to these schools. Many of these schools are poor schools. They go around and speak to these students, and I will say it is really refreshing and relives or brings back up a deep sense of patriotism, for those of us who feel that it is very important.

So this year, the City of Pueblo is recognizing Heroes Plaza and have actually commissioned, and it is a very expensive undertaking, but they have commissioned four statues representing each of the four Medal of Honor winners of the City of Pueblo.

Unfortunately, two of those four have passed away in the past year and will not be present, obviously, for the occasion in September; but, nonetheless, we expect a very large gathering, and we think that this resolution adds to the patriotism of that particular gathering. So I do appreciate the expedited schedule, again thanks to the gentleman from Arizona (Mr. STUMP), thanks to the gentleman from Illinois (Mr. EVANS), and thanks to the Speaker pro tempore.

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

Madam Speaker, I would like at this time to thank once again the gentleman from Illinois (Mr. EVANS) for all his cooperation in bringing these bills to the floor today, and also thank the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for allowing us to expedite this measure today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 351.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4654

Mr. MCNULTY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4654.

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

There was no objection.

INNOCENT CHILD PROTECTION ACT OF 2000

Mr. HUTCHINSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4888) to protect innocent children.

The Clerk read as follows:

H.R. 4888

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 ''Innocent Child Protection Act of 2000''.

SEC. 2. PROTECTION OF INNOCENT CHILDREN.

It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries a child in utero. In this section, the term ''child in utero'' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Madam 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 therein on H.R. 4888, the bill under consideration.

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

There was no objection.

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

Madam Speaker, H.R. 4888 is the Innocent Child Protection Act of 2000, which would make it unlawful for the Federal Government or any State government to execute a woman while she is pregnant. This legislation was introduced by the gentlewoman from Florida (Ms. Ros-Lehtinen) on July 19 and would fulfill the obligations of the United States under the International Covenant on Civil and Political Rights.

That covenant, which was ratified by the United States in 1992 and has been signed by 143 other countries, guarantees certain civil and political rights to all individuals within the jurisdiction of the various nations, including the right to be free from torture or cruel and inhumane and degrading treatment or punishment, the right to be free from slavery, and the right to liberty and security of person.

The covenant also guarantees the right to freedom of expression, thought, conscience and religion; but of significance to today's legislation, article 6 of that covenant provides that a sentence of death shall not be carried out on a pregnant woman.

The United States agreed to this prohibition and promised to respect and ensure the rights recognized in the covenant to all individuals subject to the jurisdiction of the United States.

In addition, where not already provided for by existing legislation or by other measures, the United States agreed to take necessary steps to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in that covenant; and so Congress, pursuant to that treaty, enacted legislation in 1994 that prohibited Federal executions of pregnant women.

That statute codified the common-law rule which had been recognized by the United States Supreme Court in Union Pacific Railway v. Botsford. In that case, the Supreme Court explained the common law barred execution of a pregnant woman in order to guard against the taking of the life of an unborn child for the crime of the mother.

The majority of executions are carried out by the States; and, therefore, it appears that some States have no statutory prohibition on executing pregnant women; and for that reason it is necessary to implement the treaty for us to move forward with this legislation. It is important that the position of the United States be clear and unambiguous.

Now let me address the constitutional authority for this legislation. It is well settled that Congress has the authority to enact legislation implementing treaties under the necessary and proper clause of article I of the Constitution, even if that legislation interferes with matters that would otherwise be left to the States. The Supreme Court addressed this issue in Missouri v. Holland. In that case, the United States entered into a treaty with Great Britain in which both countries agreed to take certain steps to protect migratory birds. After ratification of the treaty, Congress enacted a Federal statute prohibiting the killing, capturing or selling of certain migratory birds, except as permitted by regulation of the Department of Agriculture. And so even though Missouri challenged this new statute and asserted the statute interfered with the powers reserved to the States by the 10th amendment, the Court upheld implementation of that treaty by statute.

In a similar way, the courts have followed similar reasoning in upholding of the Hostage-Taking Act, which was again implemented pursuant to a treaty; and so this is very appropriate that we enter into this legislation today.

The situation, we might say, contemplated by this legislation may occur very rarely, but enactment of the law is clearly worthwhile even if it has the potential to save only one innocent life. In recent years there have been 40 to 50 women at a time under state-imposed death sentences. As of January 1, there were 51 women on death row in the various States and 82 percent of those women were age 45 or younger.

While it may seem unlikely that any of these women would become pregnant, the fact is that incarcerated women do become pregnant even in

maximum security facilities. As our colleague, the gentlewoman from California (Ms. WOOLSEY), pointed out during a June 22 debate on a proposal to remove the ban on the funding of abortions by the Bureau of Prisons, we know that women become pregnant in prison from rape or from having a relationship with one of the guards. And in his book, Into This Universe: The Story of Human Birth, Dr. Alan Guttmacher, the father of Planned Parenthood, recounted a story told to him by a judge about a woman who obtained two stays of execution after she became pregnant twice through the willing cooperation of her jailer.

