reduce the tax break that we give to millionaires; oh, no, this is the family that they decided to go after and millions of others like them.

The Republican leader, the gentleman from Texas (Mr. DELAY), yesterday made it perfectly clear what his priorities and values were. He said very succinctly, ''There are a lot of other things that are more important.'' According to him, low income children do not deserve to be a priority because their families pay little or no income taxes, even if they work every day, even if they are good and productive members of their community, and even though they do pay taxes. They pay payroll taxes, sales taxes, property taxes.

Families matter to Democrats, including families living in the majority leader's District, that he and his party and his President have so shamefully, or should I say shamelessly, chosen to leave behind.

So what is more important to the majority Republican leader? How about providing tax breaks to special interests and to members of the Bush cabinet. Treasury Secretary John Snow was the CEO of CSX Corporation, a corporation that paid no Federal income taxes, zero, in 2001, 2000 and 1998. John Snow would get at least $330,000 a year in dividend and capital gains tax cuts, more than Maria Guadalupe Narvaez would earn in 16 years at her current salary. That is how much his tax break is worth.

Most Americans think it is wrong to allow big companies to avoid taxes by stashing profits in offshore tax havens, but to the Republican leader, the gentleman from Texas (Mr. DELAY), it is more important to protect corporate tax evaders than to provide a little relief, a little help to Alma, Elia and Maria.

The Republicans took care of those who they cared about most and tossed aside those they do not care about at all. It is time for us to change the priorities of this country and give this deserving family the help that they need and want.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). 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.)

CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud American enterprise. I applaud those successful individuals who even in the backdrop of a horrible economy are making millions and millions of dollars and seeing the money roll in as they count the dollars one by one by one by one. I applaud it. America is a capitalistic society. We encourage people to pull themselves up by their boot straps, be creative, found businesses and roll on to success.

We have looked at a world of corporate success over the last year, the WorldComs of the world, the Enrons of the world, and the list goes on and on and on. In spite of the great successes and failures that these great corporations have had, the tax bill that we have just passed has decided to reward them and their many other friends. Why? Because my good friends on the other side of the aisle say that they pay taxes and we do not want to reward those deadbeat, hardworking Americans who make between $10,500 to $26,625, working every day, leaving at 4 and 5 and 6 a.m. in the morning, arriving home on the local mode of transportation at 6, 7, 8 or 9 p.m., working every day, preparing dinner for their family minimally and rising again the next day, because they do not pay taxes, Mr. Speaker.

Let me correct the record. They do pay taxes. They pay payroll taxes, property taxes, sales taxes. They pay taxes.

I am a little offended, Mr. Speaker, when someone can suggest that we are trying to change the IRS system into a welfare system. The one thing that we have said in this country is that all of us deserve the dignity and respect that comes from being simply a human being. All of us may come upon hard times. In fact, we have been so generous over the years that we have been willing to bail out large corporations, wealthy in their own right, but we have said we need to bail out these corporations. Many of us have said that maybe that should be called corporate welfare, but we believe that because the engine of this Nation is business that we need to provide assistance so that these corporations can survive, but yet Republicans want to denigrate hardworking Americans making $10,500 a year and deny them a child tax credit.

Even more so, they do not want to come to this floor of the House for a lousy $3.5 billion and correct the travesty that they created just 2 weeks ago. And do my colleagues know that, Mr. Speaker, even the child tax credit that is in the bill, do my colleagues know the real secret? It expires in 2004. Why? Because they did not want us to know that they were actually imploding the budget, building the deficit and they did not want us to know that really this is a meager pittance that they are giving on the child tax credit because it really expires in 2004 because they wanted to give us the mirage of a $350 billion tax cut that ultimately may be $1.6 trillion, and the way to do that is to have these little expiration dates.

Not only are we playing games with hardworking Americans, denigrating them and suggesting that they are only welfare recipients and the only way that they should be able to get a child tax credit is we make the IRS system or the tax system a welfare system, but let me tell my colleagues again the secret, that this actually does not give Americans much of a break because in the Republican plan it expires in 2004.

Mr. Speaker, I am here to stand here tonight to applaud the hardworking

Americans who get up every morning and do the things that make this country run. I am proud of standing with them. I am proud of the Americans that work overtime and deserve overtime compensation, and I will stand against any legislation that desires to eliminate overtime compensation for comp time that may be given or may not, just as I am willing to stand for all the teachers' aides, nurses' aides, all of the hardworking bus drivers, all the hardworking sanitation workers and anybody else that works hard every day helping this country run.

I want people to have a child tax credit, 6.5 million families, 12 million children. Any day of this year, any day of my career, I will stand with the hardworking Americans over those folks who are fat and happy talking about they pay taxes. Americans who work hard pay taxes, too.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

(Mrs. JONES of Ohio 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 New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VETERANS BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I think the folks watching C–SPAN may sometimes get confused because they hear us stand here and give confusing or contradictory arguments. They do not know perhaps who to believe, but I want to speak about two things that we have done in the House recently, and I would challenge my colleagues on the other side of the aisle or the leadership within this administration to contradict what I am saying.

This House passed a budget not many weeks ago that cut veterans benefits over the next 10 years by $6.2 billion. That is a fact. It is an absolute fact, and tonight, in the United States of America, while we have young men and women defending our Nation in Iraq, we are rationing health care to our Nation's veterans, rationing health care.

This administration has decided to say to a whole host of veterans, which they call priority eight veterans, you are high income and, consequently, you are out of here, you cannot participate in the VA health care system.

What do they mean by high income? In my District, they can be making as little as $22,000 a year and be considered high income. Think of that. Not only are they wanting to simply deny care for many veterans, but for others they want to impose additional financial burdens. They want to increase the cost of a prescription drug from $7 to $15 a prescription. They want to add a new annual enrollment fee of $250. They want to increase the cost of a clinic visit from $15 to $20.

Mr. Speaker, when is it going to stop? When are we going to stop requiring more out of our veterans so that we can give larger tax cuts to the richest people in this country, many of whom have never served in the military?

□ 2215

But we did something else in this House a few days ago. We passed a tax cut bill. And in that tax cut bill we took care of the millionaires. In fact, in that bill, if you have an annual income of $1 million, you get a tax cut of about $93,000. But we did something else that is shameful. We actually excluded children of poor working families from receiving the child tax credit benefit. It was not a mistake. It was done purposefully. We excluded about 12 million of America's children from that benefit. Think of that.

CNN reported that ''Mr. DELAY, the conservative Texan, brushed aside criticism that the last bill didn't make an expanded child tax credit available to millions of poor families. But he said the House Republicans might support doing so if it prodded seniors to vote for a broader tax relief package.''

In other words, the majority leader is going to hold poor children hostage in an attempt to get a larger tax break for his wealthy friends. I think that is shameful. I know of no other word that accurately describes that policy.

But do not take my word for it, Mr. Speaker. I hope those watching on C–SPAN do not just assume that because I am a Democrat that I am standing up here and taking an unfair shot at the Republicans. Senator JOHN MCCAIN is quoted in this same CNN story as saying, in regard to this leaving out 12 million children in the Republican tax plan, ''My God, what kind of message are we sending when we leave out low-income families?''

And exactly in that category are the enlisted men and women who are fighting in Iraq. At this moment, in Iraq, are moms and dads who have children waiting here in this country. And the Republican tax plan excludes those children from this tax credit benefit.

Senator MCCAIN concludes his remarks by saying, ''it's beyond belief.'' That is not a Democrat talking, that is Republican Senator JOHN MCCAIN.

Mr. Speaker, this issue gets to the heart of who we are as a people. We are willing to give huge tax cuts to the richest among us and exclude 12 million of America's children who live in poor families.

REPUBLICAN TAX RELIEF BILL

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we all could bring a picture, as some of my colleagues have done, of a family who has contacted them and told them a story. Mine today was from a woman, a grandmother, who told me ''I can't understand the unfairness of this bill. Why should my son and his wife and two children not be eligible for any kind of tax relief?''

Her son works at a job where he gets $11 an hour. If you multiply that out times 40 hours a week, times 52 weeks a year, no vacation, you are going to wind up around $22,000. And one of the interesting things is the answer that comes from deep in the heart of Texas, and that is ''there are a lot of other things that are more important than that,'' giving tax breaks to this family. ''To me, it is a little difficult to give tax relief to people that do not pay income tax.''

Now, those are the words of our distinguished majority leader on the other side, which really reveals where he is coming from. He says, if you do not pay income taxes. Now, every single one, including my family and the family that the gentleman from California (Mr. GEORGE MILLER) had up here and the family the gentlewoman from Illinois (Ms. SCHAKOWSKY) had up here all pay payroll taxes. They pay for Social Security and they pay for Medicare. They pay 7 percent of their paycheck for that, which means that my family that makes $22,000 pays $1,400 in taxes into the Medicare account and into the Social Security account.

The Republicans say we are going to take that money out of the Social Security account and that money out of the Medicare account and give it to the rich people, and we are not going to give one thin dime to somebody who is working 8 hours a day, 40 hours a week, 52 weeks a year. Not one thin dime. But we are going to give his payroll taxes to the rich. That is the only way we could be $400 billion in debt this year is to keep borrowing from every account possible, including Medicare and Social Security.

Now, I want to take it a little bit further here. We have got more important things to do, the majority leader said. Well, what were the more important things we have to do? Today, we did not have a vote until 4:30. Oh, it is only, I suppose, a happenstance that that is when people got off the green from the Kemper Open golf course. That was what was more important than working on that issue.

Or, if you want to look at what we have done on the calendar this week, what have we done? Well, we congratulated Sammy Sosa for hitting 500 home runs. We renamed a post office in North Carolina. We dealt with some Indian water rights in the southwest. We did a land exchange in the Grand Teton National Park. We named a courthouse

in Indiana for Birch Bayh, a former Senator. Then we got to the heavy stuff. The heavy stuff. That is when we went after the first amendment again for the tenth time in the last 6 years. We voted on flag burning. Oh, but we have to do that again. We have done it every year since 1994, but we had to do it again because we did not have any time.

Actually, what we had to do was fill up the time so we would not have any time to deal with a tax credit for the working class in this country, the people who work and do not have any of the perks. They do not have anything. They have to get up every morning and go to these jobs where they make $7, $8, $9, or $10 an hour.

Oh, the other thing we did today. We did not have any time today because we had to spend, after we got back from the golf course, we had to have a big debate on partial-birth abortion. We have done that I do not know how many times, and it probably is going to get through and get to the Supreme Court and be declared unconstitutional, but we had to do that today.

We could not give $400 to a working class family. We are giving $350 billion but we could not find $3.5 billion to give that $400. Yes, we are very busy, Mr. Majority Leader. I hope you shot a good game today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON 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 gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY 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 Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAX RELIEF BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for half the time remaining before midnight as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I have to say the Democrats evidently are fired up tonight. They are feeling good. They think they have some rhetorical traction here. And it is all rhetoric when you listen to the Democrats, including the last Member, who said our majority leader was playing golf today, which was absolutely not the case. And I resent the fact that somebody would be saying a Member of Congress was out goofing off today, particularly when it is a member who works about an 80 or 90 hour workweek on average.

It is just silly, though, Mr. Speaker. The Democrat party had an opportunity to take three million low-income workers off the tax rolls 2 weeks ago, and nearly every one of them voted against that. I want to repeat that. The Democrats had an opportunity to take three million low-income workers off the tax rolls and they voted against doing it. Now, in typical fashion, the battle has been fought, the soldiers have kind of gone home, and they are wishing to reinvent the history and say, well, you all should have done this, you should have done that. But where were they at the time? This proposal was out there and they did not do it.

But just keep in mind, only in Washington do you give a rebate to somebody who has not paid into a system. The reality is, in the real world, you get a rebate when you have paid something in. The Democrats are simply back on their mantra of the Democrat party: Expanding welfare. They should not be talking about tax refunds, they should be talking about welfare expansion.

And maybe the welfare bill needs to be looked at again. It has been reauthorized. We know that under the Democrat leadership there were 14 million people on welfare. Today there are five million. That is a drop of nine million people off welfare under Republican leadership. Welfare reform, which all the Democrats voted against, has been a great success, but we do not get that kind of real discussion with them. Now they want to expand welfare. Maybe if their idea is a good one they should come out with a new welfare expansion bill so we can talk about it.

Here we have under our bill a family of four making $11,000, pays no income taxes, about $842 in payroll taxes, and receives about $4,140 under the earned income tax credit. We are trying to do everything we can to reach out and help the working poor. We would like to have the Democrats help with this. Unfortunately, they do not seem to be there. As a matter of fact, this so-called tax refundability was part of the Bush 2001 tax bill, which they all voted against. So they are now mad because they voted no 2 weeks ago and they voted no 2 years ago, and they are blaming it on us.

Come on, guys, give us a helping hand. We want your ideas, but do not vote no, then pout and go home, which seems to be kind of the trend these days. They did not like the war, they do not like Bush, and so any success Bush seems to have in terms of legislative battles in Washington they will vote no on.

Mr. Speaker, I will submit this for the RECORD, but I am going to read a part of it. It is an editorial from the Wall Street Journal today. Unfortunately, I do not have the specific author of it. It says, ''The new tax bill exempts another three million plus low-income workers from any Federal tax liability.'' And you would think that they would be pleased, but instead they all have outrage, saying it should go further. ''The tax bill the President signed last week increases the per child Federal income tax credit to $1,000, up from the partially refundable $600 credit passed in the 2000 bill.'' Again, a bill all the Democrats enthusiastically voted against. What the Democrats are saying is they want more refundable tax credits. Again, it is just welfare.

So I am going to submit this for the RECORD, Mr. Speaker.

[The Wall Street Journal, June 4, 2002]

EVEN LUCKIER DUCKIES

The new tax bill exempts another three million-plus low-income workers from any federal tax liability whatsoever, so you'd think the nation's class warriors would be pleased. But instead we are all now being treated to their outrage because the law doesn't go further and ''cut'' incomes taxes for those who don't pay them.

This is the essence of the uproar over the shape of the child-care tax credit. The tax bill the President signed last week increases the per child federal income tax credit to $1,000, up from the partially refundable $600 credit passed in the 2001 tax bill. But Republican conferees decided that the increase will not be paid out to those too poor to have any tax liability to begin with.

Most Americans probably don't realize that it is possible to cut taxes beyond zero. But then they don't live in Washington, where politicians regularly demand that tax credits be made ''refundable.'' which means that the government writes a check to people whose income after deductions is too low to owe any taxes. In more honest precincts, this might even be called ''welfare.''

But among tax cut opponents it is a political spinning opportunity. ''Simply unconscionable,'' says Presidential hopeful John Kerry. The Democratic National Committee declares that the ''Bush tax scheme leaves millions of children out in the cold . . . one out every six children under the age of 17, families and children pushed aside to make room for the massive tax cuts to the wealthy.''

Senator Olympia Snowe, the media's favorite Republican now that John McCain isn't actively running for President, says she is dismayed.'' ''I don't know why they would cut that out of the bill,'' adds Senator Blanche Lincoln (D., Ark.). Those last two remarks take chutzpah, because if either woman had been willing to vote for the tax bill, a refundability provision would have been in it.

