

who had the honor of serving with Representative Conable, that he was a very distinguished man. People on both sides of the aisle looked to him with respect. When he spoke, all of us listened. He was a man who embodied the civility that we all yearn for in the House of Representatives, a civility that looked to working out issues on a bipartisan basis, looking to treat each other with mutual respect, trying to find opportunities for Members of both parties to find common ground.

He left the House and went on to become president of the World Bank, a position he held for 5 years. Upon his retirement, Mr. Conable returned to his New York home. As a distinguished professor, he attended many events at the University of Rochester and was sought after as a brilliant and gifted speaker. Mr. Conable passed away in November of 2003.

Mr. Speaker, I commend my colleague for seeking to honor our late colleague in this manner. He well deserves whatever praise that we can give him as a very distinguished Member of the House, one who I think serves as a model for those of us who served with him and those who have followed and who yearn for the time when the House of Representatives is not just the partisan institution that we so often see today, but one that seeks to work in a bipartisan manner to look after the best interests of the people in this country and to bring our various perspectives both from our region and from our ideology to some kind of temper where we recognize that we have to all get together in order to do what is best for the American people.

Mr. Speaker, I urge all Members to support this bill.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), my distinguished colleague and the sponsor of H.R. 3690.

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

Mr. REYNOLDS. Mr. Speaker, I thank the gentlewoman from Michigan for yielding me this time.

I rise before the House today to remember a great man, a mentor to many of us both in Congress today and Congresses of the past, and that is Barber Conable, who passed away a few months ago.

Barber Conable distinguished himself as a Member of Congress for 20 years and had the respect of his colleagues on both sides of the aisle. He was notable also for an esteemed academic career and his professional knowledge on a wide variety of issues, from taxes to Social Security, and his willingness to tackle any problem head on. Always lending a helping hand was a signature trait of Barber's. He never let partisanship get in the way of progress.

Barber Conable was the best example of what a public servant ought to be. He loved his country, his community, and his family. He never strayed from the strong values he was raised on. His genuine sophistication as a legislator came effortlessly, revealing the compassion and unselfishness that was the hallmark of his public service.

Today, it is fitting that we pay tribute to a great Congressman, a great public servant who never forgot the roots of his hometown and his community that we name the Batavia post office after Barber Conable. I appreciate the support of my colleagues not only from New York but throughout the Congress that have joined me in co-sponsorship of this legislation.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume to simply urge all Members to support the passage of H.R. 3690.

Ms. SLAUGHTER. Mr. Speaker, I rise today to support the designation of the post office located at 2 West Main Street in Batavia, NY, as the "Barber Conable Post Office Building." I want to commemorate the life and achievements of former Congressman Barber Conable. At the time of his retirement in 1984, he was ranking member of the House Committee on Ways and Means, bringing to it intellect and an unparalleled love and knowledge of the law. Barber passed away last year and I must say, Western New York has lost a true statesman.

He took time out of his law school courses and Cornell University to serve in the Pacific during World War II. Later, after completing his law degree, he served his country again in Korea.

Shortly after returning from Korea, he started his career in public service by running for and winning a seat in the New York State Senate. Two years later, he was elected to serve in the House of Representatives in a district representing parts of the City of Rochester, the western half of Monroe County, and Genesee, Wyoming, Orleans and Livingston Counties. From 1966 to 1986, Barber Conable's integrity, hard work, and determination created an environment in which Members worked with each other across party lines for the good of all Americans. As a result, he earned the respect of his colleagues, both Democrat and Republican.

It was an honor for me to be elected to serve a portion of the area he represented when I was first ran for Congress in 1988, and I take pride in continuing to serve the part of Western New York I know he loved so much. I remember when I first came to Congress, Barber came to visit me in my new office. We were both delighted to realize that I was occupying the very same office that he had occupied as a freshman. Barber was always so kind with his counsel and his advice. He was the greatest kind of friend.