It is not difficult to imagine this scenario recurring, especially given the fact that over 80 percent of the women on death row are of child-bearing age. This bill does not reflect any point of view on the desirability or the appropriateness of the death penalty. Nor does it have any relevance to other pending legislation pertaining to DNA evidence or other issues related to the guilt or innocence of a person who has been convicted of a crime. This bill simply recognizes and fulfills this Congress' obligation under the International Covenant on Civil and Political Rights, the treaty I referred to, to protect innocent unborn children from being executed with their mothers.

I urge my colleagues to support this important legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, it has been said that legislative redundancy is a common sin on the House floor but this bill makes that sin unusually self-indulgent. The execution of pregnant women is already illegal under Federal law, and it is doubtful that this Supreme Court would acknowledge our jurisdiction to impose that dictum on State courts.

Let me read from Title 18, section 3596, implementation of death sentence:

> In general, a person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence.
>
> When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of the death sentence, the Court shall designate another State, the law of which does provide for the implementation of a death sentence and the sentence shall be implemented in the manner prescribed by such law; B, pregnant woman, a sentence of death shall not be carried out upon a woman while she is pregnant.

So I suggest to the members of the committee that this bill is likely to affect no one, but it is rushed through in lightning speed in an effort to satisfy some particular cause for the moment.

By contrast, the hate crimes legislation has been bottled up in the Committee on the Judiciary by the gentleman from Illinois (Mr. HYDE) for over 3 years now. We know that there are nearly 8,000 hate crimes in America each year; but that legislation, by contrast, has not seen the light of day. Our gun safety legislation continues to be blocked by the Congress; nearly 26,000 innocent people dying on the wrong end of a barrel each year. This Congress has not even shown the fortitude to stand up to the NRA on something as simple as closing the gun show loophole which makes guns available to criminals, but we can pass this legislation that in all likelihood will help no one.

This is a leadership that cannot pass a Patients' Bill of Rights; that cannot pass the minimum wage; that cannot pass prescription drug benefits for seniors; that cannot pass a marriage tax that will help middle-class Americans; cannot really do much of anything to help people.

□ 1115

So if we really wanted to protect innocent life, we would pass the bipartisan Innocence Protection Act already introduced, which would provide DNA tests and competent counsel for death row inmates. This legislation was introduced in the wake of widespread evidence across the country that innocents have been wrongly committed of capital crimes. But instead, we pass legislation that in all probability will assist no one.

Madam Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), author of the legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from Arkansas for yielding me this time. In our Nation a convicted murderer loses the right to vote, along with all basic civil rights. In 38 States, a convicted murderer may lose even the most fundamental right, the right to live.

But what if within the confines of our judicial and penal system a convicted murderer would have the right to kill again. What if, as a result of this legal right, a completely innocent human being to whom no trespass could be attributed was brutally killed. These hypothetical examples could be realized because for the 38 States which impose the death penalty, there is no current law which prohibits the execution of a pregnant woman who carries an innocent, unborn child.

Madam Speaker, last week I introduced the Innocent Child Protection Act, H.R. 4888, which would make it illegal for any authority, military or civil, in any State to carry out a death sentence on a woman who carries a child in utero. No unborn child can possibly be guilty of committing a crime, therefore, no unborn child should be punished by death. H.R. 4888 will protect unborn children by preventing innocent human life from being sentenced to death.

Even in a maximum security facility, women do become pregnant. Otherwise, some in Congress would not have tried to require the Federal Bureau of Prisons to fund abortions. As of January 1991, 51 women were on State death row and 82 percent of them were of child-bearing age, age 45 or younger.

But how many lives must pay for the crime committed by one of these women? Today I ask my colleagues, regardless of whether they are pro-life or pro-choice, to vote to pass H.R. 4888. An innocent unborn child should not have to forfeit his opportunity for a life for a crime that his mother has committed. And as the gentleman from Arkansas has also pointed out, Alan Frank Guttmacher, commonly known as the ''father of Planned Parenthood,'' stated in his book, Into This Universe, the Story of Human Birth, he makes the case for a child to be born, and not aborted, by a prisoner.

Madam Speaker, if even the father of Planned Parenthood is against a prisoner having an abortion, who can be against legislation to protect innocent life from death?

H.R. 4888 does not make a statement on the appropriateness of capital punishment as a means to castigate persons convicted of premeditated murder or other serious crimes. H.R. 4888 does not impose on a woman's right to choose, for it does not prohibit them from having an abortion. This bill merely asks one simple question: Should the government execute an unborn child who has committed no crime?

Madam Speaker, the only answer to this question is no. Therefore, I ask my colleagues to vote ''yes'' on H.R. 4888.