Senator Lincoln introduced the idea in the Senate Finance Committee, but then announced she wasn't going to vote for the bill anyway. Ms. Snowe was also one of those, along with Senator George Voinovich (R., Ohio), who insisted that the bill's total ''cost''—in tax cuts and new spending—not exceed $350 billion. Something had to give in House-Senate conference to meet that dollar

limit, and out went refundability. The bill passed by a single Senate vote, with Vice President Dick Cheney breaking the tie.

As it happens, the tax bill does a great deal for low-income families even without the refundable child credit addition. It expands the 10 percent income tax bracket, meaning that workers can earn more before leaping into the 15% and 25% brackets. This is a far better way to provide a tax cut than is a refundable credit, because it lowers the high marginal-tax rate wall that these workers face as their credits phase out at higher income levels.

There's also $10 billion in the bill earmarked for Medicaid, the state-federal health insurance program for the poor. And any family that actually has any remaining tax liability benefits from the extra $400 in child tax credit.

More broadly, the critics want everyone to forget how steeply progressive the tax code already is. IRS data released late last year show that the top 1% of earners paid 37.4% of all federal income taxes in 2000. The top 5% paid 56.5% of federal taxes, and the top half of all earners paid 96.1%. In other words, even before President Bush started slashing taxes on the poor by increasing the child tax credit in 2001, the bottom 50 percent of filers had next to no federal income tax liability.

But don't low-income workers have to cough up the payroll tax? They certainly do, but don't forget that the federal Earned Income Tax Credit was designed to offset payroll taxes and is also ''refundable.'' In 2000, the EITC totaled $31.8 billion for 19.2 million Americans, for an average credit of $1,658. Some 86% of that went to workers who had little or no income tax liability.

Republicans who just voted for the tax cut could be less defensive and try to explain all of this. But instead too many of them are heading for the tall grass, with Senate Finance Chairman Chuck Grassley already promising to cave as early as this week on the child tax credit. This is the kind of political box Republicans walk into when they endorse tax credits that favor one group over another. Democrats are better at playing favorites.

We raised some hackles last year when we noted this growing trend that more and more Americans paid little or no tax. ''Lucky duckies,'' we called this non-taxpaying class at the time. Notwithstanding liberal spinners, after this tax bill they're even luckier.

Let me just speak again for the House, Mr. Speaker. We want the Democrats' ideas. We want the Democrats at the table. We do not like this pouting: I did not get it my way, therefore, I am going to vote no. Offer an amendment, and if your amendment passes, vote for the bill. If they just want to spout the rhetoric and not the policy, that is one thing, and of course it is mighty suspicious that that might be what they are doing, but there are a lot of things we would like the Democrats' help on. We in the Republican Party would like to make the child tax credit permanent. Right now, the thousand dollar child tax credit expires in 2 years. We would like to have the Democrats help us out on that. Do you think they will?

If the Democrats want to help families with children, they should join us in eliminating the marriage tax penalty because that is phasing out. Will they help us? Will they help make the marriage tax penalty relief permanent? If they really want to help us, they could make the 10 percent tax bracket permanent. Will they do that, Mr. Speaker? Probably not. These are things that will help the American working poor and they will help American families.

Another thing they could help us with, Mr. Speaker, not that they go out of their way to ask me for my opinions, but they could help us with tax simplification. The gentleman from Georgia (Mr. LINDER) and the gentleman from Minnesota (Mr. PETERSON), a Democrat, has offered a tax simplification bill which I think would be extremely helpful. But we cannot get much support from most of the Democrats, and certainly none of the Democrat leadership.

Incidentally, Mr. Speaker, I am going to help the Democrats refresh their memory. I am pulling up the voting record. And if I get that from the cloak room before I finish tonight, I will submit it for the RECORD. For those Democrats who are demanding that this tax credit be changed, I want to make sure they realize they voted against the original bill. This is just for those people who may be tuning in and listening, at the risk of missing a Seinfeld rerun tonight.

□ 2230

Well, here we go. These are the folks who voted against H.R. 1836 on May 16, 2001. This was the refundable tax credit, as the Democrats call it. I cannot ask the Speaker which Democrats were speaking tonight. I do not know if that is allowed under the parliamentary rules, so I am going to go from memory. I believe the gentlewoman from Texas (Ms. JACKSON-LEE) was raising Cain, and she voted no in the first place. The gentleman from Washington (Mr. MCDERMOTT), I cannot see offhand how he voted. Oh, the gentleman from Washington (Mr. MCDERMOTT) voted no for the original bill.

Let us check the gentlewoman from California (Ms. PELOSI). She is one of their leaders, as I recall. I cannot quite see her name. She voted no, Mr. Speaker. In fact, 197 Democrats voted no to begin with. All this righteous indignation we are hearing about they do not like our refundable tax credit, they all voted against in 2001. I will submit this so my dear friends on the other side of the aisle can check and see how they voted. Maybe that will soften their rhetoric. Maybe they can start their speeches saying I voted against this, but you all should have done a better job even though I was against you the whole way.

FINAL VOTE RESULTS FOR ROLLCALL 118

H.R. 1836: Yea-and-Nay, 16-May-2001, 4:10 p.m.

Question: On Passage.

Bill Title: Economic Growth and Tax Relief Reconciliation Act.

	Yeas	Nays	Pres	NV
Republican	216			4
Democratic	13	196		1
Independent	1	1		
Totals	230	197		5

YEAS

Abercrombie	Graham	Pence
Aderholt	Granger	Peterson (PA)
Akin	Graves	Petri
Armey	Green (WI)	Pickering
Bachus	Greenwood	Pitts
Baker	Grucci	Platts
Ballenger	Gutknecht	Pombo
Barr	Hall (TX)	Portman
Bartlett	Hansen	Pryce (OH)
Barton	Hart	Putnam
Bass	Hastert	Quinn
Bereuter	Hastings (WA)	Radanovich
Biggert	Hayes	Ramstad
Bilirakis	Hayworth	Regula
Bishop	Hefley	Rehberg
Blunt	Herger	Reynolds
Boehlert	Hilleary	Riley
Boehner	Hobson	Rogers (KY)
Bonilla	Hoekstra	Rogers (MI)
Bono	Hostettler	Rohrabacher
Brady (TX)	Houghton	Ros-Lehtinen
Brown (SC)	Hulshof	Roukema
Bryant	Hunter	Royce
Burr	Hutchinson	Ryan (WI)
Burton	Hyde	Ryun (KS)
Buyer	Isakson	Saxton
Callahan	Issa	Scarborough
Calvert	Istook	Schaffer
Camp	Jenkins	Schrock
Cantor	John	Sensenbrenner
Capito	Johnson (CT)	Sessions
Castle	Johnson (IL)	Shadegg
Chabot	Johnson, Sam	Shaw
Chambliss	Jones (NC)	Shays
Clement	Keller	Sherwood
Coble	Kelly	Shimkus
Collins	Kennedy (MN)	Shows
Combest	Kerns	Simmons
Condit	King (NY)	Simpson
Cox	Kingston	Skeen
Cramer	Kirk	Smith (MI)
Crane	Knollenberg	Smith (NJ)
Crenshaw	Kolbe	Smith (TX)
Culberson	LaHood	Souder
Cunningham	Largent	Spence
Davis, Jo Ann	Latham	Stearns
Davis, Tom	LaTourette	Stump
Deal	Leach	Sununu
DeLay	Lewis (CA)	Sweeney
DeMint	Lewis (KY)	Tancredo
Diaz-Balart	Linder	Tauzin
Doolittle	LoBiondo	Taylor (NC)
Dreier	Lucas (KY)	Terry
Duncan	Lucas (OK)	Thomas
Dunn	Maloney (CT)	Thornberry
Ehlers	Manzullo	Thune
Ehrlich	McCrery	Tiahrt
Emerson	McHugh	Tiberi
English	McInnis	Toomey
Everett	McIntyre	Traficant
Ferguson	McKeon	Upton
Flake	Mica	Vitter
Fletcher	Miller (FL)	Walden
Foley	Miller, Gary	Walsh
Fossela	Moran (KS)	Wamp
Frelinghuysen	Morella	Watkins
Gallegly	Myrick	Watts (OK)
Ganske	Nethercutt	Weldon (FL)
Gekas	Ney	Weldon (PA)
Gibbons	Northup	Weller
Gilchrest	Norwood	Whitfield
Gillmor	Nussle	Wicker
Gilman	Osborne	Wilson
Goode	Ose	Wolf
Goodlate	Otter	Young (AK)
Gordon	Oxley	Young (FL)
Goss	Paul.	

NAYS

Ackerman	Harman	Neal
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baca	Hilliard	Olver
Baird	Hinchey	Ortiz
Baldacci	Hinojosa	Owens
Baldwin	Hoeffel	Pallone
Barcia	Holden	Pascrell
Barrett	Holt	Pastor
Becerra	Honda	Payne
Bentsen	Hooley	Pelosi
Berkley	Hoyer	Peterson (MN)
Berman	Inslee	Phelps

Berry	Israel	Pomeroy
Blagjevich	Jackson (IL)	Price (NC)
Blumenauer	Jackson-Lee (TX)	Rahall
Bonior	Jefferson	Rangel
Borski	Johnson, E. B.	Reyes
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriquez
Boyd	Kaptur	Roemer
Brady (PA)	Kennedy (RI)	Ross
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Capps	Kind (WI)	Rush
Capuano	Kleczka	Sabo
Cardin	Kucinich	Sanchez
Carson (IN)	LaFalce	Sanders
Carson (OK)	Lampson	Sandlin
Clay	Langevin	Sawyer
Clayton	Lantos	Schiff
Clyburn	Larsen (WA)	Scott
Conyers	Larson (CT)	Serrano
Costello	Lee	Sherman
Coyne	Levin	Skelton
Crowley	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (WA)
Davis (CA)	Lofgren	Snyder
Davis (FL)	Lowey	Solis
Davis (IL)	Luther	Spratt
DeFazio	Maloney (NY)	Stark
DeGette	Markey	Stenholm
Delahunt	Mascara	Strickland
DeLauro	Matheson	Stupak
Deutsch	Matsui	Tanner
Dicks	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Taylor (MS)
Doggett	McCollum	Thompson (CA)
Dooley	McDermott	Thompson (MS)
Doyle	McGovern	Thurman
Edwards	McKinney	Tierney
Engel	McNulty	Towns
Eshoo	Meehan	Turner
Etheridge	Meek (FL)	Udall (CO)
Evans	Meeks (NY)	Udall (NM)
Farr	Menendez	Velazquez
Fattah	Millender-McDonald	Visclosky
Filner	Miller, George	Waters
Ford	Mink	Watt (NC)
Frank	Moakley	Waxman
Frost	Mollohan	Weiner
Gephardt	Moore	Wexler
Gonzalez	Moran (VA)	Woosley
Green (TX)	Murtha	Wu
Gutierrez	Nadler	Wynn
Hall (OH)	Napolitano	

NOT VOTING

Cannon	Cubin	Schakowsky
Cooksey	Horn	

Getting back to tax simplification and national sales tax, our current IRS code is 8 million words. It is something that requires something like $200 billion in compliance costs. That is every time you and I fill out our taxes, pay an accountant, pay a lawyer, H.R. Block, whoever, help us figure out how much we owe to Uncle Sam, we pay about $200 billion. We spend something like 4.5 billion man-hours to fill out our taxes. There are something like 500 different forms for the Tax Code. The problem is that it gets more and more complicated every year.

What the gentleman from Georgia (Mr. LINDER) proposes is let us go to 23 percent sales tax. We will not tax anything but consumption. Savings will not be taxed. Savings on used goods will not be there. The average tax liability for the average person will fall by about 7 percent, or even more, simply because you are paying right now about 30 percent. So this will help Americans not only have a simpler tax life, but it will also only tax consumption, and it will give less of a tax liability than we have right now.

This bill is in the Committee on Ways and Means. I hope that we will start having hearings on it. It is worth a debate. We could put a small credit in there to exempt food, medical items, so the working poor are not picking up a heavier burden here. These are some of the things that we want to move to in this House, and I am hoping we can get good bipartisan support on it.

Mr. Speaker, I wanted to speak tonight about Iraq because a large portion of this session has been spent on Iraq. The liberation of this country has been extremely well received. In fact, I have an article written by Jonathan Foreman who is a reporter there, and he talks about some of the things that he sees that do not quite make it to the prime time left wing media.

He says that it seems like the old women and young flirt outrageously with GIs, lifting their veils to smile, waving from high windows, and shyly calling hello from half-open doors, or the way little girls seem to speak English better than the little boys who are elbowing them out of the way, or the way the troops get a sense of gender violence endemic in their culture. He writes that yesterday in a poor neighborhood, two 14-year-old sisters introduced themselves to me, and they were chased away by a rock-wielding male relative.

BAD REPORTING IN BAGHDAD

YOU HAVE NO IDEA HOW WELL THINGS ARE GOING

(By Jonathan Foreman)

BAGHDAD.—It's endlessly fascinating to watch the interactions between U.S. patrols and the residents of Baghdad. It's not just the love bombing the troops continue to receive from all classes of Baghdad—though the intensity of the population's pro-American enthusiasm is astonishing, even to an early believer in the liberation of Iraq, and continues unabated despite delays in restoring power and water to the city. It's things like the reaction of the locals to black troops. They seem to be amazed by their presence in the American army. One group of kids in a poor neighborhood shouted ''Mike Tyson, Mike Tyson'' at Staff Sergeant Darren Swain; the daughter of a diplomat on the other hand informed him, ''One of my maids has the same skin as you.''

It's things like the way the women old and young flirt outrageously with GIs, lifting their veils to smile, waving from high windows, and shyly calling hello from half-opened doors. Or the way the little girls seem to speak much better English than the little boys who are always elbowing them out of the way. Or the way the troops get a sense of the gender violence endemic in the culture: Yesterday in the poor al Sahliya neighborhood two sweet 12 to 14-year-old sisters on a rooftop who introduced themselves to me and Staff Sergeant Gannon Edgy as Souha and Samaha were chased away by a rock-wielding male relative. His violent anger hinted at problems to come here.

But you won't see much of this on TV or read about it in the papers. To an amazing degree, the Baghdad-based press corps avoids writing about or filming the friendly dealings between U.S. forces here and the local population—most likely because to do so would require them to report the extravagant expressions of gratitude that accompany every such encounter. Instead you read story after story about the supposed fury of Baghdadis at the Americans for allowing the breakdown of law and order in their city.

Well, I've met hundreds of Iraqis as I accompanied army patrols all over the city during the past two weeks and I've never encountered any such fury (even in areas that were formerly controlled by the Marines, who as the premier warrior force were never expected to carry out peacekeeping or policing functions). There is understandable frustration about the continuing failure of the Americans to get the water supply and the electricity turned back on, though the ubiquity of generators indicates that the latter was always a problem. And there are appeals for more protection (difficult to provide with only 12,000 troops in a city of 6 million that has not been placed under strict martial law). But there is no fury.