Barber Conable will be remembered for a countless number of contributions he made during his years of public service. The spirit Barber Conable brought to the House of Representatives is inspirational and it is my hope that we will continue to remember and honor his memory.

Mrs. MILLER of Michigan. Mr. Speaker, I have no further requests for

time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3690.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. 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 48 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1419

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2 o'clock and 19 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1997, UNBORN VICTIMS OF VIOLENCE ACT OF 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 529

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Lofgren of California or her 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.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. 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.

Mr. Speaker, H. Res. 529 is a modified closed rule that provides for the consideration of H.R. 1997, the Unborn Victims of Violence Act of 2004.

This rule provides for 2 hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 529 provides that the bill shall be considered as read for amendment. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying the resolution, shall be considered as adopted.

The rule further provides for the consideration of the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered as read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent.

H. Res. 529 waives all points of order against the amendment printed in part B of the report of the Committee on Rules and provides for one motion to recommit with or without instructions.

This is a fair rule, Mr. Speaker; and I urge all my colleagues in the House to join me in supporting its passage so that we can move on to considering the underlying legislation.

With respect to the underlying legislation, H.R. 1997, I want to commend the gentlewoman from Pennsylvania (Ms. HART) for introducing this legislation and the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for bringing it to the floor this week.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, violence against women and children and all of humanity should never be tolerated. Bold, effective steps should be taken to reduce violence against women, children, and men, and particularly pregnant women. But H.R. 1997 is not about women, and it is not about children. It is about politics. It is an attempt to drive a wedge between women and their constitutional rights.

For decades, the constitutional right to privacy, which protects women and their reproductive rights, has endured attack after attack. This bill is an-

other deliberate strike at reproductive freedom and choice and is part of a nationwide strategy to overturn *Roe v. Wade* or to so undermine a woman's right to choose that it becomes meaningless in practice. The issue of violence against pregnant women is used to cloak the intent and the impact of this bill. Pregnant women are being used as pawns in an elaborate chess game to deny women self-determination and their constitutional rights.

The agenda is unmistakable. It has been clearly articulated by opponents of reproductive rights. A leader of an anti-choice legal group has said: "In as many areas as we can, we want to put on the books that the embryo is a person. The blastocoele is a person. That sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection. That would even trump a woman's interest in terminating a pregnancy."

H.R. 1997 would set such a stage, pitting rights against one another, and the woman's rights are not paramount. In an opinion that was issued earlier this year, Christine Durham, Chief Justice of the Utah Supreme Court, warned that "declaring a fetus to be a person entitled to equal protection would require not only overturning *Roe v. Wade* but also making abortion a matter of constitutional law, illegal in all circumstances, even to save the life of the mother."

During the Committee on the Judiciary's markup of this bill, the gentlewoman from Wisconsin (Ms. BALDWIN) offered an amendment that stated: "Nothing in this section shall be construed as undermining a woman's right to choose an abortion, as guaranteed by the United States Constitution, or limiting in any way the rights and freedoms of pregnant women." The amendment failed. If H.R. 1997 should not affect or interfere with a woman's right to choose, why then would the committee reject this simple statement reaffirming the rights as articulated in *Roe* and reaffirmed in *Planned Parenthood of Southeastern Pennsylvania v. Casey*?

In fact, debate on the constitutional right to choose is unnecessary in legislation that seeks to safeguard pregnant women. If protecting women from violence is the goal, the straightforward and noncontroversial solution is clear: pass the Motherhood Protection Act. It accomplishes the same ends, providing additional punishments for anyone who injures a pregnant woman and injures a fetus or causes a miscarriage. The Motherhood Protection Act does so without necessarily raising controversial constitutional issues. The bill could be sent to the President for his signature quickly and easily.

Rita Smith, the executive director of the Denver-based National Coalition Against Domestic Violence, said her group tried to work with lawmakers writing this legislation to make it more about protecting women. She said that they would not go down that road.