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

Madam Speaker, I fully respect the gentlewoman from Florida who has introduced this measure. I point out to her that normally, there is some Federal jurisdictional requirement that is cited in a bill of this kind that applies to a State, and that there is none such in this bill.

I am not quite sure if she was aware that there was in the Federal Criminal Code a measure that precludes in the Federal law at this moment a sentence from death being carried out upon a woman while she is still pregnant. I would ask the gentlewoman from Florida if she were aware of the existence of such a provision in our Federal law.

Ms. ROS-LEHTINEN. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Madam Speaker, what my bill simply says is that although there are provisions applying on the Federal death penalty, this would make it applicable at the State level.

Madam Speaker, 38 States do have the death penalty. So this would apply to those States that do.

Mr. CONYERS. Madam Speaker, reclaiming my time, if I might continue, is the gentlewoman familiar with the fact of the limited role of the Federal Government with respect to the State function? The New York v. U.S. and the U.S. v. Lopez cases limit the role of the Federal Government with respect to State function unless there is an explicit jurisdictional requirement satisfied.

Madam Speaker, I raise the question to the gentlewoman, or anybody on the floor, what is the jurisdictional authority in this bill?

Ms. ROS-LEHTINEN. Madam Speaker, if the gentleman will continue to yield.

Mr. CONYERS. I am happy to yield.

Ms. ROS-LEHTINEN. Madam Speaker, as the gentleman from Arkansas (Mr. HUTCHINSON) had pointed out in his introductory statements, which I then blotted out of mine because we did not want to be redundant, he had pointed out case after case where it was based on a treaty and then it does give the congressional authority to act in this way.

Madam Speaker, if I could ask the gentleman from Arkansas to reread, to recite those particular cases having to do with the treaty. If the gentleman from Michigan (Mr. CONYERS) would yield to the gentleman from Arkansas, he would be glad to cite those again.

Mr. CONYERS. Just a moment. Madam Speaker, I will be happy to yield to the gentleman from Arkansas, but before I do, I just wanted to remind him and the gentlewoman that the case that I cited, U.S. v. Lopez, requires and says that the statute in a bill must cite the authority. The authority must be cited. And in this bill, it is not cited. That is the question that still remains.

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, the Lopez case is a Commerce clause case in which the Court had indicated that there had to be a recognition of the interstate basis and a legislative history for it. And in this case, this is not based upon the Commerce clause, but it is based upon the Constitution itself. The necessary and proper clause of the Constitution that gives the Federal Government authority to pass legislation to implement treaties.

So this legislation is based upon that clause of the Constitution fulfilling our obligation under the treaty that has been signed with the United States and 142 other nations, and I would thank the gentleman for the question, and direct him to the Missouri v. Holland case, which is really directly on point, which recites the authority of the Federal legislature to adopt legislation, even for the States, when it is carried out to implement a treaty, in that case the Migratory Bird Treaty.

Mr. CONYERS. Madam Speaker, again reclaiming my time, I would close by merely reminding everyone that these two cases, which both cite very clearly and unambiguously that they are not limited to the Commerce clause or any other particular part of the Constitution, require that the statute must cite the authority. The role of the Federal Government with respect to State functions must be made clear and explicit. The jurisdictional requirement has to be satisfied.

I submit to my friends that this is one of the few cases, few bills I have ever seen come to the floor that does not cite any authority, whatsoever. Now, it may be that in the haste of the moment, this is a bill that has not been before the Committee on the Judiciary, so maybe my colleagues forgot. We are dealing with a bill that was introduced on July 19, 2000. That was a few days ago. So that may be the problem.

Madam Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON), my good friend, for yielding me this time.

Madam Speaker, one might excuse Vice President AL GORE for not knowing that a 1994 Federal law prohibits Federal executions of pregnant women, but not State. Last week on NBC's Meet the Press, Mr. GORE did not have a clue, and even laughed nervously in response to the question.

A day later, however, all indecisiveness was gone. Mr. GORE came down in earnest in favor of executing children, as long as the convicted mother chose it. He said, and I quote, ''The principle of a woman's right to choose governs in that case.'' According to Mr. GORE, the baby is property, mere chattel of no inherent worth, possessing no inherent dignity. If the mother is to be punished with death for the commission of a crime, the Vice President believes she can take her unborn child to the gallows with her.

Madam Speaker, Mr. GORE's position, in my view, is breathtakingly insensitive, callous and punishes an innocent baby, or babies if twins are involved, with electrocution or lethal injection.

Madam Speaker, as a Member of the Congress for the past 20 years, I am adamantly opposed to the death penalty, and I was before I came to Congress. Yet I respect those who take the contrary view and acknowledge that the argument of punishing heinous crimes like premeditated murder with death, and the requisite due process rights afforded to the accused, makes the argument in favor of the death penalty credible, but for me it is not convincing.