Given that a large proportion of the city's poorest residents have taken part in looting the Baathist elite's ministries, homes,and institutions, that should tell you something about the sources preferred by the denizens of the Palestine Hotel (the preferred home of the press corps). Indeed it's striking that while many of the troops I've accompanied find themselves feeling some sympathy for the inhabitants of ''Typhoid Alley'' and other destitute neighborhoods and their attempts to obtain fans, furniture, TVs, etc., the press corps often seems solidly on the side of those who grew fat under the Saddam regime. (That said, imagine the press hysteria that would have greeted a decision by U.S. troops to use deadly force against the looters and defend the property of the city's elite.) Even in the wealthiest neighborhoods—places like the Mansoor district, where you still see intact pictures of Saddam Hussein—poeple seem to be a lot more pro-American than you could ever imagine from reading the wires.

Perhaps this is just another case of reporters with an Anti-American or antiwar agenda. Perhaps living in Saddam's totalitarian Baghdad has left some of the press here with a case of Stockholm syndrome. It may also be a byproduct of depending on interpreters and fixers who were connected to or worked with the approval of the Saddam regime. And you cannot underestimate the herd instinct that can take over when you have a lot of media folk in a confined area for any length of time. But whatever the cause, the result has been very selective reporting.

The Associated Press's Hamza Hendawi, for instance, massively exaggerated and misrepresented the nature of the looting in Baghdad in the first days after the U.S. armored forces took key points in the city. Like so many Baghdad-based reporters, she described an ''unchecked frenzy'' that did not exist at that time (the looting was targeted and nonviolent, in the sense that the looters attacked neither persons nor inhabited dwellings). Read her pieces and you'll meet a veritable parade of Iraqis who are angry with the United States.

Then there were those exaggerated reports of April1 8 claiming (as Reuters' Hassan Hafidh put it) that ''Tens of thousands of protesters demanded on Friday that the United States get out of Iraq. . . . In the biggest protest since U.S. forces toppled Saddam Hussein's iron-fisted, 24-year-long rule nine days ago, Muslims poured out of mosques and into the streets of Baghdad, calling for an Islamic state to be established.'' Demonstrators did come out of one mosque, but reporters seem to have confused them with the large numbers of Shia Muslims gathering for the pilgrimage to Karbala—a pilgrimage long forbidden by the Saddam regime.

There are frequent small demonstrations in the blocks outside the Palestine an Sheraton hotels—partly because that is where the press corps is congregated, but also because it's an area that many Baath party officials fled to after the war began. Anyone who assumes that the atmosphere of that

downtown area is in any way representative of the city would be gravely mistaken. However, many reporters have chosen to do just that rather than venture further out to places where they would have seen that far more typical and frequent ''demonstrations'' involve hundreds or even thousands of Iraqis gathering to cheer U.S. troops. Admittedly, some of those crowds include people begging for money, desperate for aid, or just curious about these strange-looking foreigners. ''Most children here have never seen a foreigner'' one Iraqi civilian explained to me, ''that is why they are so excited.'' Another told me with a smile, ''Everyone here wanted to go to America; now America has come here!''

More irritating is the myth constantly repeated by antiwar columnists that the military let the city be destroyed—in particular the hospitals and the national museum—while guarding the Ministry of Oil. The museum looting is turning out to have been grotesquely exaggerated. And there is no evidence for the ministry of oil story. Depending on the article, the Marines had either a tank or a machine gun nest outside the ministry. Look for a photo of that tank or that machine gun nest and you'll look in vain. And even if the Marines had briefly guarded the oil ministry it would have been by accident: The Marines defended only the streets around their own headquarters and so-called Areas of Operation. Again, though, given the pro-regime sources favored by so many of the press corps huddled in the Palestine Hotel, it's not surprising that this rumor became gospel.

A typical piece of reporting on the ''destruction'' in Baghdad came from the Washington Post's Rajiv Chandrasekaran on April 22, which repeated all the usual gossip about the ministry of oil and then quoted Saad Jawad, a professor of political science at Baghdad University: ''The Iraqis had very high hopes for the Americans,'' Jawad told him. ''But all this euphoria about change, all this relief, went away when they saw the amount of destruction to the infrastructure of the country and the carelessness of the Americans to the Iraqis' day-to-day lives.'' Yes, euphoria is bound dissipate, but there's no sign it has yet. More important, what infrastructure destruction? The reporter lets the charge stand undisputed but must be aware that roads, bridges, power stations, and rails lines were all left unbombed and intact by U.S. forces. The exception was power substations that fed key government buildings and broadcasting facilities (unless you count army bases and secret police headquarters as ''infrastructure'').

But my favorite mad media moment was when an AP journalist turned up in a car heading to the Ministry of Information, the top floor of which was on fire. ''Why aren't you putting out the fire?'' she angrily demanded of Sgt. William Moore. He looked at her with astonishment and asked, ''How the hell am I supposed to do that?'' Turning away, he muttered, ''Piss on it?''

It is true that the military has been slow in some respects to make the transition to an occupation role. And the senior brass here and at CENTCOM have a lot of explaining to do about their planning for postwar operations—the Army arrived here with virtually no Arabic speakers and even after two weeks there were only a handful. But as Gen. Buford Blount of the 3rd Infantry Division pointed out the same day as the Ministry of Information fire, ''It's only a week since we were in combat here,'' and the media have bizarrely high expectations about how quickly a conquered city should return to normal.

Even embedded journalists (or perhaps their editors) can unconsciously misconstrue the facts on the ground. For instance, David Zucchino of the Los Angeles Times, who like me is embedded with the 4th Battalion of the 64th Armored Regiment, 3rd Infantry Division, recently accompanied my Scout platoon on a patrol. We went to an upmarket residential area, in which houses that formerly belonged to top Baath officials had been taken over by looters—and in which a house owned by Qusay Hussein had been destroyed by a JDAM bomb. I was talking to Dr. Ali Faraj al Salih, a cardiologist trained at Edinburgh, when Zucchino, a fine, experienced foreign correspondent, walked over and began listening in. I asked Dr. Ali if he'd had any trouble with looters. ''No'' he replied, ''I have guns, with license from the government. And I have two bodyguards.'' ''Have you always had the bodyguards?'' I asked him. ''Oh yes,'' he said.

But Zucchino's April 22 article in the L.A. Times—headlined ''In Postwar 'Dodge City,' Soldiers Now Deputies''—reports ''Dr. Ali Faraj, a cardiologist, stood before his well-appointed home and mentioned that he has hired two armed guards,'' as if the doctor had been driven to this expense by unrest following the arrival of the Americans.

Things may yet go horribly wrong here in American-occupied Baghdad. But it is bizarre and sad that so few journalists are able or willing to recognize this honeymoon period for what it is.

A lot of these things we are not going to see on TV because the press corps avoids writing about the friendly dealings with the U.S. forces and the local population, and really focuses more on rioting and looting and kind of misrepresenting the nature of things.

One report said, for example, that looting was going on in an unchecked frenzy, and that was not the case at all, and many things were actually returned. I want to submit this also for the RECORD, but it just goes to show that even now the left cannot let it rest.

Their first reaction after 9/11 was why do they hate us, as if people in the World Trade Center were somehow to blame for a madman flying a plane into their office building.

Then we heard if we go to war, it is going to the west, America versus all of the Islamic states. We are going to have the west versus Muslims. That did not happen. Then they said we are going to have thousands and thousands of our finest young and men returning home in body bags. That did not happen. Tragically some did come home in body bags, but not the thousands and thousands.

Then when we started up the Euphrates River, they said the worst fighting is further up river. Then we go to the towns, oh, it is the plan, it is the plan. And then it seems like every retired general who is looking for a little media time who wanted to dissent could get on nightly news and say what was going wrong in Iraq.

The next thing you know, we won, and they jump on a 23-year-old marine corporal because before tearing down the Saddam Hussein statue, he puts an American flag on it. Then the statue comes down and the report is about looting, and that is the way, unfortunately, the media looks at the world and looks at America. It is the blame America first crowd.

Here are some quotes from their allies in Hollywood, I do not know David Clennon, an actor, but here is what he said. ''I'm saying that the moral climate within the ruling class in America is not different from the moral climate within the ruling class of Hitler's Germany.''

Here is Janeanne Garofalo, another actress, ''So when I see the American flag, I go, 'Oh my God, you're insulting me.'''

Here is Whoopi Goldberg, ''I don't really view communism as a bad thing.'' That is an interesting view, but communism was not in question in the war on Iraq, but that has never stopped Hollywood, if you do not know the facts, still jump in as long as you have the microphone.

Here is somebody named Chrissie Hynde, ''Let's get rid of the economic (expletive) this country represents. Bring it on, I hope the Muslims win.''

Here is Oliver Stone. ''Bin Laden was completely protected by the oil companies in this country who told President Bush not to go after him or it would tick off the Saudis.'' I cleaned that one up a little bit.

Richard Roeper, of Ebert & Roeper, sends a strong a message to the Hollywood anti-war crowd:

''Even though you are among the luckiest and best-rewarded human beings in the history of civilization, you have moaned long and loud about life in the oppressive United States of America. And you have complained that free speech is practically an endangered species—though it's not as if you've been kidnapped, bound and gagged for expressing your views . . . But I'm just wondering: If you're such a crusader for kindness and decency and the rules of fair play, when are you going to say something about the atrocities committed by Iraqis since this war broke out?''

''I'm saying that the moral climate within the ruling class in this country is not that different from the moral climate within the ruling class of Hitler's Germany.''—David Clennon.

''So when I see the American flag, I go, 'Oh my God, You're insulting me.'''

''''We're here, we're queer!'—that's what makes my heart swell. Not the flag, but a gay naked man or woman burning the flag. I get choked up with pride.''—Janeanne Garofalo.

Trendy Protesting (of Republicans): Explaining why she and other anti-war protesters didn't organize demonstrations when President Clinton launched attacks on Iraq, Bosnia, Afghanistan and the Sudan ''It wasn't very hip'' [to protest Clinton's Wars].

''I don't really view communism as a bad thing.''—Whoopi Goldberg.

''Have we gone to war yet? We (expletive) deserve to get bombed. Bring it on.''

''Let's get rid of all the economic (expletive) this country represents! Bring it on, I hope the Muslims win!''—Chrissie Hynde.

''I think America has no experience with terrorism or even with war. In Europe, we know a little bit more about these things.''—Bono.

''Bin Laden was completely protected by the oil companies in this country who told [President] Bush not to go after him because it would piss off the Saudis.''—Oliver Stone.

Mr. Speaker, this is the caliber of debate we hear out of Hollywood, and it seems to be echoed by so much of the

media. I was actually born in Texas, and I live in Georgia right now. I used to be a Dixie Chicks fan; I am not any more. I will say this, and I am speaking as a native-born Texan, but if the Dixie Chicks are ashamed that President Bush is from Texas, I have news for them, I am ashamed that you all are from Dixie. I will say in addition to that, if you do not like it, go sell your records in Paris, and I am sure they will really like it over there.

There is a big debate going on now about who is going to help rebuild Iraq. I think that there is a humanitarian role for the U.N., but I want to point out if the U.N. is left completely in charge, they do not have such a great track record. We have been out of Kosovo for 4 years. Kosovo is a country that used to export electricity, and now they have to have rolling blackouts. Every 4 hours in Kosovo, you have to turn off your lights.

The U.N. also requires when they have free elections, that 30 percent of the candidates need to be female. They might need to be 100 percent. Free elections are supposed to decide that, not some politically correct U.N. mandate.

They have also discouraged private investment, insurance companies and so forth, are discouraged from investing in the rebuilding of Kosovo. If you do not have insurance companies investing, you do not get bank loans. If you do not get bank loans, you do not get outside investors. So the Kosovo rebuilding under the U.N. has not gone well, and that is why it is important for America to keep its presence there.

I want to say to France and Russia and to the other countries who oppose what we are doing, we are not going to kick you out of the rebuilding process, it is just when you come, bring your own checkbook.

In terms of the Brits and the 49 other countries that were in the coalition, we want them there. It is very important.

I want to read a letter from one of my constituents, Mr. Bob Braddy. He wrote a letter to Prime Minister Tony Blair in the U.K. and he says, ''Dear Mr. Prime Minister, Recognizing you are extremely busy with your country's business and world affairs, my family and I wanted to take a moment to thank you for your support of George Bush and the United States with regards to the Iraq situation.

''Your steadfastness and determination along with the coalition of nations will have historical ramifications for that country that will take generations to unfold and benefit the Middle Eastern area.

''Thank you so much and Godspeed to you in all the days to come.

''Sincerely, Mr. Robert Braddy.''

And Tony Blair wrote him back. ''10 Downing Street. Thank you for your kind words and good wishes. I appreciate you taking the time to write. My best wishes to you and your family.'' It is signed Tony Blair.

SAVANNAH, GA,
March 22, 2003.

Mr. TONY BLAIR,
United Kingdom Prime Minister,
London, England.

DEAR PRIME MINISTER TONY BLAIR: Recognizing that you are extremely busy with your country's business and world affairs, my family and I wanted to take a moment to Thank You for your support of President George Bush and the United States with regards to the Iraq situation.

Your steadfastness and determination along with the coalition of nations will have historical ramifications for that Country that will take generations to unfold and benefit the entire Middle Eastern Area.

Thank you so much and God Speed for you in all the days to come.

Sincerely,

ROBERT J. BRADDY.

LONDON SW1A 2AA.

Thank you for your kind words and good wishes. I appreciate you taking the time to write. My best wishes to you and your family.

TONY BLAIR.

That is an example of the grass roots affection that goes on between Americans and the Brits. We do not feel that way about every country in the world, and that is okay, too. But we want to work together on what is best for Iraq and what is best for world affairs.

I also wanted to talk about some of the other initiatives that we have going on in the House. The House continues to be very productive. We have passed already some medical liability reform, tort reform to stop frivolous medical lawsuits. If you talk to any doctor, hospital or health care provider, they will tell you that one of their biggest expenses these days is fear of frivolous medical lawsuits.

The interesting thing is that in 70 percent of these claims, no payment ever makes it to the injured party. When it does, when money does get to them, it is an average of only 50 cents on the dollar.

□ 2245

Our bill caps some of the benefits, not the economic loss but some of the noncompensatory losses. It is modeled after a law in California which has held down frivolous medical lawsuits. I hope that the other body will take this up and do something about it, because it is very important to keep down the cost of health care.

We are also going to look at asbestos liability reform. An interesting note is that right now asbestos lawsuits, there are about 200,000 pending in Federal courts. Ninety thousand new ones are filed every year. Of those 90,000 new claims, 80 percent of them have no injury involved. Eighty percent of the claimants are not even hurt. Interestingly enough, 95 percent of them are filed in six counties in the United States of America. Yes, something is going on. We need to address it.