This seems to be more about trying to undo abortion.

Disappointingly, the bill does little to protect women. In our Federal system, criminal law is generally reserved to the States. This bill does nothing to address the many State crimes perpetrated against pregnant women. This bill would only create a separate criminal count on Federal offenses like terror attacks, interstate stalking, and acts on military bases or Federal land. If my colleagues are serious about reducing violence against women, then fully fund the Violence Against Women Act, which expanded protections for all women against acts of violence.

In fiscal year 2003, the Violence Against Women's Act was appropriated at \$100 million less than the fully authorized level. Programs for transitional housing and for Federal victims counselors and training for judges were not funded at all, which gives a lie to the fact this issue here is to protect women against violence. And rape prevention and education was funded at half its authorized level.

To protect women from violence without undermining reproductive freedom, I urge my colleagues to support the amendment in the nature of a substitute. The underlying legislation is a challenge to women's constitutional rights. Women's safety and welfare safety should not be pawns in an effort to overturn *Roe v. Wade*. Indeed, women are not being protected here. Women are being used.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), my colleague on the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, when a baby is in the womb and someone violently attacks the mother and causes injuries or takes the life of that child, then the offender should be held responsible, and current law is unjust in that case. An individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child while committing the crime.

The Unborn Victims of Violence Act protects the unborn child from violent crime. Those who injure or kill the child will be charged with a separate offense. The legislation is being called merely symbolic by its opponents. But how many women in America would view the loss of their wanted unborn child through violent means as merely symbolic?

□ 1430

All we have to do is ask the woman who has just lost her child after a violent attack, it is not the same thing as a simple assault. Clearly it is more serious, and it is more emotionally jarring to that woman, and it should be treated accordingly.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 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, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership as the Chair of the Woman's Caucus and her continued leadership on the issues of protection for women and children.

I rise today to speak to the obvious, I think, confusion, but maybe attempt to confuse, because I believe if my colleagues were listening to this debate, they could not imagine why any of us would rise and have a difference of opinion, and any of us would rise in opposition to the rule or the underlying legislation, H.R. 1997. It seems on its face to be concerned about women and children.

Mr. Speaker, it is interesting that we are just a few days shy of the Peterson case. All of us know the enormous tragedy those families are experiencing in the loss of their beautiful daughter and the unborn child.

I would hope that U.S. attorneys and others who protect our society across the Nation would rise up and tell America the truth, and that is any time that there is an attack on a woman who happens to be pregnant, you can be assured there is a criminal provision, a law, by which U.S. prosecutors can pursue that defendant or that perpetrator of that horrible and horrific crime.

As a woman it would be an outrage for me to stand on this floor and suggest that I am not concerned about women across the Nation, young and middle-aged and old, that might be attacked by a predator, who attacked them on the basis of their sex, or attack them because they are pregnant or have conceived a child. Of course we know a woman looks different in different stages of her pregnancy, but it does not matter. If that woman has been injured, she has a remedy in the criminal courts, and, God forbid, if she has been murdered.

But the opposition to H.R. 1997 is because it is not intended on its face to only protect those harmed by a terrible criminal act. What it does is attack the woman who on the basis of the ninth amendment and *Roe v. Wade* has a right to choose her destiny.

First, H.R. 1997 creates a separate criminal offense for harm to an unborn child with a legal status equal to and separate from that of a woman. It means that any woman that chooses to get an abortion and/or the physician who does the abortion may be subject to criminal penalties.

Number two, it recognizes a member of the species *Homo sapiens* at all stages of development as a victim of crime from conception to birth. This

affords a fetus, embryo, and even a fertilized egg rights and interests separate from and equal to those of the woman. There is no recognition of the crime against the woman.