Yet, I would be less than candid if I did not say that I have no respect whatsoever for Mr. GORE, and those who take the position to permit the execution of children. Mr. GORE's child death penalty is totally contrary, Madam Speaker, to internationally recognized human rights principles. For example, the International Covenant on Civil and Political Rights states clearly in article VI that the sentence of death shall not be carried out on pregnant women.

I would remind my friends that this was the international covenant that was touted again and again on the Chinese debate on MFN and PNTR, because they had signed it, but not ratified it, and people talked glowingly about that very important human rights covenant. And yet it states in article VI that the sentence of death shall not be carried out on pregnant women.

Why? I think it should be obvious. Notwithstanding the gross distortion of caring and compassion and logic that has been forced on society and politicians by the abortion rights movement, it is self-evident that unborn children are human and alive and worthy of respect.

The abortion efforts have a curious and I would suggest an unreasonable need, obsession is more to the point, to deny the unborn child any recognition or respect whatsoever. Can we at least today, Madam Speaker, assert that protection for unborn children from the death penalty would be a prudent action to take?

Mr. CONYERS. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Madam Speaker, I have great professional respect and personal admiration for the gentleman from New Jersey (Mr. SMITH), as he well knows. And he and I share a very similar disposition on the preciousness of human life.

I do not believe that human life should be taken, whether it is human life within the womb or whether it is human life after the womb, and so I oppose the principle and practice of abortion on demand. I also strongly oppose the death penalty.

Unfortunately, I do not think that there is, generally speaking, a consistency in approach. Some individuals favor the death penalty for virtually any and every case where they want to show that they can get tough on crime. I think that is unfortunate.

□ 1130

I also have a tremendous amount of respect for the Constitution of the United States. Today I think we are dishonoring the Constitution. We have certain rights, and we have certain prerogatives, and they extend to matters within our jurisdiction.

We can pass legislation dealing with interstate commerce, et cetera, but there are certain matters that we cannot address unless there is a Federal nexus explicitly declared.

Now, in case after case, especially under this court, Justice Thomas, Justice Scalia, Justice Rehnquist, et cetera, have almost ridiculed the Congress because they have passed legislation without even purporting to have a Federal nexus.

What we are doing today is proving them right, that we care little about a Federal nexus, that if there is a TV show that can give us a temporary political advantage by the introduction and passage of a bill, let us do it regardless of the Constitution.

Well, I ask my friends to have more respect for the Constitution. To have an unbelievable intrusion into State law, there is a Federal law dealing with this issue for Federal crimes. Now my colleagues are talking about State sentences, where the bill before us does not even make one reference to a Federal nexus, where it was introduced a few days ago, where there has been no hearing, my colleagues do violence to the constitutional process. They do violence to the Constitution of the United States.

Mr. HUTCHINSON. Madam Speaker, may I inquire as to the time remaining on our side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Arkansas (Mr. HUTCHINSON) has 8 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6½ minutes remaining.

Mr. HUTCHINSON. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I just wanted to point out, again, the Federal basis for this, Missouri v. Holland. Justice Holmes, a very distinguished jurist, said that the legislation is valid because there was a treaty involved; and, under the Constitution, the Federal Government has the right to impose legislation that would enforce the treaty nationwide.

It does not violate the 10th amendment because ''valid treaties are as binding within the territorial limits in the States as they are elsewhere throughout the dominion of the United States.''

Clearly, the court has said we have the authority to do this.

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, today we will pass legislation to prevent innocent children from being executed along with their guilty parents; or, as one of the interns in my office so aptly put it, this bill is to ensure that a convicted killer cannot decide to kill again, this time the innocent child in her womb.

Now, opponents of this legislation have said that it is unnecessary. After all, when has a pregnant woman ever been executed, they ask? I agree with them that this bill should be completely unnecessary. Although a pregnant woman was once sentenced to death, according to the father of Planned Parenthood, Alan Guttmacher, the authorities had the good sense to postpone her execution until after she had given birth.

In fact, the innocent child principle has been the law of the land for more than a century. It was under a liberal Democratic Congress in 1994 that we reaffirmed this common law principle.

So why do we need to pass this bill? Well, it seems that there are those who think it is time to retreat from this long-standing policy. Some think, not many, but some very important people think that it is okay to execute pregnant women as long as they consent.

But what about the innocent child in utero who has committed no crime? The baby has no choice in the matter, says one of our leaders.

People on death row are there because they willfully have taken another life; and some, several lives. They are not given the death penalty for manslaughter or even third degree murder, only for the most heinous crimes.

The innocent child is not guilty of the horrible crimes of its mother. So we must defend this common law principle, common sense, in the face of liberal activism to legalize the execution of pregnant women or their innocent children.

Madam Speaker, we stand with the American people who believe that pregnant women should not be executed, plain and simple.

Is this a new problem? Yes. But we are not the one who caused it. Just examine the comments of the Vice President if one wants to understand how this came about.

I urge support for the Innocent Victim Protection Act.

