

October 2, 2000

EXTENSIONS OF REMARKS

20381

the draft and found the draft bill to be acceptable to EPA.

In June through July of this year, Majority staff of the Commerce and Transportation Committees gave the NFIB-EPA draft bill to legislative counsel to put into proper legislative drafting form. This text was provided to Minority staff. Majority and Minority staff met to discuss this and other Superfund issues.

On August 18, 2000, EPA sent a letter in response to the request of Representative DINGELL about the NFIB-EPA discussion draft bill. EPA noted one problem concerning the prospective application of the de micromis exemption.

On September 14, 2000, a bipartisan group of cosponsors introduced H.R. 5175, the Small Business Liability Relief Act which largely reflects the NFIB-EPA 1999 draft bill and addresses the issue raised by EPA in August 2000. The most significant change between the bill and the NFIB-EPA discussion draft was to address the issue raised by EPA in its August 2000 letter.

On September 19, 2000, NFIB staff met with EPA and Department of Justice (DOJ) staff to review H.R. 5175. NFIB states that EPA and DOJ staff provided line by line comments on technical concerns within the legislation. These comments were relayed to Commerce and Transportation Majority staff.

On September 21, 2000, Majority and Minority staff of the Commerce and Transportation Committees and representatives from EPA and the Department of Justice met to discuss comments on H.R. 5175.

On September 24, 2000, a draft with minor revisions was delivered to EPA and Minority staff offices to address a number of the concerns raised at the meetings of September 19 and 21.

On September 25, 2000, Majority staff invited EPA and Minority staff to meet or to provide any written comments on the revised bill. Neither EPA nor Minority staff accepted the invitation.

On September 26, 2000, H.R. 5175, revised to address certain Minority and Administration concerns, was brought up for a vote.

The small business liability relief issue has had extensive process going back years. The basic NFIB-EPA discussion draft bill had been provided to Minority staff as far back as November 1999. Mr. DINGELL received responses from EPA to his questions concerning the draft in August 2000. The substantive arguments being made by certain Members against the bill—such as those concerning the burden of proof or the size definition of small businesses—are arguments over language that is in these early drafts. There was more than enough time to provide specific written comments to improve the bill.

BORN-ALIVE INFANTS PROTECTION ACT OF 2000

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. KILPATRICK. Mr. Speaker, under current law, infants who have been born, and are

alive, are indeed persons. Therefore, these infants have the same rights as all humans, including receiving the best of care, comfort, food, and shelter. No one on either side of the aisle would dispute this fact. This is why I find it odd that Representatives HYDE and CANADY feel it is necessary to introduce a bill which appears only to restate the current law.

I question the motives behind the introduction of this bill. Of course I will vote for any legislation that I believe will help our children, but I am afraid that the motives for introducing this bill are based more on politics than on how to best serve our children. I think it is an underhanded attempt to trick pro-choice Members. This bill was brought before the Judiciary Committee as one that would serve to protect infants and ensure that they receive the best care possible. Based on this, all but one Member of the Committee voted in favor of the bill. The fact that pro-choice Members supported this bill, forced the bill sponsors to declare their intention to offer a Manager's Amendment. This amendment would have attacked the Supreme Court's rulings on abortion and mischaracterized the current state of abortion rights law. The inclusion of this amendment would have forced pro-choice Members to vote against the bill. In turn, this would have given our colleagues on the other side of this issue the opportunity to say that the pro-choice Members did not support a bill that protects infants, when in reality we would have been forced to vote against such a bill due to its attack on the reproductive rights of women.

I must give credit to my colleague from North Carolina, Representative WATT, for raising the issue of how fast this bill was rushed through the Judiciary Committee. This bill will amend the U.S. Code by defining the terms "person," "human being," "child," and "individual" to include "every infant member of the species homo sapiens who is born alive at any stage of development." According to the Congressional Research Service, these terms appear in more than 72,000 sections of the U.S. Code and the Code of Federal Regulations alone. While I would hope that the sponsors of this bill would not have included this change in the language if it would cause a change in the law or in the way the law would be interpreted by the Supreme Court, since the bill was presented as one that did not change current law, I am not totally convinced. As Representative WATT said in the Committee Report on H.R. 4292, this change in language opens the door for many unintended interpretations of the law.

I know that there are many neonatologists who fear that this bill would affect the decisions made by doctors and parents when treating newborns. They are confused, as am I, as to whether this bill would mandate that doctors provide care beyond what they would normally deem to be appropriate for newborns who have no possibility of survival. Doctors are currently obligated to perform procedures that will help a baby to live if there is any chance for survival. Sadly, there are babies who are born with no hope of surviving past the first few moments of live. Doctors should not be forced to perform procedures that will only prove to be futile in prolonging the life of a child. Rather, the rights of the infant should be protected by allowing the infant to spend

his few precious moments of life in the arms of his parents.

The Committee Report states that "H.R. 4292 would not mandate medical treatment where none is currently indicated" and "would not affect the applicable standard of care." Once again, I am concerned that this bill will open up current law to be interpreted in an unintended manner. Therefore, I think we should spend more time addressing how this bill will affect the current law with respect to doctors, women, and children.

There is already a common law "born alive" rule that mandates the prosecution of anyone who harms a person who has been "born" and was "alive" at the time of the harmful act. In addition, thirty-seven states have already passed explicit statutory laws relating to the treatment of infants who are "born alive," and perhaps most relevant, there is a federal statute known as the "Baby Doe Law" that requires appropriate care be provided to a newborn. Therefore, why is this bill necessary? What is the true intent of this proposed legislation? If in fact the true intent is to restate the law which protects our infants, then I will support it. However, if it is being used as a vehicle to attack the Supreme Court's rulings on the reproductive rights of women, I will have to oppose it.

PEACE BY PEACE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor and recognize several local organizations for their involvement in the fight against domestic violence. In recognition of Domestic Violence Awareness Month, a coalition of local service agencies has launched Peace by Peace, a campaign to increase awareness of this terrible crime.

Peace by Peace is a cooperative project of: Beach Cities Health District, 1736 Family Crisis Center, Little Company of Mary Health Services, Redondo Beach Police Department's Domestic Violence Advocacy Program, National Network to End Domestic Violence, JoAnn etc., and the NCADD/South Bay Men's Domestic Violence Treatment Program.

Domestic violence can no longer be ignored. Programs like Peace by Peace bring this issue to the forefront. Through the various workshops that will be held this month, South Bay residents will be able to learn more about domestic violence. It is because of organizations like the Beach Cities Health District and the Little Company of Mary Health Services that the women of the South Bay have access to quality health services in time of need.

I commend these agencies in their fight against domestic violence. The support that they provide is unparalleled. I appreciate their work and the services they provide. They have touched the lives of many throughout the South Bay.