Mr. Speaker, this is a bogus representation of protecting pregnant women. The Lofgren substitute, on the other hand, creates a separate Federal criminal offense for assaulting a pregnant woman resulting in the injury or termination of a pregnancy without engaging in a debate over the rights of a fetus. That makes sense because what it does is it focuses on the problem, and the problem is that we want women, no matter what status they may have, pregnant or not pregnant, young or old, to be protected by the laws of this land. But what we are doing here is disregarding the laws of this land by making criminal women who have the right to make a choice on their own bodies with their pastors or religious leaders, their family, their loved ones. No other intrusive government should be involved in this process.

I am confused as to why on this floor we debate this question today when there are people who are hungry, there are people who are unemployed, there are soldiers who are dying in Iraq, there are people without health care, and yet this floor does nothing but criminalize innocent women who have the right under the law of this land to make a determination about their body and their future.

I think the better route would be that we recognize our responsibility to protect those victims of crime. I served as an associate municipal court judge, and I understand the difference between right and wrong and the responsibility of government to protect our citizens. This is not that type of legislation. I ask my colleagues to vote against the rule, and I ask them to vote against the underlying legislation.

Mr. Speaker, I am saddened to be here today, to once again stand up for the pro-choice movement and deflect efforts made to undermine it. This is not the first time we have visited this issue, and I fear it will not be the last.

It is also unfortunate, that this attempt to undermine all of our progress made with women's rights, Congress is closing the door to letting us hear other amendments. We must be a true democracy, and we must listen to one another on such a pertinent issue. If we are going to be legislating a woman's right to choose, I believe we are entitled to more input on this subject.

I am pleased to join my colleague, ZOE LOFGREN, in supporting her substitute, the Motherhood Protection Act. I believe this is a time for pro-choice members to come together across party lines and take effective action to protect a mother, while retaining her liberties and privacy.

Violence against women, especially pregnant women, is unacceptable and should be punished. I, along with the pro-choice community, am dedicated to preserving a woman's right to have a family when she chooses—and any criminal act that robs her of a hope-for future child is tragic and intolerable. Rather than

supporting such common-sense measures, my colleagues are instead promoting the Unborn Victims of Violence Act, described as "a sneak attack on a woman's right to choose." The loss of a wanted pregnancy is a tragedy, but solutions should be real, not political.

The Unborn Victims of Violence Act erodes the legal foundation of a woman's right to choose by elevating the legal status of all stages of prenatal development. If enacted, the legislation would be the first Federal law to recognize a fertilized egg, embryo or a fetus as a person who can be an independent victim of a crime. Our Supreme Court has held that fetuses are not persons within the meaning of the 14th amendment. Nowhere in this legislation is the harm to the woman resulting from an involuntary termination of her pregnancy mentioned. In fact, the pregnant woman is not mentioned at all.

The "Motherhood Protection Act" is a crime bill that is designed to protect pregnant women from violence. The Motherhood Protection Act embodies many of the same principles that I offered as amendments in the House Judiciary Committee, where Unborn Victims of Violence was originally introduced. I have always supported the intent of this bill, to protect the life of the pregnant mother who has suffered as a victim of a crime of violence and the viability of her pregnancy. However, I oppose the means which the drafters of the Unborn Victims of Violence Act have used to achieve its end. Like the Motherhood Protection Act, all my offered amendments referred to changing language in the bill, focusing on the pregnant mother instead of the fetus.

The Motherhood Protection Act creates a second, separate offense with separate, strict, and consistent penalties for assault resulting in the termination of a pregnancy or assault resulting in prenatal injury.

The Motherhood Protection Act recognizes the pregnant woman as the primary victim of an assault that causes the termination of her pregnancy, and it creates a separate crime to punish this offense. In this way, the bill accomplishes the stated goals of the Unborn Victims of Violence Act—the deterrence and punishment of violent acts against pregnant women—while avoiding any undermining of the right to choose.

The Unborn Victims of Violence Act fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.