Mr. CONYERS. Madam Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. HUTCHINSON) has the right to close.

Mr. CONYERS. Even when there is no report?

The SPEAKER pro tempore. The maker of the motion has the right to close in this case.

Mr. CONYERS. How much time is remaining, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 6½ minutes remaining. The gentleman from Arkansas (Mr. HUTCHINSON) has 5½ minutes remaining.

Mr. HUTCHINSON. Madam Speaker, just for the gentleman's information, I do have two speakers that I will recognize.

Mr. CONYERS. Madam Speaker, I am delighted to yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

There would be little reason to come to the floor of the House and quarrel with this legislation. My distinguished colleague from Florida has raised an issue that I think should be part of a series of issues. So my angst today is not to quarrel with the fact that I think the legislation is weak on Federal nexus and, in fact, as we all have debated here today, it is already Federal law. But if this is to reach to the 50 States, then here are the questions that I would raise.

These are such weighty issues. There is so much debate going on on the sanctity and the reasonableness of the death penalty that I think it is actually a tragedy that we are here today on a very narrow function.

It has already been noted by Human Watch as well as statistics just related that this Nation has the most individuals incarcerated. Those of us who wish to protect the innocent, we hope that those who have been truly convicted of crimes, yes, do have to pay the time. But we also are looked upon in this world as a country that favors and supports and advocates democracy, justice.

Just yesterday, we debated the motto ''In God we trust'' to suggest that we are a people who believe and love in a higher being. But, yet, we have a situation where I come from a State where 135 people have been put to their death. We have had a legislative initiative that we are now debating that has not even seen a hearing.

What I would say to my colleagues, Madam Speaker, is that this is an issue, or the issue of the death penalty in general, that should be looked upon even in the face of its popularity in this country.

I am always reminded that it is those who stand against adversity or stand when others are pointing the finger that they are on the wrong side of the issue, if you will, that will rise to the occasion or will at least support the values of this country, which is that we believe in the protecting of the majority and the minority.

In the instance of the death penalty, there are legislative initiatives dealing with the moratorium. The Governor of Illinois, a conservative Republican, has given or rendered a moratorium in the

State of Illinois because he has doubts as to whether or not those who are on death row have truly gotten fair access to justice or that he is not in the position to have executed innocent people. We cannot even get the legislative initiative with a moratorium a hearing.

In addition, in my own State, it is well known that the procedures of the Board of Pardons and Parole is a procedure racked with inadequacy, lacking due process. I have a legislative initiative to standardize the due process procedures for administrative boards throughout this Nation who make those determinations on the death penalty.

Finally, I think we have the opportunity to look at putting forward a Federal body that deals similarly to what our Governor in Illinois has done, a national Federal innocence commission.

These are the global issues that I think puts this Nation and this Congress in a position where the debate is a realistic debate.

This narrow focus just offered some days ago, no one would come to the floor to debate in opposition to the realism or the practicality of such a legislative initiative. But I think that it is a shame that we are debating this in the narrowness of the focus.

I hope, Madam Speaker, that we are not politicizing this issue because we are engaged in national politics. That is not the place of this body.

So I would say to my Republican colleagues that, if we are to really promote this Nation for what it is, democracy and openness and fairness and justice, we would have considered the plight of a Gary Graham, we would have considered reviewing the entire death penalty, both Federal and State, and we would, as I close, Madam Speaker, look at the disparity of minorities on death row and seriously address this question.

Mr. HUTCHINSON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, here we are again debating a question of life, and I am really saddened that we even have to be here.

I think the gentleman from New York (Mr. LAFALCE) raises a great question. What is the nexus? But there is an even greater question. What is the nexus that the Supreme Court used to say that innocent life has no value if, in fact, a mother says it has no value? So the question of nexus has tremendous precedent, as set by the Court, in overruling laws in my State that said innocent life should be protected beyond any shadow of a doubt.

The second point which I think is very obvious to us is that it is right, nobody would come to the floor to say that this is not a proper thing to do. What a shame it is that a potential next leader of our country was confused on this issue. What that tells me is there is a rudder lacking in our moral integrity and foundation in this country and it was very well exhibited by that gentleman's statements.

There is no question in this country that we are paying a tremendous moral price for the convenience of abortion. This bill is on the floor because we still have a tremendous moral wrong in this country. Any way that that issue can be discussed and talked about is a bona fide actuality on the floor of this House.

We may not like it, but the truth matters; and the truth is that our Founders said that we are all equal, that we all have the right to the pursuit of life, liberty and happiness.

Our country is in a sad state of affairs when we fail to recognize unborn life. This is just one of the symptoms of that. The gentleman from New York (Mr. LAFALCE), I grant him, I do not like the politicization of this issue. But the realistic facts are we are here today because innocent life is being torn from the foundation of what would make us a great country.

Mr. CONYERS. Madam Speaker, I yield myself 2½ minutes, the remaining time on our side.