I want to also talk about a bill we passed out of the House that we believe will turn the economy around along with our recently passed jobs package which the Democrats opposed, and that is the energy bill. Our energy bill has three components to it, three triangles. One is conservation, another one is research and then the other one is more exploration with less dependence on foreign sources of oil. I want to just start with that. Just keep in mind, we hear so much from the environmental extremists about Alaskan oil reserves. The Alaska wildlife reserve area is the size of South Carolina. Remember, Alaska is the largest State. Texas fits inside Alaska. South Carolina is a fairly large State on the east coast. That is the size of the wildlife reserve. And in it we are talking about exploring for oil in 2,000 acres. We heard from the left and the environmentalists before in Prudhoe Bay, if you do this, it is going to hurt the caribou tribe. The funny thing is the caribou tribe actually went up after we started exploration in Prudhoe Bay. So I think we can do these things in an environmentally sensitive way. But it also ties into national security and also personal security. If somebody wants to drive an SUV and, Mr. Speaker, I know you are a single man down there in Florida, but I am a domestic guy. I have four children. I about 2 years ago was driving up to New York. I was going up I–95 from Savannah, Georgia. I did not know that you go through Delaware to get to New York. I was just driving and all of a sudden I am in a four-car collision. I have four kids in the family and my wife. I want as much metal in between me and the other guy as possible. I am driving my Suburban, which is a politically incorrect thing to many folks on the left and, lo and behold, the car behind me has to be towed away and we do not even have a scratch on the Suburban. The Delaware police who were very nice and professional said, you can go on. And so I drove on to New York in my Suburban, politically as incorrect as possible, with every kid in my family safe and unharmed. That is why I want a big car. That is why I think the moms in America should have the option of a big car. That is why it is important to realize that we have got to keep a good fossil fuel supply in this country and not just be dependent on some of our Middle Eastern allies who are not always the best allies in the world. We need to look at Alaska reserves, we need to look at Venezuela, we need to look at Russia. We need to just keep our options open, but that is a major part of our energy package.

The other thing is research. There are so many exciting things going on in research right now, cell fuels, hydrogen fuels. I was reading the other day, there is a car now that is a hovercraft. It is made by Moeller International. I think it is called an M400 Skycar. I want one as soon as possible, because it flies off the ground. It has a vertical-horizontal uptake. In fact, the gentleman from Pennsylvania probably already knows about it because he is such a fan of the Osprey, which can do that. This car just takes off and it can

toot around, a great way to get rid of the traffic jams on 395 in Washington, D.C. There is also a contraption that has already been built that if you think about it maybe like this, a lectern, the size of a phone booth, that you step in it and it flies. It is an individual spacecraft. It will go about 40 miles an hour and has a range of about 100 miles, right out of Johnny Quest which I know, Mr. Speaker, you have no idea who Johnny Quest was but I know the gentleman from Pennsylvania is an old man like me, he remembers Johnny Quest and Hadji his faithful assistant and Bandit the dog but they would fly around in these things. I am looking forward to that. It will get the kids out of the house. It will be fun.

There are so many things that the private sector is doing in the name of research right now. We are putting a lot of money in our energy bill, into more bold inventions and ways of stretching out that energy dollar. The final component of our energy bill is conservation. My dad was raised in Brooklyn during the Depression, and one of the things he taught us in Athens, Georgia, is you do not leave the room with the light left on. You do not brush your teeth with the water flowing out of the faucet. You take care of the stuff because it is all money. My dad was an early environmentalist, and he did not know it, because he made sure that we used as little energy as possible. And we recycled all kinds of things. But as I drive down Independence Avenue or Pennsylvania Avenue in Washington, D.C. and I see buildings, guess whose buildings have every single light left on? The Federal Government. You can drive by the Department of Energy, and I hate to say it, it does not matter who is in charge, Democrats or Republicans, the lights are left on. We have got to turn the lights off. We in the Federal Government need to lead the way in conservation. That is part of our energy bill, is credits for smart buildings, credits for energy-wise construction and all kinds of things like that. I hope that the other body will take this important piece of legislation up.

We also have other things that we have passed, such as the healthy forests initiative, very important. We have some endangered species relief for our military in a very good defense package. We have Medicare coming up, Medicare reform which will have a prescription drug package. We are going to have some post office reform coming up. A lot of things for veterans. The left does not like it but we did increase veterans health care spending by about 12 percent. I believe they all voted against that. The gentleman from Pennsylvania says yes. We are going to continue to stand up and do everything we can for the veterans. I am a supporter of the veterans history project which the Library of Congress is initiating and was passed under Republicans in the House. The great thing about the veterans history project is if you are a veteran of any war and you have a story to tell, not necessarily a glorious story but we want to know about your experience in the war, contact the Library of Congress, contact your local Congressman and we can archive that forever so that your great great grandchildren can go back and see what you did in the war.

Mr. Speaker, in closing I want to commend the gentleman from Pennsylvania on his work on the defense authorization bill. I think it is a great bill, and also for touching the sensitive area of training in the areas where there are endangered species, because I think you have got a good balance in there but many people do not understand that some of the training that our military does has greatly been hampered by the possibility that a species may be there and it is not even confirmed that they are. I represent Fort Stewart. They have a big problem with the red-cockaded woodpecker.

RESULTS OF TRIP TO NORTH KOREA

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced guidelines, the balance of the majority leader's hour is reallocated to the gentleman from Pennsylvania (Mr. WELDON), and, without objection, his previous order for 5 minutes is vacated.

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for allowing me to take the rest of this time. It is tough to follow the gentleman from Georgia. He is not only a nice human being but he is a real genuine person as you can tell by the way he handles issues, totally committed to his job and his family. I want to let the gentleman know he is someone for whom I have the highest admiration and always brings a few laughs to us while he use that kind of down-home southern humor to convey the real message of what the American people want us to be doing. I thank my friend and colleague for his comments.

Mr. Speaker, tonight I rise for the major purpose of outlining the results of a trip that I led to North Korea this past weekend, but I want to start out by responding to some of the concerns raised by my colleagues on the other side where they have continued to demagog and basically say that President Bush and the administration lied about the reasons for the Iraqi war. I heard one of our colleagues earlier say, show me the evidence of weapons of mass destruction. I could not help let that go by, Mr. Speaker. I am the vice chairman of the House Committee on Armed Services. I work issues involving proliferation of weapons of mass destruction technology, and for anyone to suggest that there just was not a case of weapons of mass destruction in Iraq is just plain wrong. In fact, all one has to do is go to the U.N. and look through the records of the U.N. on abuses of human rights and look at the record of Saddam Hussein.

In fact, Mr. Speaker, I will at this point in time insert in the RECORD two charts. One is the past Iraqi use of weapons of mass destruction and the second is the amount of weapons of mass destruction that Iraq admitted to having at the time of the war.

1. PAST IRAQI USE OF WMDS

Date	Area used	Agent	Casualities	Target pop.
1983	Hajj Umran	Mustard	<100	Iranians/ Kurds.
1983	Panjwin	Mustard	3,000	Iranians/ Kurds.
1984	Majnoon Island.	Mustard	2,500	Iranians.
1984	al-Basrah	Tabun	50–100	Iranians.
1985	Hawizah Marsh.	Mustard/ Tabun.	3,000	Iranians.
1986	al-Faw	Mustard/ Tabun.	8–10,000	Iranians.
1986	Umm ar Rasas.	Mustard	5,000	Iranians.
1987	al-Basrah	Mustard/ Tabun.	5,000	Iranians.
1987	Sumar/ Mehran.	Mustard/ Nerve.	3,000	Iranians.
1988	Halabaj	Mustard/ Nerve.	800	Kurds.

2. AMOUNT OF WMDS IRAQ ADMITS HAVING

Weapon	Effect	Quantity Iraq claimed
VX	Nerve Agent—Paralysis and Death	3.9 Tons.
Sarin	Nerve Agent—Paralysis and Death	812 Tons.
Mustard Gas	Blister Agent—Burns Skin, Eyes, and Lungs.	3,080 Tons.
Anthrax	Bio Agent—Lung Infection and Death.	2,200 Gallons.
Botulinum	Bio Agent—Death if inhaled or Digested.	5,300 Gallons.
Aflatoxin	Bio Agent—Causes Liver Cancer	520 Gallons.

Mr. Speaker, the facts cannot be refuted. Saddam Hussein was responsible for killing over 20,000 human beings by using weapons of mass destruction. What were they? Mustard gas, tabun, nerve gas. From 1983 to 1988, known facts in this chart which our colleagues can read tomorrow in the CONGRESSIONAL RECORD are the specific dates, the locations and who was killed. And who was killed? Iranians and Kurds. Innocent people. And what did Iraq admit when in 1991 they in fact were kicked out of Kuwait? What did they tell the U.N. they had? They told the U.N. they had VX, which is a nerve agent, causes paralysis and death. In fact, they publicly said we have 3.9 tons of VX. They said they had sarin gas, nerve agent, causes paralysis and death, 812 tons. They said they had mustard gas, a blister agent, burns the skin, eyes and lungs, 3,080 tons. They said they had anthrax, a biological agent, lung infection and death, 2,200 gallons. They said they had Botulinum, a biological agent, death if inhaled or digested, 5,300 gallons; and they said they had aflatoxin, another bioagent that causes liver cancer, 520 gallons.

Mr. Speaker, this was the leadership of Iraq publicly telling the U.N. what weapons of mass destruction they had. For my colleagues and friends to stand up here and say they do not have any weapons of mass destruction and therefore the administration lied is just wrong and it is really unfair. In fact, every major debate involving the

events leading up to the war in Iraq, both on the Democrat and the Republican side in this body and the other, they were not arguing over whether or not there were weapons of mass destruction, they were arguing over whether we should let the U.N. inspectors continue or in fact get more time or whether we should follow the President's lead because the time had run out. Because we have not found anything since the war ended, their rallying cry is, well, where are the weapons of mass destruction? First of all, you are talking about a country the size of California, which is an extremely large area to go through, to look in every school, every underground complex, every building. And we already have found two trailers that we know were used for the development of weapons of mass destruction. The fact is we are going to continue to look and I am convinced that we will find additional evidence of weapons of mass destruction. But to say that they had no weapons of mass destruction is ridiculous. I have put in the RECORD tonight the documentation of what we have in fact verified, what the U.N. has verified.

But let me get to another point for those who criticize the President. What about Saddam's record of human rights violations? My colleagues on the other side were quick to support Bill Clinton 4 years ago when he decided we should go to war in Yugoslavia, an independent nation, because he decided the human rights record of Slobodan Milosevic was so bad that we should remove him with force. Incidentally and ironically coerced by both the French and Germans, we decided not to go to the U.N. but to bypass the U.N. because the Russians were going to issue a veto of any U.N. resolution and for the first and only time ever in the Clinton administration, we used NATO, which is a defensive body, for an offensive purpose, pushed by France, Germany and the U.S., we invaded a non-NATO country to remove the sitting head of state. Why? Because he had weapons of mass destruction? No. Because he was committing human rights violations.

In the case of Saddam Hussein, every organization on the face of the earth, from Amnesty International to the U.N., has clearly stated that Saddam Hussein's human rights record is far worse than anyone since Adolf Hitler. And so this argument being put forth by the left that somehow the Bush administration was not truthful with Congress and the American people leading up to the war is just plain wrong.

□ 2300

It is a case to try to be used by the candidates running for the nomination of the other party to try to get some kind of traction or leverage against President Bush.

The fact is, we did what we did because Saddam Hussein had a terrible human rights record, he used weapons of mass destruction. We wanted to make sure he never had that chance to use them again, and that is exactly what we have accomplished.

Mr. Speaker, the real and primary purpose of my special order tonight was to focus on a trip that I just led, we got back yesterday, from North Korea, the Democratic People's Republic of Korea.

Mr. Speaker, no one from America in an elected capacity had been to Pyongyang, North Korea, for the past 6 years, and in fact the only contact we have had with the leadership of DPRK has been through our State Department diplomats. We had a team there almost a year ago, or last fall, actually, and we had our Assistant Secretary of State, Secretary Kelly, meet in Beijing to have further discussions with North Korea.

About a year ago, Mr. Speaker, I decided it was important that the Congress attempt to understand what was happening inside of DPRK, because of the tensions building between North and South Korea. I wanted to make sure we did not end up in another conflict. So I set out to take a delegation of 13 of our colleagues into Pyongyang last May.

We sat in Beijing and we sat in Seoul for 4 days waiting for the visas to be approved. They never came. The reason given by the North Korean government was that President Bush had referred to North Korea as a part of the axis of evil, and, therefore, they did not think it right we should be allowed admittance to their country.

But, Mr. Speaker, I persevered, and throughout the last 12 months traveled up to the UN on at least two occasions, met with the Ambassador for the DPRK mission at the UN, Ambassador Han, the only representative of North Korea allowed in America, and I talked to him about taking a delegation in.

Every time I met with him, as I have done in all of my contacts, I made sure I talked to the folks at the White House, the National Security Council and the State Department, so I kept them informed.

I used seven or eight individuals and groups that have contacts inside of North Korea to convey the message that it was more important for us to bring in a delegation of non-diplomats. There was an added sense of urgency because in the late summer-early fall our intelligence community gave the evidence to the State Department that in fact North Korea had an active nuclear weapons program under way, which was a clear violation of the 1994 agreed upon framework that was negotiated in the Clinton administration.

So, for all of those reasons I kept the pressure on to take a group into Pyongyang to meet with the officials of that country, not as diplomats, not as representatives of the President, not as representatives of the State Department, but as elected officials from our country, to put a face on the American people and to tell the people of North Korea that none of us want war, none of us want conflict.

Approximately 10 days ago, Mr. Speaker, at the 11th hour, after I had planned a trip to go to Moscow and then on into North Korea, we were initially told the visas were not coming forward. Then the day after we canceled that trip I got a call from the New York embassy or New York office of the mission at the United Nations and Ambassador Han said Congressman WELDON, Pyongyang has invited you to bring your delegation into my country.

Very quickly we reassembled a team, three Democrats and three Republicans, and traveled to Pyongyang on a naval aircraft. The Navy did a fantastic job in providing support to us. We left on a Wednesday evening and flew all night. The trip took us about 30 hours, with the fuel stops that we had to make in the C–9 we were traveling in, and we arrived into Pyongyang, North Korea, from a stop in Japan, at approximately 9:30 a.m. last Friday.

For 3 days, we were hosted by the leadership of the Ministry of Foreign Affairs of the DPRK regime.

Mr. Speaker, I would say at the outset that we let it be known going in we were not going in to represent the President of the United States, nor the State Department. We were not going in to do any negotiations. We were simply going in to put a face on America so that the leadership of DPRK that has been so outrageously nasty within their country toward America and the American people should see who we are, not as diplomats, but as ordinary people.

The three Democrats and the three Republicans who went to Pyongyang made it be known that we were not going to negotiate because that is not our position, and in fact we were going in supporting the position of President Bush and Secretary Powell; that a multilateral approach to dealing with North Korea in the end had to be the vehicle, the way to get this issue of this nuclear threat under control.

Our goal was to put the human face on, and we did. In fact, during the 3 days that we were in Pyongyang, North Korea, it was an unbelievable experience. I had asked in advance, Mr. Speaker, to visit 10 sites so that we would not just be taken where they wanted us to go, but rather we would pick the type of sites that we would like to see. In fact, half of those sites they agreed to and we visited.

One was a school, a school with 1,800 children from the age of 3 years to 18 years. It was an impressive sight, a model school for the country. But it gave us an understanding of the support of the DPRK government to educate their children.

The second was the Pyongyang Computer Center, one of three buildings in the downtown city area that are used to develop North Korea's technology and information and the use of computers.

We had to visit a film studio because the leader of North Korea, Kim Chong-Il, has a major interest in producing video productions, actually movies. He does not import any from the West for his people because society in North Korea is totally closed. So I thought it would be relevant to visit what I had heard to be one of the largest studio complexes outside of Hollywood and Orlando, Florida. We visited that site where there are 1,500 employees.