We have State laws that already address crimes committed against pregnant women. The majority of States have statutes on the books that address criminal conduct that results in harm to a pregnancy. Many States punish murder or manslaughter of an "unborn child," as that term is defined by the State law. Some States punish assault, battery, or other harm resulting in injury or death to an "unborn child," as that term is defined by State law. For other States, if a crime committed against a pregnant woman results in termination of or harm to a pregnancy, the harm to the pregnancy is an adjunct to the crime or may be used as a sentence enhancement.

Congress can protect pregnant women from violence without resorting to controversial bills like the Unborn Victims of Violence Act that undermine *Roe v. Wade*. We must take strong

steps to prevent such attacks and must recognize the unique tragedy suffered by a woman whose pregnancy is lost or harmed as a result of violence. I am calling on Congress to support tough criminal laws that focus on the harm suffered by women who are victimized while pregnant, as well as a range of programs that promote healthy childbearing and family planning.

I hope my colleagues realize that the rule on the Unborn Victims of Violence Act is not sufficient, and more voices must be heard in these critical decisions. Thank you, Congresswoman LOFGREN, for taking appropriate action for trying to correct a bill designed to turn back decades of progress. I support the Motherhood Protection Act, and will continue to be a staunch advocate of the pro-choice movement.

I fully support a woman's right to choose, including a woman's right to choose to carry a pregnancy to term. Because Unborn Victims of Violence does nothing to protect women and because its clear intent is to create fetal personhood, I, along with Planned Parenthood Federation of America, oppose this legislation. Congress should adopt a more reasoned approach that would protect all women from violence.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 1997, the Unborn Victims of Violence Act. This bill will establish separate criminal offenses for the killing or injuring of an unborn baby during the commission of a Federal crime involving a pregnant woman.

While most States have passed fetal homicide laws, under Federal law there are currently no legal consequences for the killing or injuring of an unborn child during an attack on a pregnant woman. This bill will establish a Federal statute for what a majority of the States have already classified as criminal, the killing of a fetus or an unborn child.

As a Federal representative, it is essential that I take care of those who are at risk in society, and this legislation does just that. This is a question of justice in the name of those who do not have a voice. Opponents of H.R. 1997 claim that the loss of an unborn child only harms the mother. However, that poor accounting fails to consider the independent harm to another human being. Current Federal law is simply unjust and incomplete. Federal laws must not tell grieving mothers and families there was only one victim when, in fact, there were two.

Studies show that in some States murder is the leading cause of death of pregnant women, not complications from pregnancy. The Federal Government is lagging behind. While a majority of States have enacted statutes permitting the prosecution of a person for the murder of both a pregnant woman and her unborn child, injuring or killing an unborn child during the commis-

sion of a violent crime has no legal consequences under Federal law.

A recent study showed that 84 percent of Americans believe that prosecutors should be able to bring homicide charges on behalf of an unborn child killed in a womb. Unborn victims' legislation has withstood legal tests from an Illinois appellate court in *People v. Ford*, which concluded that a State's fetal homicide statute did not violate the equal protection clause of the 14th amendment and was not unconstitutionally vague. I believe this bill is constitutionally sound and provides the proper legal protection that unborn children deserve. I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, we are here again to consider the Unborn Victims of Violence Act, which has for several years unnecessarily mired what should be a laudable and uncontroversial effort to punish truly heinous crimes in the emotionally charged, and legally suspect, back alleys of the abortion debate. This is regrettable because real people are suffering real harm while this House has played abortion politics instead of punishing truly barbaric crimes.

This rule provides for consideration of this bill once again, and a reasonable substitute that will be offered by the gentlewoman from California (Ms. LOFGREN). That substitute would deal harshly with the perpetrators of these crimes, in some cases more harshly than would the underlying bill itself. It would also punish these offenders without treading into constitutionally suspect territory. From day one, it would be enforceable without question. I urge my colleagues to support the substitute and to oppose the underlying bill.