Madam Speaker, I refer to the Missouri v. Holland case that the floor manager cited because it deals with whether incidents of the State are covered by treaties entered into by the United States. There the Supreme Court said that the supremacy clause means treaties do cover State residents, a very important point that is completely unrelated to the issue of Federal nexus before us.

But this bill is an entirely different constitutional animal. This bill deals with commandeering State functions and officials. As such, the New York v. U.S. and U.S. v. Lopez both reinforce one another and say that one must cite the Federal nexus, which this bill does not have.

But I say that to say that the bill may not have been, in haste, properly drafted. It does not mean that we cannot correct it. I would not object to this bill being passed. I do not oppose the bill on these grounds.

But my colleagues must recall, Madam Speaker, that, without any notice, we have had a bill rushed to the floor that was introduced less than a week ago. Is this to soften the less than kind, less than gentle, somewhat brutal image of the Republican presidential candidate after his somewhat callous and callow action on the death penalty in Texas?

□ 1145

I hope not. It seems to me that we have had the execution in the State of Texas of Karla Faye Tucker, a born-again Christian. She was executed and was mocked later by the governor of Texas, who made a whimpering noise and claimed, ''With tears in her eyes, she said, 'Please Governor, don't kill me.' ''

And so I am saddened by the fact that we take this small tiny portion of the death penalty and bring it to the floor in this very hurried manner.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Speaker, I want to commend the author of this act, the gentlewoman from Florida (Ms. ROS-LEHTINEN), one of our great leaders in the House on these issues.

It is very clear, Madam Speaker, that we have built a great and enormous system of safeguards to protect criminal defendants, and that is because we are very concerned about their rights. I would suggest that this bill attempts to transfer just a small part of that concern that we have about the criminal, just a very small insignificant fraction of that concern, to that unborn child. We should be able to give just a little bit of that concern to that child, and that is what we are doing right now.

Our criminal statutes reflect the need to deter and to punish; and they can, at the same time, reflect our humanity, and that is what we do today. Let us protect the innocent children. Let us pass this act.

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

Madam Speaker, first I want to express my appreciation to the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS), for the way that he has conducted this debate, as well as the other Members across the aisle. I think anytime, as the gentleman from Oklahoma (Mr. COBURN) said, that we can discuss the issues of life, that it is a healthy debate for the Congress of the United States; and whenever we conduct it in a high tone, I think it is even better.

If I understand the gentleman correctly, he really does not oppose the substance of this bill. There have been arguments made that we should have a broader debate; that we should look at some additional death penalty protections, and those are fair debates as well; but today we have this bill before us that is very important. We can do something today that not only carries out the intent of the United States in signing the treaty with 142 other nations, but we can do something to make sure that innocent life is protected and that everyone in our society understands that we are clear and unambiguous as to our attempt to protect that life.

The gentlewoman from Texas (Ms. JACKSON-LEE) indicated these are weighty issues. They are weighty

issues; but I am so thankful that when there is a mooring, that even weighty issues can be simple issues because they are based upon a moral foundation. So I believe that we can all be together in supporting this legislation. I think it sends a strong statement. It certainly supplements the Federal legislation that was passed previously. It supplements what the States have already done, and I think it really sends a statement to the world that we are going to abide by the treaties that we have entered into; that we are going to support life under these circumstances. I ask my colleagues to support the passage of this bill.

Mr. PITTS. Madam Speaker, I submit the following for the RECORD.

SHOULD AN INNOCENT UNBORN CHILD BE EXECUTED? KEY POINTS ON THE INNOCENT CHILD PROTECTION ACT (H.R. 4888), JULY 20, 2000.

The Innocent Child Protection Act (H.R. 4888), introduced by Congresswoman Ileana Ros-Lehtinen (R–Fl.) on July 19, 2000, prohibits state governments from carrying out a sentence of death on a woman who carries a child in utero.

This bill does not reflect any point of view on the desirability or appropriateness of imposing capital punishment on persons convicted of premeditated murder or other grave crimes. Nor does this bill have anything to do with other bills that deal with DNA evidence or other issues pertaining to the actual guilt of a person who has been convicted of a capital crime. This bill simply recognizes (1) most states and the federal government do currently impose capital punishment for certain crimes, but (2) no child in utero can possibly be guilty of a crime, therefore (3) Congress should prevent the government from taking the life of an innocent child in utero by prohibiting, within all U.S. jurisdictions, any death sentence from being carried out while a woman convicted of a capital crime carries a child in utero.

Title 18 U.S.C.A. Sect. 3596, enacted in 1994, already prohibits federal executions of pregnant women, but most executions are carried out by states, and in any event it is just and appropriate to have a uniform law for all jurisdictions on this question.