Mr. Speaker, to say the least, it was unbelievable. We were driven through the back lot. I have been through the back lot of Universal Studios, and I can tell you, that this rivaled that back lot. There were scenes for movies that could be shot about Japan, about China, about Korea, about Europe, about the West. All of these sets were established so that North Korea each year can produce between 20 and 25 feature lengths films that are shown in the movie houses of North Korea, which are all oriented toward the propaganda message and the message of the North Korean leadership. So we visited that facility.

We had a shopping visit to interact with the ordinary people that were in the city. We visited restaurants.

Mr. Speaker, on the last day we were there, we were scheduled to meet with the Minister of Trade, but I asked the delegation the night before if they wanted to do that meeting, and they said not really. So I told the representative who handles U.S. issues for the Ministry of Foreign Affairs that we did not want to go to the meeting with the Minister of Trade, but instead on Sunday morning we wanted to go to church.

They agreed. They picked us up at our hotel at 9:45 in the morning, and six Members of Congress went to church in a Protestant church on a hill in North Korea, in the middle of this closed society, where there were no pictures of Kim Chong-Il or Kim Il-Song, his father, but rather were crosses, and with 300 people we worshipped in a Protestant church, much like churches all over America do every Sunday morning. So we had a good glimpse of this closed society.

Let me say, Mr. Speaker, I have visited the Soviet Union when it was communist many times and I visited China under its communist system. North Korea makes those two societies in their worst days of communism look like an open society. It is an absolutely closed society to the outside world, no access to outside media, no access to newspapers, totally closed. In fact, limitation on people traveling in is also closed.

But, Mr. Speaker, we are in a tense situation right now, because North Korea has admitted publicly in our meetings that we held that they have nuclear weapons today. They admitted that they are reprocessing the 8,000 nuclear rods from their nuclear power plants and they admitted that that reprocessed nuclear weapons grade fuel will be used to build more nuclear weapons.

Mr. Speaker, the fact is that if North Korea uses the fuel from those 8,000 rods, they will have the ability within a year to build four to six additional nuclear weapons. That is unacceptable, Mr. Speaker, and that is why we have to aggressively at this point in time move in to find a common way to solve the nuclear crisis that exists between North Korea and the rest of the world.

The thing I wanted to mention to our colleagues, Mr. Speaker, is after meeting with the leadership, after meeting with the foreign minister, the speaker of their parliament called the Supreme People's Assembly and the vice foreign minister, I came away convinced that we in fact can find a way to get the North Koreans to give up their nuclear capability.

□ 2310

Tomorrow morning I will talk to Secretary Powell on the phone, and I will relay to him the exact details of what I think could become the basis for his experts and professionals to conduct negotiations within the context that the President and the Secretary of State have defined to allow us to move away from the brink of nuclear war.

Mr. Speaker, the alternative is unacceptable. The alternative would be for North Korea to continue to develop nuclear weapons. If we try an economic embargo, they would likely offer to sell their nuclear weapons to other nations, rogue groups, terrorist organizations. That is unacceptable.

Regime change by means of war I think is unacceptable, at least until we make every possible effort to find a way to convince the North Koreans, as President Putin and Chinese President Hu Jintao have said, to have them remove nuclear weapons from the Korean Peninsula.

Mr. Speaker, I would like to include the trip report, and I would like to thank our congressional delegation Members, the gentleman from Texas (Mr. ORTIZ), who was my co-chair; the gentleman from Texas (Mr. REYES); the gentleman from New York (Mr. ENGEL); the gentleman from South Carolina (Mr. WILSON); the gentleman from Florida (Mr. MILLER). They were a dynamic team, and together we have now brought back to our colleagues the knowledge and a fuller understanding of this nation that has been so secretive.

But more importantly, we bring back to America the possibility that we can resolve this nuclear crisis on the Korean Peninsula through peaceful discussions and through peaceful resolution. Hopefully, Mr. Speaker, under the leadership of our great President and our Secretary of State and Condoleezza Rice, our security adviser, we will in fact this year be able to solve this very difficult challenge in a peaceful way.

The material referred to earlier is as follows:

U.S. CONGRESSIONAL DELEGATION (CODEL) WELDON VISIT TO NORTH AND SOUTH KOREA—DEMOCRATIC PEOPLES' REPUBLIC OF KOREA (DPRK) AND REPUBLIC OF KOREA (ROK), MAY 30–JUNE 2, 2003

OVERVIEW

North Korea DPRK

The delegation was the largest congressional delegation to visit the DPRK and the first CODEL to visit the DPRK in five years. The visit occurred during a period of escalating tensions between the DPRK, the United States, and nations of the region resulting from the DPRK October, 2002, admission of its nuclear weapons-related uranium enrichment program. Subsequent DPRK withdrawal from the Nuclear Nonproliferation Treaty (NPT); confirmation of its possession of nuclear weapons; expelling of IAEA inspectors; declared intentions to reprocess its spent fuel; continued sales of missiles and technology to terrorist nations; and allegations of nation-sponsored drug trafficking all served to further raise tensions between the DPRK and the international community.

The delegation visit was the culmination of over a year-long effort by Representative Weldon to gain entry into the DPRK for the purpose of engaging senior DPRK officials in informal discussions, free of the formality of traditional posturing and imposed pressures of negotiation objectives, to share mutual perspectives on the major political, military, and economic issues.

The resulting visit achieved its purpose by providing the Members an opportunity to engage senior DPRK officials (attachment 2) in lengthy, candid, unstructured, and often pointed, yet respectful, discussions, in several venues covering the complete range of outstanding issues. While discussions with senior DPRK officials included the predictable hard line rhetoric associated with recent DPRK public statements, balanced discussion took place in the formal as well as more personal informal sessions. The demonstrated goodwill and willingness to go beyond first level posturing gave the delegation reason to believe that there are options that should be considered to avoid conflict and resolve critical outstanding issues in a way satisfactory to both sides. There is unanimous agreement within the delegation that a way must be found to initiate discussions in an agreed framework at the earliest possible opportunity. Concern exists that failure to address these crictical issues in a timely manner could result in the proliferation of nuclear weapons and/or technology to terrorist organizations and States.

Repeated statements were made by the DPRK leadership that their brief is that the Bush Administration seeks regime change in North Korea, ''The Bush Administration finds regime change in different nations very attractive . . . and is trying to have regime change, one by one. This kind of conduct damages the U.S. image in the world and weakens the leadership role of the U.S. This is the heart of the question. If the U.S. would sign a non-aggression pact, we would give up nuclear programs and weapons.'' The DPRK seeks normalization of relations and non-interference with its economic relations with South Korea and Japan. Chairman Weldon indicated he did not believe regime change to be the goal of the U.S.—and stated his position of not advocating regime change. The issue of regime change is seen as the determining factor in whether a peaceful resolution to the current standoff is possible.

Chairman Weldon also stated his concern that the establishment of a DPRK nuclear weapons program would lead to similar programs in surrounding nations. He cited Hu-

Putin statements calling for a nuclear free Korean Peninsula. The DPRK, Vice Minister Kim, acknowledged this as a valid point, but indicated that the other nations can rely on the U.S. ''nuclear umbrella,'' while the DPRK has no such option.

A major issue often voiced by DPRK officials remains a requirement on their part to achieve a satisfactory framework for bilateral discussions because of their belief that certain issues ''are too serious'' to be dealt with in an multilateral framework. The delegation believes flexibility exists within a multilateral framework to satisfy the DPRK officials desires for bilateral discussions.

Requested visits by the delegation to the Pyongyang Information (Computer) Center, a school for gifted students, Kim Il Sung's birth place, the North Korean movie studio production facilities, and a Christian church as well as casual evening social events permitted the delegation to interact with a wide variety of North Koreans and to travel to several sections of the city.

Prior to departure, Ministry of Foreign Affairs officials extended an open invitation to the delegation for a return visit and further indicated a willingness to consider visits to the Yong Byon nuclear facility.

Seoul, ROK

In Seoul, the delegation was hosted by President Roh for a breakfast meeting, met with Foreign Minister Yoon, Members of the National Assembly, Ambassador Hubbard, General LaPorte, and other officials to discuss the meetings in the DPRK. The ROK officials expressed their appreciation for the efforts of the delegation and reinforced the need for dialogue with the North.

Observations

Each of the senior DPRK officials with whom the delegation met cited the importance of the visit, given the current tense relationship between the DPRK and the U.S. They also noted their understanding of the role of Congress and that the delegation was not visiting to negotiate issues for the United States, but to enhance mutual understanding between the two nations.

In each of the meetings, Chairman Weldon cited the past and continued importance of inter-parliamentary exchanges in improving relationships with nations and improving the well-being of the peoples once considered to be enemies of the United States, including the People's Republic of China and the U.S.S.R., and expressed his belief that this could be the case with the DPRK once normalized relations could be established. He also expressed his belief that no one in the Congress wishes ill-will toward the North Korean people and that no one wants another war.

Each of the senior DPRK officials noted the tense international situation and sought to place the blame on the U.S. ''because the U.S. seeks to make us give up our military forces which safeguard our political system.'' Each of the leaders also cited their preference for the ''Clinton approach'' in the bilateral relationship and took strong exception to President Bush's inclusion of the DPRK as part of the ''Axis of Evil.'' They stated their belief that such a characterization demonstrates that the U.S. is unwilling to ''accommodate with our country'' and the U.S. seeks regime change. ''Further, the U.S. is enlisting other nations to prepare a nuclear first strike—seeking to blackmail and intimidate us . . . The U.S. does not want to coexist with us . . . And not only does the Bush Administration not want to coexist, but wishes to get rid of my nation with its nuclear strength . . . We see the U.S. preparing for a military strike . . . The U.S. must change its hostile policy.'' Without necessarily supporting the Bush Administration policies toward the DPRK, all members of the delegation agreed with Representative Engel's point to DPRK officials, that violations of the 1994 Agreed Framework by the DPRK were the reason for the current tensions, not Bush Administration policies.

The DPRK officials stated their belief that the situation can only be resolved by acceptance of the current leadership—coexistence—and dialogue. And in the meantime it intends to continue to develop its ''restraint capability'' (nuclear deterrent). ''We have tried dialogue and have been patient . . . Our willingness to meet in Beijing in April shows our flexibility to allow the U.S. to save face, showing our flexibility and sincerity to resolve the issues at any cost . . . We have not had concrete results. The Bush Administration has not responded to our request for bilateral talks—they are more focused on our first giving up our nuclear program . . . This causes us to believe that the Bush Administration has not changed its policy about disarming my nation . . . We want to conclude a non-aggression treaty between the two countries and avoid a military strike on my country.''

DPRK officials explicitly reconfirmed their nation's possession of nuclear weapons and repeated previous public statements regarding the reprocessing of the 8,000 spent fuel rods from the Yong Byon facility. They also indicated they will use the reprocessed materials for making weapons. They further indicated that the only option open to them, given their inclusion in the ''Axis of Evil'' and U.S. refusal to engage in bilateral discussions, ''is to strengthen and possess restraint (deterrent) capability and we are putting that into action . . . I know some say we possess dirty weapons. We want to deny they are dirty ones . . . I apologize for being so frank, but I believe you have good intentions and I want to be frank. We are not blackmailing or intimidating the U.S. side. We are not in a position to blackmail the U.S.—the only super power. Our purpose in having a restraint (deterrent) is related to the war in Iraq. This is also related to statements by the hawks within the the U.S. Administration. Our lesson learned is that if we don't have nuclear restraint (deterrent), we cannot defend ourselves.''

DPRK officials maintained that their nuclear program is only for deterrence and not being pursued to seek economic aid—that ''we only wish to be left alone. The nuclear issue is directly linked to the security of our nation . . . We need frank exchange on nuclear policies.'' DPRK officials indicated that economic sanctions would be viewed as a proclamation of war.

Attachment 1

CODEL WELFON—Members of Congress: Curt Weldon (R–PA); Solomon Ortiz (D–TX); Silvestre Reyes (D–TX); Joe Wilson (R–SC); Jeff Miller (R–FL); Eliot Engel (D–NY).

Professional Staff: Doug Roach; Bob Lautrup.

State Department Interpreter: Tong Kim.

Navy Escorts: Commander Lorin Selby; Lt Commander/Dr. Erik Sawyers; Lt Frank Cristinzio; Lt Tamara Mills.

Attachment 2

DPRK—PAEK, Nam Sun, Foreign Minister; KIM Gye Gwan, Vice Minister, Ministry of Foreign Affairs; CHAI Tae Bok, Chairman, Supreme People's Assembly (SPA); CHO, Seung Ju, Director General, Bureau of U.S. Affairs, Ministry of Foreign Affairs; RHEE Sang No, Director of External Affairs, Presidium of SPA; PAK Myong Guk, Director of U.S. Affairs, Ministry of Foreign Affairs.

ROK—ROH, Moo-Hyun, President; YOON, Foreign Minister; YOO, Jay-Kun, Member, National Assembly; KIM Un-yong, Member, National Assembly; LEE, Jae-joung, Member, National Assembly; SONG, Young-gil, Member, National Assembly; LEE By-yang, Member, National Assembly; PARK, Jin, Member, National Assembly; KIM, Suh-woo, Chief of Staff to the Speaker, National Assembly; SOHN, Jang-nai, former Ambassador to Indonesia; Thomas C. Hubbard, U.S. Ambassador to ROK; General Leon LaPorte, Commander, USFK.

HEALTH DISPARITIES AMONG MINORITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. DAVIS) is recognized for the remaining time before midnight as the designee of the minority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I had planned to talk about health care as a result of the Congressional Black Caucus' chairman, the gentleman from Maryland (Mr. CUMMINGS), coming to Chicago on Sunday to participate in a forum dealing with health care issues that is going to be held at the Illinois Institute of Technology.

But listening to much of the discussion this evening as special order speeches have been made talking about tax cuts and tax breaks and which groups got them and which groups did not, I could not help but be reminded of the fact that President Bush has been in office now for about 2 years after being selected by the Supreme Court, and has actually presided over one of the worst downturns in our Nation's history. We have lost 2.7 million jobs, as many as 500,000 in the last 2 months alone. The only answers that I have heard the Republicans give is, tax cuts, tax cuts, and more tax cuts as we have gone from a surplus to a $350 billion deficit, the largest deficit in the history of this country.

As I listen to all of the information about tax cuts and the inability to give certain groups a break, the top 1 percent of the tax cuts that we have made will receive on an average of $24,100 in 2003, this year. Those with incomes of more than $1 million will receive an average of $93,500.

I hear people talk about what will happen for small businesses, and 52 percent of small business owners will only get between zero and $500. Seventy-nine percent of the benefits will go to individuals who have incomes of over $100,000. Twenty-nine percent of the population will go or 29 percent of the breaks will go to individuals who make more than $1 million.

More than two-thirds of the tax cuts will go to the top 10 percent of the population, and over 50 percent of the tax cuts will go to the top 5 percent of the population. The bottom 60 percent of the taxpayers will only get 8.6 percent, averaging less than $100 a year for the next 4 years. The average reduction for the richest 1 percent will be $103,899 for 4 years. Thirty-nine percent will go to this tiny group. The best off 1 percent of the population will get 52 percent of the benefit.