For those of who are prochoice, the right to choose extends not just to a woman's right to have an abortion, but to a woman's right to carry a pregnancy to term and to deliver a healthy baby in safety, if that is her choice. That is why we supported the Violence Against Women Act, that is why we support programs to provide proper prenatal care and nutrition to all women, that is why we support proper health and nutrition services after birth, and that is why we support other initiatives such as the Family and Medical Leave Act. Life does not begin at conception and end at birth. We have an obligation to these children and parents throughout and after the pregnancy.

Let there be no mistake, using physical violence against a woman to prevent her from having a child she wants is just as much an assault on the right to choose as is the use of violence against women who exercise their constitutional right to choose to end their pregnancies. A woman and only a woman has the right to decide whether and when to bring a child into a world,

not an abusive partner, not a fanatic, not a Congressman.

My colleagues should understand we are not talking here just about viable healthy fetuses who are ready to be born. This bill says "at any stage of development." That means any stage, including violence to embryos, violence to zygotes, violence to a blastocyst. I do not apologize to my colleagues who have in the past taken offense to the use of the correct medical terms for the subject matter we are discussing.

We should have no illusions about the purpose of this bill, that it is yet another battle in a war of symbols in the abortion debate in which opponents of a woman's constitutional right to choose attempt to establish that fetuses, from the earliest moments of development, are persons with the same legal rights as the adult women who are carrying them. The implication is that anyone who does not share the metaphysical slant of the radical antichoice movement that a two-celled zygote is a person on exactly the same basis, and with exactly the same rights, as a child or adult must secretly favor infanticide.

This bill, by making the destruction of a fetus, or even a zygote, crime against the fetus, without any reference to the terrible harm suffered by the pregnant woman speaks volumes.

Recognizing an embryo as a legal person is at odds with *Roe v. Wade*. The Supreme Court clearly said, "The unborn have never been recognized in the whole sense," and concluded that "person," as used in the 14th amendment of the Constitution, does not include the unborn." The rhetoric used by supporters of this bill urging that the law must "recognize the fetus as a victim" makes clear the purpose of this bill, which is a direct frontal assault on that holding in *Roe v. Wade*.

Rather than debate the abortion issue yet again, we should pass the Lofgren substitute that provides for the same severe penalties for the same terrible crimes without getting into the thorny issue of whether an embryo at 30 days of gestation is a legally recognized person. The Lofgren substitute provides for two separate crimes, one conviction for the assault and murder of the woman, and a new crime involving injury to the fetus or termination of the pregnancy. The major difference is that the Lofgren bill gives recognition to and imposes serious penalties for the additional and truly grotesque crime against the woman, not against the fetus.

If we are serious about this problem of violence against women, we have effective remedies at our disposal. If we want to play abortion politics, we have an appropriate vehicle before us to do that. Violence against a pregnant woman is first and foremost a criminal act of violence against a woman that deserves strong preventive measures and stiff punishment. According to the *Journal of the American Medical Association*, homicides during pregnancy,

and in the year following birth, represent the leading cause of death among women in the United States. Among nonpregnant women it is the fifth leading cause of death.

Mr. Speaker, it is a disgrace that while these preventable crimes continue to occur, Congress fiddles with largely symbolic legislation rather than taking affirmative steps to deal with the problem. Why has this Republican-controlled Congress and White House continually refused to fund fully the Violence Against Women Act? It appears that many of the Members who have signed on to this bill are the same ones who have voted to divert funds from protecting women from violence to protecting stock dividends from taxation.

No one who listened to the testimony we have heard in our subcommittee could be left unmoved by the murders and assaults against women who wanted nothing more than to have a child. We owe it to these women, and to those who are closest to them, to ensure that early intervention is available, and that States and localities receive the full resources of the Violence Against Women Act to prevent violence against women by intervening before the violence escalates to that level.

□ 1445

We must enact strong penalties which are not constitutionally suspect for these heinous crimes. We should not cloud that issue by plunging a legitimate law enforcement effort into the murky waters of the abortion debate.