Under traditional common law (non-statutory, judge-made law), a death sentence should not be carried out on a woman who carries a child in utero. The purpose of this common law doctrine, as the Supreme Court noted in the 1891 case of Union Pacific Railway v. Botsford, was ''to guard against the taking of the life of an unborn child for the crime of the mother.'' [11 Sup. Ct. Rep. 1000, 1002] However, common law offers weak and uncertain protection against the execution of an innocent child in utero.

While the situation under discussion here may seldom arise in the U.S. in modern times, maintaining and reinforcing the innocent child principle is worthwhile even if it saves only one innocent life in a century. Currently, 38 states (and the federal government) employ the death penalty for certain offenses. As of January 1, 1999, 51 women were on state death rows, of whom 82% were age 45 or younger.

Women do become pregnant in prison—even in maximum-security facilities. As Congresswoman Lynn Woolsey (D–Ca.) said on the floor of the House of Representatives on June 22, 2000, in a speech in favor of an unsuccessful amendment to require the federal Bureau of Prisons to fund abortions, ''We know that women become pregnant in prison, from rape or from having a relationship with one of the guards.''

In his 1937 book Into This Universe: The Story of Human Birth, Dr. Alan Guttmacher—the ''father of Planned Parenthood''—wrote: ''A judge has told me that in one of the States a pregnant woman received the ordinary stay of execution on account of pregnancy, and through the willing cooperation of a jailer became pregnant again shortly after her delivery, before the original execution order could be carried out. She was granted a second stay to allow her to give birth to the jailer's child.'' (page 46)

In 1976, the U.S. became a signatory to the International Covenant on Civil and Political Rights (CCPR), which 143 other nations have also joined. Article 6(5) states, ''Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.'' The U.S. entered a partial reservation to Article 6(5), which reads, ''The United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.'' [italics added for emphasis] Thus, within the reservation itself, the U.S. bound itself not to permit the execution of any woman who carries an unborn child. Congress has constitutional authority to explicitly apply this treaty obligation to the states.

H.R. 4888's definition of ''child in utero'' (''a member of the species homo sapiens, at any stage of development, who is carried in the womb'') is taken verbatim from the Unborn Victims of Violence Act (H.R. 2436), passed by the House on September 30, 1999, by a vote of 254–172. (1999 House roll call no. 465) Similar definitions and terminology are found in numerous state laws. Like those state laws, this bill has no effect on access to legal abortion, either for women on death row or anybody else.

Vice President Gore, asked by NBC's Tim Russert whether he agreed with the current prohibition on federal executions of pregnant women, laughed and said, ''I'd want to think about it.'' (Meet the Press, July 16, 2000) On July 17, ''Mr. Gore said he favored allowing a pregnant woman to choose whether to delay her execution until she gave birth. 'The principle of a woman's right to choose governs in that case,' he said.'' (The New York Times, July 18) Gore's position implicitly repudiates the innocent child principle embodied in the International Covenant on Civil and Political Rights and in Title 18 U.S.C.A. Sect. 3596, both of which flatly prohibit the government from taking the child's life.

Mr. DELAHUNT. Madam Speaker, I rise in support of the bill, which would prevent the execution of a woman who is carrying a child.

As the lead sponsor of the Innocence Protection Act, I commend the authors of the bill for their concern that innocent human beings not be executed. However, I urge them to recognize that there may also be a second innocent human being involved in such cases—namely the mother herself.

Unfortunately, this very limited measure does nothing to prevent the execution of an innocent adult human being for a crime she did not commit.

The Innocence Protection Act of 2000 (H.R. 4167), which Mr. LAHOOD and I have introduced, would prevent such a thing from happening. Its two principal provisions concern the two most important tools by which the possibility of error can be minimized: DNA testing and competent legal representation.

This legislation arose out of a growing national awareness that the machinery by which we try capital cases in this country has gone seriously and dangerously awry.

Since the reinstatement of the death penalty in 1976, a total of 653 men and women have been executed in the United States, including 55 so far this year alone. During this same period, 87 people—more than one out of every 100 men and women sentenced to death in the United States—have been exonerated after spending years on death row for crimes they did not commit.

It is cases like these that convinced such organizations as the American Bar Association—which has no position on the death penalty per se—to call for a halt to executions until each jurisdiction can ensure that it has taken steps to minimize the risk that innocent persons may be executed.

It is cases like these that convinced Governor Ryan—a Republican and a supporter of the death penalty—to put a stop to executions in Illinois until he could be certain that ''everyone sentenced to death in Illinois is truly guilty.''

It is cases like these that should convince every American that Governor Ryan and the American Bar Association are right. We may not all agree on the ultimate morality or utility of capital punishment. Indeed, you have before you a pair of cosponsors who differ on that question. I spent my career as a prosecutor in opposition to the death penalty. Congressman LAHOOD is a supporter of the death penalty. But we agree profoundly that a just society cannot engage in the killing of the innocent. We have come together in this bipartisan effort to help prevent what Governor Ryan has called ''the ultimate nightmare, the state's taking of innocent life.''