I am not one that always pays a great deal of attention, but oftentimes

I do read them, to what newspapers have to say about these proposals and what we are doing. But as we talk about the need to stimulate the economy, I was reading the New York Times on May 9, and they indicated or they stated, they said, that lower-income families, of course, would be the quickest to spend the money to help provide some of the stimulus the Republicans claim is their first priority. Instead, the GOP remains fixated on high-income concerns. Framing the reconciliation talks is more than an exercise in dueling sugar plums.

So I guess, concerning this whole business of who gets what, a friend of mine told me the other day that there was a quote that said the history of the world, my friend, is relationships between where the money goes, and that after everything else is talked about, look and see where the money goes.

It seems to me that as we have dealt with the tax cut issue, most of the money continues to go to the wealthy. Most of the money continues to go to those who have the most.

At any rate, our health situation is still in bad shape. I am going to spend the rest of my time talking a little bit about that. Our health care system is unacceptable for the world's most powerful and wealthy country. I would say that the state of health care in this country is one of the top critical issues facing the Nation. I do not believe that it can be cured by putting too much of our resources in one population group.

Even as we come to an end of the war against Iraq, there will still be and still are individuals in need of health care. It is true that the state of education, the state of unemployment, and the state of housing are all in dire need of improvement, as well; but they all connect to the need to have a solid, concrete health care system that serves all people.

The state of one's health sets the precedent for everything else in our lives. If we are not in good health, we cannot perform our jobs well or do well in school. If we are not in good health and do not have insurance, we end up with an exorbitant amount of debt that will be virtually impossible for anyone to pay off, if we have been sick.

The numbers are absolutely startling. There are approximately 60 million people without health insurance at some point during the year in this country. Many people believe that it is only the unemployed or individuals with low incomes that cannot afford health insurance.

However, nearly 80 percent of the uninsured are individuals from working families who cannot afford health insurance or cannot access employer-provided health insurance plans. More than one out of every five families making $75,000 a year or more has at least one member without health insurance.

□ 2320

In Chicago, those making between $25,000 and $75,000 or 34 percent have at least one family member without health insurance, as do 41 percent of families making up to $25,000. In Illinois, almost 10 percent of those with at least a bachelor's degree and 20 percent of full time workers are uninsured. America needs to realize that the face of the uninsured has changed. The level of education or salary will not automatically guarantee an individual insurance anymore.

The health crisis is not only due to the number of uninsured in our Nation. There are millions more than the estimated 60 million uninsured at some point that have less comprehensive insurance than what they actually need, and, therefore, are under-insured. They are the families working for small firms or family-owned businesses that are being hit the hardest by the current state of the economy, forcing the employers to cut back and have the employee pay higher premiums. There are senior citizens on Medicare that are being denied care by physicians who can no longer afford to care for them. These are the components of a failing health care system. With State and the Federal Government slashing Medicaid, the safety net we once depended on is instead not a net at all.

Currently in Congress there are numerous resolutions that would help mend our Nation's health care crisis as a whole. The proposed solutions range from a refundable tax credit, to purchasing private insurance, to Congress enacting health care for every American, to amending the United States Constitution. There are also resolutions to help to resolve a single issue plaguing the health system, whether it is the cost of prescription drugs, the reimbursement amounts for a mammogram under Medicare, or a new formula for FMAP.

Although minor changes in health care may be easier for a Member to get passed, it allows many Americans to remain stuck, still unable to afford expensive health insurance. I believe that Congress must act sooner rather than later and reform our health care system as a whole.

One of my American Medical Student Associate fellows, Amanda Muellenberg, once explained the problem of fixing Medicare piece by piece with an old Dutch story. She said there was once a young boy walking down the road and realized that the town's dike had a hole in it. To save the town, the young boy put his thumb in the hole to stop the leaking. Soon another crack and a hole appeared and then another and another. It was not long until the young boy ran out of fingers to clog the holes, and still with all his efforts, he could not stop the dike from leaking. Instead of clogging each new hole in our health care system, we need to rebuild it.

The Kaiser Family Foundation found that uninsured Americans cost Federal, State, and local governments about $35 billion in 2001. Much of that money went to treating individuals who had become seriously ill due to a lack of medical attention. I believe this amount that is spent on helping the uninsured ill could be better used to give screenings and preventative care, leaving less of a financial burden on taxpayers and hospitals for admissions.

President Bush made the commitment to America to leave no child behind in education. Instead, we need to ensure that no American is left behind in preventative care, access to medical treatment, and affordable insurance. The way to accomplish this and the only real way is through enactment of a national health plan, where everyone is in and nobody is out. And as much of a problem that we have across the board with health care and health insurance, when it comes to some population groups, especially when it comes to minorities, nowhere are the divisions of race, ethnicity, and culture more sharply drawn than in the health of the people in the United States.

Despite recent progress in overall national health, there are continuing disparities in the incidents of illness and death among African-Americans, Latino/Hispanic-Americans, Native Americans, Asian-Americans, Alaskan Natives and Pacific Islanders as compared with the U.S. population as a whole. We can point to 6 areas in particular: One, cancer; two, cardiovascular disease; three, infant mortality; four, diabetes; five, HIV/AIDS; and six, child and adult immunizations, aggressively.

Cancer, for example, research shows in general that people of diverse racial, ethnic, and cultural heritage are less likely to get regular medical checkups, receive immunizations, and be routinely tested for cancer when compared with the majority of the U.S. population. Cancer deaths are disproportionately high among Latino/Hispanic-Americans and African-Americans. Vietnamese women are 5 times more likely to have cervical cancer and Chinese-Americans are 5 times more likely to have liver cancer.

Cardiovascular disease. Disparities exist in the prevalence of risk factors for cardiovascular disease, coronary heart disease and stroke. Racial and ethnic groups have higher rates of hypertension, tend to develop hypertension at an earlier age, and are less likely to undergo treatment to control their high blood pressure.

Mexican-American men and women have elevated blood pressure rates. Obesity continues to be higher for African-American and Mexican-American women. Only 50 percent of Native American, 44 percent of Asian-Americans, and 38 percent of Mexican-Americans have had their cholesterol checked within the past 2 years. Coronary heart disease mortality is higher for African-Americans. Stroke is the only leading cause of death for which mortality is higher for Asian-American males.

We look at infant mortality, current studies document that despite advances, African-American and Native American babies still die at a rate that is 2 to 3 times higher than the rate for white Americans. Infant mortality is really a measure that health professionals use to measure quality of life. If infant mortality is high, it usually means that the quality of life is low. If infant mortality is low, it usually means that the quality of life is high.

Statistics revealed that among Native Americans and Alaskan Natives, the incidents of Sudden Infant Death Syndrome, SIDS, is more than 3 to 4 times the rate for white American babies. And while the overall infant mortality rate has declined, the gap between black and white infant mortality rates has widened.

□ 2330

Diabetes, studies indicate that diabetes is the 7th leading cause of death in the United States. Approximately 16 million people in the U.S. have diabetes. African Americans are 1.7 times more likely. Latino Hispanic Americans are 2.0 times more likely. The Alaskan natives and Native Americans are 2.8 times more likely to have diabetes than whites. The Pima tribe of Arizona has the highest known prevalence of diabetes of any population in the world. Native Americans and African Americans have higher rates of diabetes-related complications such as kidney disease and amputation as compared to the total population.

HIV/AIDS, recent data from prevalence surveys and from HIV/AIDS cases surveillance continue to reflect the disproportionate impact of the epidemic on racially, ethnic and linguistically diverse population groups, especially women, youth and children.

The African Americans and Hispanic Latino group accounted for 47 and 20 percent respectively of persons diagnosed with AIDS in 1997. Among African Americans, 56 percent of new HIV infection and AIDS cases are a result of intravenous drug usage. For Hispanic Latino groups, 20 percent of new HIV infections and AIDS cases results from intravenous drug use. Seventy-five percent of HIV/AIDS cases reported among women and children occur among diverse racial and ethnic groups.

Six, child and adult immunizations. Statistics from the President's Initiative on Race reveal that for the most critical childhood vaccines, vaccination levels for preschool children of all racial and ethnic groups are about the same. However, immunization levels for racial and ethnic groups are lower.

School age children and elder adults of diverse racial and ethnic backgrounds continue to lag when compared to the overall vaccination rates for the U.S. general population. While 79 percent of white preschoolers are fully immunized by 2 years of age, only 74 percent of African American and 71 percent of Hispanic Latino children, including preschoolers and school age children, are fully vaccinated against childhood diseases.

Annually, approximately 45,000 adults die of infections related to influenza, pneumonia infections and hepatitis B, despite the availability of preventive vaccine. Among the elderly, there is a disproportionate amount of vaccine preventable diseases in racial, ethnic and underserved populations.

Although the reasons for these disturbing gaps are not well understood, it appears that disproportionate poverty, discrimination in the delivery of health services and the failure of health care organizations and programs to provide culturally competent health care to diverse racial, ethnic and cultural populations are all contributing factors.

For people under 65, blacks and Hispanics have a higher percentage of being uninsured than whites; 12.7 percent of non-Hispanic whites are uninsured; 22.8 percent of blacks are uninsured; and 24 percent of Hispanics are uninsured.

Minorities face greater difficulty in communicating with physicians. Hispanics are more than twice as likely as whites, 33 percent versus 16 percent, to cite one or more communication problems, such as understanding the doctor, not feeling the doctor listens to them or that they had questions for the doctor but did not get asked. Twenty-seven percent of Asian Americans and 23 percent of blacks cite that they also have communication problems.

Minorities, of course, are more likely to be without a regular doctor. Hispanics are twice as likely to not have a regular doctor than whites, 41 percent versus 19 percent. Thirty-one percent of Asian Americans and 28 percent of blacks are without a regular doctor.

Compared with the rates for whites, coronary heart disease mortality was 40 percent more for Asian Americans but 40 percent higher for blacks in 1995. Stroke is the leading cause of death for which mortality is higher for Asian American males than for white males.

Racial and ethnic minorities have higher rates of hypertension, tend to develop hypertension at an earlier age, are less likely to undergo treatment to control their blood pressure. From 1988 to 1994, 35 percent of black males 20 to 74 had hypertension compared to 25 percent of all men.

Among adult women, the age-adjusted prevalence of overweight continues to be higher for black women, 53 percent, and Mexican American women, 52 percent, than for white women. Only 50 percent of American Indians, native Alaskans, 44 percent of Asian Americans and 38 percent of Mexican Americans have had their cholesterol checked in the last 2 years.

According to the 2001 Surgeon General's Report on Mental Health, the prevalence of mental disorders is believed to be higher among African Americans than whites, and African Americans are less likely to be treated for mental problems such as depression or anxiety.

Infant death rates among blacks, American Indians and Alaskan natives and Hispanics in 1995 and 1996 were all above the national average of 7.2 deaths to 1,000 births. The black infant death rate is 14.2 deaths per 1,000 births. This is nearly two-and-a-half times that of white infants, 6 deaths, 1,000 births. Puerto Ricans have a rate of 8.9 deaths, 1,000 births, and overall, American Indians have a rate of 9 deaths to 1,000 live births.

HIV/AIDS is the sixth leading cause of death for African American males and the 10th leading cause of death for African American females. In 2000, 47 percent of all cases reported in the United States were among African Americans. The rate of new AIDS cases among African Americans was almost 10 times higher than among whites.

Cancer is the second leading cause of death in the United States, accounting for more than 544,000 deaths each year. For men and women combined, blacks have a cancer death rate about 35 percent higher than that for whites, 171.6 versus 127 per 100,000. The death rate for cancer for black men is about 50 percent higher than that for white men, 226.8 versus 151.8 per 100,000. The prostate cancer mortality rate for black men is more than twice of that of white men, 55.5 versus 23.8 per 100,000. The death rate for lung cancer is about 27 percent higher for blacks than for whites, 49.9 versus 39.3.

□ 2340

Incident rates for lung cancer in black men is about 50 percent higher than in white men, 110.7 versus 72.6 per 100,000. Native Hawaiian men have also elevated rates of lung cancer compared with white men. Alaskan native men and women suffer disproportionately higher rates of cancer of the colon and rectum than do whites. Vietnamese women in the United States have a cervical cancer rate five times that of white women, 47.3 versus 8.7 per 100,000. Hispanic women also suffer elevated rates of cervical cancer. Black women have the highest death rate from cervical cancer. Stomach cancer mortality is substantially higher among Pacific Islanders, including Native Hawaiians, than other populations.

We mention these numbers because America, our country tis of thee, has a goal to create equal justice, equal opportunity, equal service. The idea that out of many can be one, and one not just in concept but also one in reality. And to make real these ideas, there is obviously a need for special programs and special activities, in addition to changing the way we provide treatment in some instances.

There is a need to increase the numbers of minorities in medical schools, in nursing schools, and to train more professionals. There is the need to put more ambulatory care programs in places where there are none. There is a need to increase accessibility. Of course we know that poverty plays a tremendous role. There is a need for

more education, more assistance for individuals to take control of their own health.

And that is why the Congressional Black Caucus has made health one of its top priority issues. That is why we are pleased that our chairman, the gentleman from Maryland (Mr. CUMMINGS), will in fact be in Chicago on one of his stops as he and other members of the caucus go across the country trying to help raise the issue, trying to help people to understand what they can themselves do, and also continuing to suggest to America that we have to put our resources where our conversations are; that we have to make available quality comprehensive health care to all people in this great country without regard to their ability to pay.

So, Mr. Speaker, as I come to the close of my special order, I want to thank you for your indulgence. I want to thank the American people for watching and listening. And I hope that we can indeed let America be America again, the land that never has been and yet must be. The America that we all continue to dream about. The America that we all continue to hope for. The America that can ultimately crown its good with brotherhood from sea to shining sea. And the America that can have quality comprehensive health care for you and quality comprehensive health care for me.

Ms. LEE. Mr. Speaker, today members of the Congressional Black Caucus rise to expose the truth about minority health disparities in our health care system.

Many of my colleagues will outline the ongoing racial divide when it come to minorities' reliance on emergency and ambulatory services, the issue of access to health care and how minorities are disproportionately uninsured. Others will talk about the leading illnesses and health conditions that kill more Blacks and Latinos than Whites because of social and economic community distrust of the health care system.

However, tonight I want to bring attention to the increasing minority health disparities connected to environmental racism. The simple fact is the environment affects your health, and Blacks, Latinos and other people of color are suffering and dying because of toxins in the environment.

Dr. Martin Luther King, Jr. laid the groundwork when he declared that ''we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.'' The metaphors of nature are the metaphors of life, and that is fundamentally where environmental justice begins and ends.

Unfortunately, the waters themselves in much of the world are tainted, and the toxic streams flow all too often through neighborhoods at the economic margins of society, particularly minority neighborhoods.

Far too often, the issue of minority health and the environment is ignored. Now, the Administration continues to roll back all of the environmental protections that Democrats have fought for, minorities will pay the highest price of all, trapped in homes near brown fields, power lines and sanitation plants. Democrats must stand against the Administration and the deceptive conservatism that continues to sweep our policy debates and our nation.

Members of the Congressional Black Caucus see the forces of environmental injustice playing themselves out in terms of minority health disparities.