Finally, this bill opens the door to prosecuting women, or restraining them physically, for the sake of a fetus. Some courts have already experimented with this approach. The last time we had occasion to consider this bill, the Supreme Court had just struck down a practice in the then sponsor's home State of South Carolina where a hospital would give the results of pregnant women's blood tests to local law enforcement for the purpose of initiating legal action against those women if they had used crack. Once we recognize a zygote, two cells, as having the same legal status as the pregnant woman, it would logically follow that her liberty could be restricted to protect it. The whole purpose of Roe was to protect that liberty interest. This bill would undermine it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 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 thank the gentleman for yielding me this time. I rise in strong support of the rule and of the underlying bill, the Unborn Victims of Violence Act. I rise today as a pro-life Member of this institution to say that this bill is not about the debate over the sanctity of human life. This bill is just about justice.

The Unborn Victims of Violence Act recognizes that when a criminal attacks a pregnant woman and injures or kills her unborn child, he has claimed two human victims. The bill would establish that if an unborn child is injured or killed during the commission of an already defined Federal crime of violence, that this is in and of itself a crime. This is about justice, Mr. Speaker.

In current Federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. In fact, this is such a self-evident fact that at this point in time, 29 States have recognized fetal homicide for all or part of prenatal development, hardly a fringe issue on the edges of the American culture wars. Twenty-nine States in the Union have recognized this as a function of State law, and we attempt today to make it a part of Federal law.

Despite lots of talk, Mr. Speaker, that this is somehow by subterfuge about abortion, the bill explicitly provides that it does not apply to any abortion to which a woman has consented. And it is well established that unborn victims laws do not conflict with the Supreme Court's pro-abortion decrees.

This really is not just about the cold and sterile confines of law school and courtroom debates. This is really about compassion and about families and about tragic loss.

I would close on this remembrance, the words of Carol Lyons, whose 18-year-old daughter Ashley and unborn grandson Landon were murdered in Scott County, Kentucky, on January 7 of this year.

She said: "Nobody can tell me that there were not two victims. I placed Landon in his mother's arms, wrapped in a baby blanket that I had sewn for him, just before I kissed my daughter good-bye for the last time and closed the casket."

One story after another. Two victims of violent crime. This for once on this blue carpet is not a debate about life, about the most contentious issue of our time and our culture. This is about justice, this is about compassion, and this is about this Congress standing for what justice demands.

I urge my colleagues to support the rule and to support strongly the Unborn Victims of Violence Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise to register my opposition to this rule and the underlying bill, and I rise to ask my colleagues to look at this legislation for what it is, not for what it claims to be.

We all agree that acts of violence against pregnant women are tragic, and our criminal justice system should respond decisively to them. Those committing these abhorrent crimes should be punished to the full extent of the law.

Unfortunately, the bill we will be considering under this rule has another

agenda, and that is to erode and undermine the Roe v. Wade decision by treating an embryo or fetus at any stage of development as an individual with extensive legal rights, distinct from the mother. But if we really want to punish crimes that are committed against pregnant women, we can do so in ways that do not tangle this issue with the abortion debate.

As a member of the Committee on the Judiciary, I was joined by several of my colleagues during the markup of this bill in offering amendments that would have extricated this issue from abortion politics by clarifying its purpose. My amendment, along with amendments offered by the gentlewoman from California (Ms. LOFGREN) and the gentleman from Virginia (Mr. SCOTT), sought to focus squarely on the issue of preventing and punishing violence against women and particularly pregnant women. The rejection of these amendments clearly reveals that supporters of this bill have another objective, and that is to legislate fetal personhood as a foundation for depriving women of their right to make their own reproductive decisions.