I have heard some suggest that the concerns expressed by Governor Ryan are somehow peculiar to the State of Illinois. Nothing could be further from the truth. The system is fallible everywhere it is in place.

Only last month we received fresh evidence of this with the release of the first comprehensive statistical study ever undertaken of modern American capital appeals. The study, led by Professor James Liebman of Columbia University, looked at over 4,500 capital cases in 34 states over a 23-year period. According to the study, the courts found serious, reversible error in 68 percent of the capital sentences handed down over this period. And when these individuals were retried, 82 percent of them were found not to deserve the death penalty, and 7 percent were found innocent of the capital crime altogether.

These are shocking statistics, Mr. Speaker. It is hard to imagine many other human enterprises that would continue to operate with such a sorry record. I dare say that if seven out of every 10 NASA flights burned up in the upper atmosphere, we'd be reassessing the space program. If commercial airlines operated their planes with a 68 percent failure rate, we'd all be taking the train.

Yet even if these statistics are wildly exaggerated, where the taking of human life is involved, it seems to me we must strive to reach "zero tolerance" for error. As Governor Ryan recently said, "99.5 percent isn't good enough" when lives are in the balance.

Nothing we can do will bring absolute certainty. Judges, jurors, police, eyewitnesses, defense attorneys, and prosecutors themselves—all are human beings, and all make mistakes. As a prosecutor for over 20 years, I certainly made my share of them. But we do have the means at our disposal to minimize the possibility of error. And where lives are at stake, we have a responsibility to put those tools to use.

The Innocence Protection Act will help ensure that fewer mistakes are made in capital cases. And that when mistakes are made, they are caught in time.

I hope that the authors of today's bill are truly serious about the need to prevent the execution of the innocent, and that they will join the 79 members of this House—both Republicans and Democrats—who have cosponsored the Innocence Protection Act.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4888.

The question was taken.

Mr. HUTCHINSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

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

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4461) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD to be the conferees on the part of the Senate.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4923) to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

The Clerk read as follows:

H.R. 4923

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Community Renewal and New Markets Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—TAX INCENTIVES FOR RENEWAL COMMUNITIES

Sec. 101. Designation of and tax incentives for renewal communities.
Sec. 102. Extension of expensing of environmental remediation costs to renewal communities; extension of termination date for renewal communities and empowerment zones.
Sec. 103. Work opportunity credit for hiring youth residing in renewal communities.

TITLE II—EXTENSION AND EXPANSION OF EMPOWERMENT ZONE INCENTIVES

Sec. 201. Authority to designate 9 additional empowerment zones.
Sec. 202. Extension of enterprise zone treatment through 2009.
Sec. 203. 20 percent employment credit for all empowerment zones
Sec. 204. Increased expensing under section 179.
Sec. 205. Higher limits on tax-exempt empowerment zone facility bonds.
Sec. 206. Nonrecognition of gain on rollover of empowerment zone investments.
Sec. 207. Increased exclusion of gain on sale of empowerment zone stock.

TITLE III—NEW MARKETS TAX CREDIT

Sec. 301. New markets tax credit.

TITLE IV—IMPROVEMENTS IN LOW-INCOME HOUSING CREDIT

Sec. 401. Modification of State ceiling on low-income housing credit.
Sec. 402. Modification of criteria for allocating housing credits among projects.
Sec. 403. Additional responsibilities of housing credit agencies.
Sec. 404. Modifications to rules relating to basis of building which is eligible for credit.
Sec. 405. Other modifications.
Sec. 406. Carryforward rules.
Sec. 407. Effective date.

TITLE V—PRIVATE ACTIVITY BOND VOLUME CAP

Sec. 501. Acceleration of phase-in of increase in volume cap on private activity bonds.

TITLE VI—AMERICA'S PRIVATE INVESTMENT COMPANIES

Sec. 601. Short title.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Authorization.
Sec. 605. Selection of APICs.
Sec. 606. Operations of APICs.
Sec. 607. Credit enhancement by the Federal Government.
Sec. 608. APIC requests for guarantee actions.
Sec. 609. Examination and monitoring of APICs.
Sec. 610. Penalties.
Sec. 611. Effective date.
Sec. 612. Sunset.

TITLE VII—OTHER COMMUNITY RENEWAL AND NEW MARKETS ASSISTANCE

Sec. 701. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 702. Transfer of HUD assets in revitalization areas.
Sec. 703. Risk-sharing demonstration.
Sec. 704. Prevention and treatment of substance abuse; services provided through religious organizations.
Sec. 705. New markets venture capital program.
Sec. 706. BusinessLINC grants and cooperative agreements.

TITLE I—TAX INCENTIVES FOR RENEWAL COMMUNITIES

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation.
"Part II. Renewal community capital gain; renewal community business.
"Part III. Additional incentives.

"PART I—DESIGNATION

"Sec. 1400E. Designation of renewal communities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal community (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 40 nominated areas as renewal communities.