These disparities follow a cradle to grave cycle: beginning with infant mortality, continuing with workplace hazards and increased exposure to pollution, and ending with disparate access to healthcare, diagnoses, and medical treatment.

We see these forces clearly in diseases that strike most deeply into our cities and affect children most severely.

Asthma rates among the urban poor are reaching alarming proportions. Death rates from asthma, and a host of other treatable diseases, are significantly higher among African Americans than any other ethnic group.

In my own district, asthma rates are among the highest in the country, and children in West Oakland are seven times more likely to be hospitalized for asthma than children in the rest of California.

Over twenty-eight percent of low-income African American children suffer from lead poisoning, more than twice the level of exposure among low income white children, and far higher than among children of the middle class or wealthy.

Toxins concentrate along the color lines that have historically divided American society. Children of color are much more likely to suffer from lead poisoning, resulting in devastating effects on mental development. We are also finding that public housing communities have been secretly dealing with mold for years, another place where minorities are disproportionately located. These are minority health injustices that we cannot accept.

Environmental minority health disparities grow not only out of poverty, but racism. We must address the ravages of the past while we forge sounder policies for tomorrow. Our environment may be defined as our surroundings. Inner city neighborhoods that have liquor stores but no grocery stores speak to years of less than benign neglect and to the need for meaningful social and economic investment. That is a form of racism. Superfund sites that are under-funded; factories and plants that emit carcinogens under the protections of grandfather clauses; healthcare that is inadequate and racially biased; all demand our attention and financial resources. They are all forms of environmental racism.

We must demand environment health justice for our communities. The gap between minorities and whites in health care continues to grow, but I stand here today in support of universal health care, more resources for minority health initiatives, and a re-evaluation of the national agenda for health and justice. We must consider the environmental health agenda because it affects our homes, our communities, and the overall health of America.

Mr. CONYERS. Mr. Speaker, in 2002, the Institute of Medicine released a telling report entitled: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care. The report documented many troubling findings which unfortunately, health experts in the underserved communities have been crying out about for decades. It documents the case that the American health care system was set up so that African Americans, Hispanics, and other underserved minorities would receive ''second class back of the bus health care'' in public hospitals and community clinic—many of which are on the verge of economic collapse.

Minority Americans are at least twice as likely as white Americans to be uninsured. More than 30 percent of Latinos and 20 percent of African Americans do not have health insurance—and the gap has been widening over the last decade. Astoundingly, minorities now account for two thirds of the new AIDS cases, and HIV infection is the leading cause of death among younger African Americans. Yet, African Americans are 41 percent–73 percent less likely than whites to receive particular drug therapies.

African American women are far less likely to receive a mammogram than white women and are at far greater risk of being diagnosed with breast cancer. Black men are also 1.5 times more likely to develop prostate cancer than white men, and they are three times more likely to die of the disease. Even more disturbing, African American children are plagued by asthma. They are twice as likely to be diagnosed with the disease and a whopping six times as likely to die from it as white children. Just last month the Harlem Hospital found that an incredible 25 percent of children in central Harlem has asthma—one of the highest rates ever documented in an American neighborhood. Add to all the previously noted findings the fact that African American infant mortality rates are three times higher than the rate for white American babies, and the diagnosis for the future of the African American family seems not only chilling but painfully malignant.

Under George W. Bush and the Republicans, the current health disparities are likely to get worse—the principle reason is that they are gutting health care in general and Medicaid in particular. Medicaid is the bedrock of health coverage for poor Americans in general and minorities in particular—it insures one out of five children in America and two thirds of all nursing home residents.

Because of the budget crisis in the states, the Center on Budget and Policy Priorities has predicted that as many as 1.7 million Americans could lose health coverage entirely under Medicaid cut back proposals in the states. Amazingly, the Bush Administration is opposing efforts to help the States pay their Medicaid responsibilities and help keep poor and minority Americans insured.

This Congress I have been dedicated to bridging the gap in health care disparities amongst Americans. I have introduced a bill that would provide universal health care for all Americans. H.R. 676, ''Medicare For All'' is a national health insurance bill endorsed by 4000 physicians across the country. I also reintroduced H. Con. Res. 99, a resolution that commits to covering all of the uninsured by 2005. Just last month, the Congressional Black Caucus launched campaign to end racial disparities in healthcare by backing my universal healthcare resolution. I am also planning to introduce legislation that will bring Medicaid to anyone earning less than 200 percent of the poverty level. This will allow almost all working poor and unemployed Americans to have health coverage. It will also ensure that major urban hospitals can receive sufficient reimbursements so that they are not forced to shut their doors.

In 2003, in without a doubt the most powerful and wealthy society in the history of the

world, there is absolutely no excuse for the health disparities that are crippling and killing off our African American and minority communities. I urge my colleagues today to support the efforts of the CBC and others who are fighting to improve the health of all Americans.

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

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of official business.

Mr. LEWIS of Kentucky (at the request of Mr. DELAY) for today and June 5 on account of a death in the family.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TURNER of Texas) to revise and extend their remarks and include extraneous material:)

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 11.

Mr. PENCE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. WOLF, for 5 minutes, June 5.

Mr. COLLINS, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $780.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 313. An act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until Thursday, June 5, 2003, 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:

2511. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Beef from Uruguay [Docket No. 02-109-3] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2512. A letter from the Director, Regulations Policy and Management Staff, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Canada Because of BSE [Docket No. 03-058-1] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2513. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

2514. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Service, transmitting the Department's final rule — Ingrown Toenail Relief Drug Products for Over-the-Counter Human Use [Docket No. 02N-0359] (RIN: 0910-AA01] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2515. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Final Monograph [Docket No. 78N-036D] (RIN: 0910-AA01) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2516. A letter from the Director, Office of Management and Budget, transmitting the Office's FY 2002 report on Federal Government Information Security Reform; to the Committee on Government Reform.

2517. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 052103B] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2518. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 2 [Docket No. 030225045-3096-02; I.D. 020603A] (RIN: 0648-AQ29) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2519. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Revision of Charter Vessel and Headboat Permit Moratorium Eligibility Criterion [Docket No. 030303053-3118-02; I.D. 022403] (RIN: 0648-AQ70) received May 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2520. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT [CGD01-03-047] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2521. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Correction of Compliance Dates [Docket No. RSPA-01-10373 (HM-220D)] (RIN: 2137-AD58) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2522. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Bay Head, New Jersey [CGD05-03-049] (RIN: 1625-AA08) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2523. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware City, Delaware [CGD05-03-013] (RIN: 1625-AA08 (Formerly RIN: 2115-AE46)) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2524. A letter from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Regulated Transactions Involving Documented Vessels and Other Maritime Interests; Inflation Adjustment of Civil Monetary Penalties (RIN: 2133-AB48) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2525. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Transportation of Hazardous Materials; Unloading of Intermodal (IM) and UN Portable Tanks on Transport Vehicles [Docket No. RSPA-01-10533 (HM-218A)] (RIN: 2137-AD44) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2526. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Federal-Aid Highway System [FHWA Docket No. FHWA-97-2394] (RIN: 2125-AD74) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2527. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Columbia, MO, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.

2528. A letter from the Commissioner, Social Security Administration, transmitting the 2003 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104—193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

2529. A letter from the Director, Office of Personnel Management, transmitting the Office's legislative proposal ''To amend title 28, United States Code, to eliminate the requirement for a separate system of pay and benefits for FBI police''; jointly to the Committees on the Judiciary and Government Reform.

2530. A letter from the Secretary, Department of Homeland Security, transmitting the Department's legislative proposal entitled the ''Coast Guard Authorization Act of 2003''; jointly to the Committees on Transportation and Infrastructure, Government Reform, Armed Services, and the Judiciary.

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. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 1086. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes (Rept. 108–125, Pt. 2).

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 258. Resolution providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes (Rept. 108–140). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Concurrent Resolution 190. Resolution to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people (Rept. 108–141). 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. EVANS (for himself, Mr. ALEXANDER, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CAPITO, Mr. CAPUANO, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. COSTELLO, Mr. CRAMER, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GIBBONS, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LOFGREN, Mr. LUCAS of Kentucky, Mr. LYNCH, Mrs. MALONEY, Mr. MENENDEZ, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. REYES, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SANDLIN, Mr. SCOTT of Georgia, Mr. SMITH of Washington, Mr. SOUDER, Mr. STRICKLAND, Mr. STUPAK, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, Mr. WEXLER, Ms. WOOLSEY, Mr. SULLIVAN, Mrs. CHRISTENSEN, Mr. TOWNS, and Mr. GRIJALVA):

H.R. 2318. A bill to amend title 38, United States Code, to provide for a assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. COX (for himself, Mr. FROST, Mr. VITTER, Mr. BAIRD, Ms. JACKSON-LEE of Texas, Mr. CAMP, and Mr. SHADEGG):

H.R. 2319. A bill to include the Secretary of Homeland Security within the order of Presidential succession which applies in the absence of a qualified President and Vice President, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2320. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself and Mr. PAYNE):

H.R. 2321. A bill to promote and facilitate expansion of coverage under group health plans, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2322. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of certain disabled individuals who have no health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. BILIRAKIS:

H.R. 2323. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on 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 Mrs. CAPITO:

H.R. 2324. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the child tax credit and to expand the refundability of such credit, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. ALEXANDER, Mr. EMANUEL, Mr. RANGEL, Mr. HOYER, Mr. DAVIS of Alabama, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. STARK, Mr. CARDIN, Mr. STENHOLM, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. OBERSTAR, Mr. RODRIGUEZ, Mr. OLVER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. LANGEVIN, Mr. MENENDEZ, Mr. HINCHEY, Mr. SERRANO, Mr. GONZALEZ, Mr. BOUCHER, Mr. RYAN of Ohio, Ms. SLAUGHTER, Ms. WOOLSEY, Mrs. LOWEY, Mr. EVANS, Ms. ESHOO, Mr. FORD, Mr. ENGEL, Mr. TANNER, Ms. LEE, Mrs. DAVIS of California, Mr. TIERNEY, Mr. LANTOS, Mr. BAIRD, Ms. ROYBAL-ALLARD, Mr. MCNULTY, Mr. SANDLIN, Mr. MICHAUD, Mr. INSLEE, Mr. MARKEY, Mr. GRIJALVA, Mr. DAVIS of Florida, Mr. BLUMENAUER, Mr. ISRAEL, Mr. DELAHUNT, Mr. HOEFFEL, Mr. REYES, Mr. CLYBURN, Mr. WYNN, Mr. PALLONE, Ms. BORDALLO, Mr. CONYERS, Mr. PASCRELL, Ms. SOLIS, Mr. COOPER, Mrs. MALONEY, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. POMEROY, Mr. DOGGETT, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. TAYLOR of Mississippi, Mr. SKELTON, Mr. STRICKLAND, Mr. UDALL of New Mexico, Mr. DEFAZIO, Mr. SANDERS, Ms. KAPTUR, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Ms. DEGETTE, Mr. ACEVEDO-VILA, Mr. JOHN, Mrs. CAPPS, Mr. CROWLEY, Mr. EDWARDS, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. FROST, Mr. KUCINICH, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. MEEHAN, Ms. MCCOLLUM, Mr. CASE, Mr. HINOJOSA, Mr. HOLT, Mr. OWENS, Mr. CARDOZA, Mr. RUPPERSBERGER,

Mr. PRICE of North Carolina, Mr. OBEY, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. LAMPSON, Mr. PASTOR, Mr. ORTIZ, Mr. BECERRA, and Mr. FILNER):

H.R. 2325. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2326. A bill to require the conveyance of certain Bureau of Land Management lands in Nye County, Nevada, to Ponderosa Dairy in Amargosa, Nevada; to the Committee on Resources.

By Mr. GOODE (for himself and Mr. HILL):

H.R. 2327. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes; to the Committee on Resources.

By Mr. HOEFFEL (for himself, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. ENGLISH, Mr. FATTAH, Mr. GERLACH, Mr. GREENWOOD, Ms. HART, Mr. HOLDEN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. SHERWOOD, Mr. SHUSTER, Mr. TOOMEY, Mr. WELDON of Pennsylvania, Mr. OBERSTAR, Mr. LATOURETTE, Mrs. TAUSCHER, and Mr. LAMPSON):

H.R. 2328. A bill to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''; to the Committee on Government Reform.

By Mr. KIRK (for himself and Mrs. TAUSCHER):

H.R. 2329. A bill to provide for global pathogen surveillance and response; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. KING of New York, Mr. HYDE, Mr. SMITH of New Jersey, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. ROHRABACHER, Mr. FALEOMAVAEGA, Mr. PITTS, Mr. LEVIN, Mr. SOUDER, Mr. ACKERMAN, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. ENGEL, Mr. BLUMENAUER, Mr. SCHIFF, Mr. ANDREWS, Mr. MCGOVERN, Mr. OLVER, Mr. FARR, Mr. EVANS, and Mr. ABERCROMBIE):

H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and the Judiciary, 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. MATHESON (for himself, Mr. RENZI, and Mr. UDALL of New Mexico):

H.R. 2331. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida:

H.R. 2332. A bill to amend the Jobs and Growth Tax Relief Reconciliation Act of 2003 to make permanent the treatment of dividend income as capital gains; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Mr. BEREUTER, Mr. OSBORNE, Mr. MCINTYRE, Mrs. EMERSON, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mr. TOWNS, Mr. BERRY, Mr. KIND, Mr. TURNER of Texas, Mr. LEACH, Mr. ALEXANDER, Mr. MARSHALL, Mr. UDALL of New Mexico, Mr. EDWARDS, Mr. KING of Iowa, and Mr. NUNES):

H.R. 2333. A bill to amend title XVIII of the Social Security Act and the Public Health Service Act to improve outpatient health care for Medicare beneficiaries who reside in rural areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 Ms. NORTON:

H.R. 2334. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 2335. A bill to provide for general revenue sharing and assistance for education for States and their local governments; to the Committee on Education and the Workforce, and in addition to the Committee on 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. PETRI (for himself, Mr. RAHALL, Mr. DREIER, Mr. WICKER, and Mr. GARRETT of New Jersey):

H.R. 2336. A bill to amend the Higher Education Act to establish and strengthen post-secondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Education and the Workforce.

By Mr. REYNOLDS:

H.R. 2337. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory care facilities for veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 2338. A bill to prevent loans for Iraq from the International Monetary Fund or the International Bank for Reconstruction and Development from being used to pay off Iraq's creditors; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 2339. A bill to require door delivery of mail sent to persons residing in senior communities; to the Committee on Government Reform.

By Mr. SAXTON:

H.R. 2340. A bill to amend the Internal Revenue Code of 1986 to repeal the required beginning date for distributions from individual retirement plans and for distributions of elective deferrals under qualified cash or deferred arrangements; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself, Mr. POMEROY, Mr. SOUDER, Mr. SMITH of Texas, Mr. PETERSON of Pennsylvania, Mr. PAUL, Mr. BONILLA, Mr. NETHERCUTT, Mr. GONZALEZ, and Mr. EDWARDS):

H.R. 2341. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. RANGEL, Mr. MATSUI, Mr. MCDERMOTT, Mr. SANDLIN, and Mrs. JONES of Ohio):

H.R. 2342. A bill to amend title XVIII of the Social Security Act to expand Medicare benefits to prevent, delay, and minimize the progression of chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2343. A bill to amend title XVIII of the Social Security Act to exclude services of certain providers from the skilled nursing facility prospective payment system under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. BURGESS:

H. Con. Res. 206. Concurrent resolution supporting the National Marrow Donor Program and other bone marrow donor programs and encouraging Americans to learn about the importance of bone marrow donation; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H. Con. Res. 207. Concurrent resolution supporting the efforts to establish a moderate and tolerant political system in Afghanistan that is protective of the rights and dignity of all communities; to the Committee on International Relations.

By Mr. MARKEY:

H. Res. 259. A resolution calling for robust inspections in Iran; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

63. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8015 memorializing the United States Congress to pray that new federal procedures be established to assure that future sales of wheat stocks from federally held grain reserves be conducted in a manner that such sales will not unduly disrupt the market while also fulfilling the original intent; to the Committee on Agriculture.

64. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 58 memorializing the United States Congress to continue providing assistance to Michigan to help eradicate bovine tuberculosis; to the Committee on Agriculture.

65. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8000 memorializing the United States Congress to pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place and withdraw the Notice of Proposed Rulemaking establishing a Standard Market Design for electricity; to the Committee on Energy and Commerce.

66. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8012 memorializing the United States Congress to pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place; to the Committee on Energy and Commerce.

67. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1168

Joint Resolution memorializing the President, the United States Congress, and the United States Department of Transportation to not cut essential air services funding; to the Committee on Transportation and Infrastructure.

68. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 14 memorializing the President and the United States Congress to pursue and support fuel cell research projects in Michigan; to the Committee on Science.

69. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8003 memorializing the United States Congress to pray to restore the deduction of retail sales under the federal income tax; to the Committee on Ways and Means.

70. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8002 memorializing the United States Congress to provide adequate funding levels for the United States Forest Service and continually assess the progress towards a healthy forest environment; jointly to the Committees on Agriculture and Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. FORD.
H.R. 49: Mr. UPTON.
H.R. 58: Mrs. KELLY, Mr. REYES, and Mr. HOLT.
H.R. 179: Mr. FLETCHER.
H.R. 188: Ms. LEE.
H.R. 193: Mr. WICKER.
H.R. 262: Mr. KLINE.
H.R. 303: Mr. BARTON of Texas, Mr. LANGEVIN, Mr. HOYER, and Ms. BORDALLO.
H.R. 310: Mr. ROGERS of Kentucky.
H.R. 331: Mr. MCINTYRE and Mr. RANGEL.
H.R. 369: Ms. KILPATRICK, Mr. CONYERS, and Mr. DINGELL.
H.R. 391: Mr. BROWN of South Carolina, Mr. MICA, Mr. BURGESS, Mr. DEAL of Georgia, Mr. LATHAM, Mr. GINGREY, Mr. JONES of North Carolina, and Mr. GUTKNECHT.
H.R. 401: Mr. CARDOZA and Mr. CHOCOLA.
H.R. 414: Mr. DAVIS of Illinois and Mr. OWENS.
H.R. 430: Mr. BURGESS.
H.R. 438: Mr. EHLERS.
H.R. 459: Mr. BURGESS.
H.R. 465: Mr. GREEN of Wisconsin.
H.R. 490: Mr. GUTIERREZ.
H.R. 502: Ms. GINNY BROWN-WAITE of Florida.
H.R. 527: Mr. ROGERS of Kentucky.
H.R. 584: Mr. DELAHUNT and Mr. LATHAM.
H.R. 589: Mr. CUNNINGHAM and Mr. CANNON.
H.R. 648: Mr. SIMPSON, Mr. BISHOP of Utah, Mr. ENGLISH, and Mr. PETRI.
H.R. 660: Mr. HULSHOF, Mr. ISTOOK, Mr. SHADEGG, Mr. CHABOT, Mrs. MYRICK, and Mr. GIBBONS.
H.R. 687: Mr. EVERETT, Mrs. MUSGRAVE, Mr. SIMMONS, Mr. MILLER of Florida, and Mr. STENHOLM.
H.R. 713: Mr. GARY G. MILLER of California and Mr. STUPAK.
H.R. 731: Mr. HOLDEN and Mr. BROWN of Ohio.
H.R. 756: Mr. WICKER.
H.R. 785: Mr. OSBORNE.
H.R. 817: Mr. BOUCHER, Mr. MCCOTTER, and Ms. DELAURO.
H.R. 822: Mr. GRIJALVA, Mr. MARKEY, and Mr. NADLER.
H.R. 857: Mr. OWENS.
H.R. 876: Mr. HASTINGS of Florida, Mr. BURGESS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. WICKER, and Mr. SNYDER.
H.R. 898: Mrs. BIGGERT and Ms. KAPTUR.
H.R. 973: Mr. ANDREWS.
H.R. 976: Mr. LAHOOD.
H.R. 979: Mr. THOMPSON of Mississippi.
H.R. 980: Mr. LEWIS of Kentucky.
H.R. 983: Mr. GARY G. MILLER of California.
H.R. 996: Mr. GUTKNECHT, Mr. LATHAM, Mrs. CAPITO, Mr. JOHN, Mr. WEINER, Mrs. MYRICK, Mr. BONNER, Mr. FORD, and Mr. BOEHNER.
H.R. 997: Mr. MCHUGH and Mrs. EMERSON.
H.R. 998: Mr. HOLT.
H.R. 1007: Mrs. MCCARTHY of New York.
H.R. 1031: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DEUTSCH.
H.R. 1049: Mr. BISHOP of Utah.
H.R. 1052: Mr. UDALL of Colorado.
H.R. 1063: Mr. PITTS and Mr. PALLONE.
H.R. 1105: Mr. CONYERS.
H.R. 1115: Mr. BRADLEY of New Hampshire, Mr. WICKER, and Mr. GOODE.
H.R. 1125: Mr. ROGERS of Kentucky.
H.R. 1130: Mr. BALLANCE and Mr. THOMPSON of Mississippi.
H.R. 1157: Mr. MORAN of Kansas.
H.R. 1179: Mr. CULBERSON.
H.R. 1220: Mr. MANZULLO.
H.R. 1244: Mr. BACA.
H.R. 1268: Mr. GONZALEZ and Mr. HONDA.
H.R. 1294: Mr. DAVIS of Illinois, Mr. NADLER, Ms. BALDWIN, and Ms. KAPTUR.
H.R. 1305: Mr. STEARNS and Mr. GARY G. MILLER of California.
H.R. 1321: Mr. COOPER, Mr. OWENS, Mr. GRIJALVA, and Mr. GUTIERREZ.
H.R. 1421: Mr. RANGEL.
H.R. 1472: Ms. WOOLSEY, Mr. BAIRD, Mr. WYNN, Mr. CAPUANO, Mr. ACEVEDO-VILA, and Mr. ORTIZ.
H.R. 1479: Mr. MCCRERY and Mrs. JO ANN DAVIS of Virginia.
H.R. 1508: Mr. PALLONE, Mr. BACA, and Mr. JACKSON of Illinois.
H.R. 1513: Ms. ROS-LEHTINEN, Mr. EHLERS, Mr. GORDON, and Mr. SANDLIN.
H.R. 1532: Ms. KILPATRICK, Mr. OLVER, Mr. LARSON of Connecticut, Mr. WAXMAN, and Mr. SMITH of New Jersey.
H.R. 1536: Mr. SULLIVAN.
H.R. 1539: Ms. LEE.
H.R. 1551: Ms. LINDA T. SANCHEZ of California and Ms. MCCOLLUM.
H.R. 1565: Ms. JACKSON-LEE of Texas.
H.R. 1586: Mr. BISHOP of Utah.
H.R. 1655: Mr. LUCAS of Kentucky, Mr. FARR, Mr. HINCHEY, Mr. MCNULTY, Mr. LANTOS, Mr. FROST, and Mr. WAXMAN.
H.R. 1675: Mr. COLE and Mr. CARDOZA.
H.R. 1710: Mr. HOLDEN and Mr. MURPHY.
H.R. 1725: Mr. BURGESS.
H.R. 1738: Mr. MICHAUD, and Mr. FRANK of Massachusetts.
H.R. 1742: Ms. LINDA T. SANCHEZ of California and Mr. BONILLA.
H.R. 1749: Mr. RAHALL.
H.R. 1755: Mr. CHOCOLA.
H.R. 1767: Mr. SULLIVAN, Mr. AKIN, Mr. HAYES, Mr. FEENEY, Mr. ROHRABACHER, Mr. PENCE, and Mr. SIMMONS.
H.R. 1769: Mr. SAXTON and Mr. CARTER.
H.R. 1784: Mr. LEWIS of Kentucky and Mr. REYES.
H.R. 1813: Mr. CARDIN, Mr. WAXMAN, Ms. WATERS, and Ms. SCHAKOWKSY.
H.R. 1824: Mr. ENGEL, Mr. BAKER, Mr. GALLEGLY, Mr. FEENEY, and Mr. BRADLEY of New Hampshire.
H.R. 1881: Mr. OSE.
H.R. 1902: Mr. MILLER of Florida, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, and Ms. KAPTUR.
H.R. 1926: Mr. MILLER of Florida.
H.R. 2012: Mr. MENENDEZ.
H.R. 2017: Ms. BALDWIN.
H.R. 2023: Mr. LANTOS.
H.R. 2030: Mr. SCHIFF.
H.R. 2032: Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, and Mr. BOEHLERT.
H.R. 2037: Mr. RAHALL.
H.R. 2052: Mr. HINCHEY, Ms. WATSON, Mr. FILNER, Mrs. JOHNSON of Connecticut, Mr. SCOTT of Georgia, Mr. ABERCROMBIE, Mr. ISAKSON, Mr. GOODE, Mrs. MYRICK, Mr. PENCE, Mr. LUCAS of Oklahoma, Mr. BRADLEY of New Hampshire, Ms. SOLIS, Mr. BACA, Ms. DELAURO, Mr. COX, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. LEACH, Mr. HOYER, Mr. FRANK of Massachusetts, Mr. GREEN of Wisconsin, Mr. LATHAM, Mrs. MALONEY, Mr. DEUTSCH, Mr. PICKERING, Mr. UDALL of New Mexico, Mr. MENENDEZ, Ms. JACKSON-LEE of Texas, Mr. COOPER, Mr. DUNCAN, Mr. SPRATT, and Mr. COBLE.
H.R. 2068: Mr. MCDERMOTT, Mr. MARKEY, Mr. GREEN of Texas, Mr. RODRIGUEZ, and Mr. ANDREWS.
H.R. 2069: Mr. MCDERMOTT, Mr. MARKEY, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. ANDREWS, and Mr. LANTOS.
H.R. 2077: Mr. MCHUGH.
H.R. 2125: Mr. MCDERMOTT and Ms. MILLENDER-MCDONALD.
H.R. 2127: Mr. OWENS.
H.R. 2131: Mr. DAVIS of Florida.
H.R. 2133: Mrs. KELLY.
H.R. 2152: Ms. JACKSON-LEE of Texas.
H.R. 2162: Mr. ISRAEL.
H.R. 2169: Mr. RYAN of Ohio.
H.R. 2182: Mr. BOUCHER, Mr. FROST, Mr. STARK, Mr. CARDIN, and Mr. MCNULTY.
H.R. 2183: Mr. CANTOR.
H.R. 2198: Mr. HOLT, Mr. PALLONE, and Mr. DEAL of Georgia.
H.R. 2203: Ms. HART and Ms. MCCOLLUM.
H.R. 2205: Mr. JEFFERSON, Mr. CLYBURN, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. LANTOS, Mr. HONDA, Mr. ISAKSON, Mr. FOSSELLA, Mr. CLAY, Mr. SHAYS, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. LEACH, Mr. MCNULTY, Mr. OWENS, Mr. RANGEL, Mr. WYNN, Mr. MOORE, and Ms. DELAURO.
H.R. 2212: Mr. OWENS.
H.R. 2213: Mr. DAVIS of Florida.
H.R. 2233: Mr. LANTOS, Mr. OLVER, Mr. MORAN of Virginia, and Mr. UDALL of Colorado.
H.R. 2242: Mr. WELLER.
H.R. 2246: Mr. KILDEE, Mr. HOEFFEL, Mrs. LOWEY, and Mrs. KELLY.
H.R. 2247: Mr. OWENS, Ms. SCHAKOWSKY, Mrs. CAPPS, Ms. MCCOLLUM, Ms. SOLIS, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. HOEFFEL, Mr. BOSWELL, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Mrs. TAUSCHER, Mr. GEPHARDT, Ms. WOOLSEY, Mr. LEVIN, and Ms. MILLENDER-MCDONALD.
H.R. 2249: Mr. LUCAS of Kentucky and Mr. WAXMAN.
H.R. 2250: Mr. OWENS, Mrs. CHRISTENSEN, and Mr. GONZALEZ.
H.R. 2268: Mr. FROST, Ms. WATERS, Mr. SCHIFF, Mr. PASCRELL, Mr. DAVIS of Illinois, and Ms. LEE.
H.R. 2286: Mr. MATSUI, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mrs. DAVIS of California, Ms. LOFGREN, Mr. TIERNEY, Mr. OBERSTAR, Mr. NADLER, Mr. OLVER, Mr. FILNER, Mr. BELL, Mr. LANTOS, Ms. HARMAN, Mr. LANGEVIN, Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. WYNN, and Mr. CARDIN.
H.R. 2291: Mr. PLATTS, Mrs. CHRISTENSEN, and Mr. STARK.
H. Con. Res. 60: Mr. GORDON, Ms. WATSON, Mr. RAMSTAD, Mr. CANNON, Mr. COLLINS, Mr. TERRY, Mr. SULLIVAN, Mr. AKIN, Mr. GOODE, and Mrs. BONO.
H. Con. Res. 78: Mr. GRIJALVA.
H. Con. Res. 93: Mr. THOMPSON of California, Mr. GALLEGLY, Mr. MILLER of Florida, Mr. DOOLITTLE, Mr. FARR, Mr. BERMAN, Mr. COX, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. POMBO, Mr. RADANOVICH, Mr. THOMAS, and Mr. STUPAK.

H. Con. Res. 99: Mr. FRANK of Massachusetts and Ms. DELAURO.

H. Con. Res. 115: Mr. ACKERMAN and Ms. SCHAKOWSKY.

H. Con. Res. 116: Mr. FLAKE.

H. Con. Res. 122: Mr. FRANK of Massachusetts, Ms. LEE, and Ms. MCCOLLUM.

H. Con. Res. 190: Mr. GOSS, Mr. LINDER, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. SESSIONS, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. MCGOVERN, and Mr. HASTINGS of Florida.

H. Res. 157: Ms. LOFGREN.

H. Res. 233: Ms. LEE.

H. Res. 234: Mr. CLAY and Mr. CAPUANO.

H. Res. 242: Ms. HARRIS and Mr. GALLEGLY.

H. Res. 246: Mr. MICHAUD, Mrs. JONES of Ohio, and Ms. WOOLSEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mr. GEPHARDT.

H.R. 2180: Mr. GORDON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1474

OFFERED BY: MS. HART

AMENDMENT NO. 1: In section 1, insert ''or the 'Check 21 Act' '' before the period at the end.