Violence against women remains a huge problem in today's society; and, yes, we absolutely should focus our efforts on addressing this issue. According to a Commonwealth Fund survey, nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. That is a staggering figure: one out of every three women. And the risk of violence does increase for pregnant women. In fact, murder is the number one cause of death to pregnant women. But this bill will do nothing to protect pregnant women from violence. In fact, the bill makes no mention of the primary victim of violence, the pregnant woman, and instead creates a new cause of action on behalf of the unborn. This is a step backwards for victims of domestic violence. Once again, the attention of the legal system is being turned away from efforts to punish violence against women. Instead of protecting women, this bill lays the groundwork for establishing fetal personhood and eroding the foundation of a woman's right to choose.

I have long been a strong supporter of the Violence Against Women Act, which expanded protections for women against callous acts of violence. I believe we are better served by laws that protect women, pregnant and nonpregnant alike, from the violence than we are by creating a whole new legal framework to establish and protect fetal rights. By switching the focus of the crime from the pregnant woman to the unborn child, we are diverting attention from the problem we should be focused upon, violence against women. Think about it. You cannot do this sort of harm or cause these sorts of injuries to a fetus without harming and injuring the mother.

If we are sincere in our desire to punish crimes committed against pregnant

women, then we should be addressing that issue without tangling it in abortion politics. Let us abandon this thinly veiled attack on abortion rights that is the Unborn Victims of Violence Act and address the true issue by providing real punishments for criminals who attack pregnant women.

I urge my colleagues to vote against this rule and underlying bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today I rise in support of the rule and the underlying bill, the Unborn Victims of Violence Act, and to urge my colleagues to pass this critical piece of legislation.

Mr. Speaker, it amazes me to hear the arguments of the opponents of this bill, not wanting to protect the rights and the will and the wish of this mother who chose the right to carry her child to full term and to protect the rights of the father for having justice against the murder of the child that they chose to keep. It just amazes me to hear that argument.

Recent studies by State health departments have shown that homicide is a leading cause of maternal mortality, as we heard our previous speaker say; and it results in the death of both the mother and her child, the child that she chose to carry. However, under current Federal law, there is only one victim. This bill is not about abortion. This bill is about, as my colleague from Indiana said, it is about justice: justice for that family, that father who has lost not only his wife but his child as well.

Mr. Speaker, this simply does not make sense. It is time for the Federal Government to recognize what the rest of the country already knows, that crimes against pregnant women create two victims, the mother and the child. We must afford pregnant women and their unborn children the full protection of the law that they deserve.

Mr. Speaker, our Nation's laws must protect our most vulnerable members of society and fully prosecute those who commit violent acts against them. By passing this legislation, we guarantee that protection for women and their unborn children, and we create a deterrent against future attacks on women of childbearing age. I do not see how this bill takes away any rights of protecting those women who are harmed by violence. This is not taking the focus off that. This is just adding justice for that family who has lost not only the mother but the child as well.

I urge the House to pass the rule and the underlying bill, the Unborn Victims of Violence Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I first of all want to thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

I rise, Mr. Speaker, in opposition to H.R. 1997, the Unborn Victims of Violence Act. A pregnant woman is probably one of the most vulnerable members of our society. Nearly one in three women report being physically assaulted during pregnancy and murder is the leading cause of death among pregnant women. However, H.R. 1997 does nothing to protect pregnant women from violence. Rather, it creates a new cause of action on behalf of the unborn. The result would be a step backward for victims of domestic violence by once again diverting the attention of the system away from punishing violence against women to punishing violence against an unborn fetus.

I heard my colleague earlier talk about compassion and talk about justice and try and stir this body to pass legislation that is absolutely not needed, to pass legislation that only carries favor with a certain portion of the people of these United States. I compare it to the currying of favor with those who would oppose same-sex marriages. I would say to my colleagues that if we spent all of the time that we spend on legislation like this and talking about constitutional amendments and directed it towards guaranteeing every child in the United States a right to an education, or guaranteeing every person in this country a right to health care, or guaranteeing every person in this country a right to a job, or guaranteeing every person an opportunity to live in a home that is safe and in a safe neighborhood, we would spend our time a whole lot better.

H.R. 1997 marks a major departure from current Federal law by elevating the legal status of a fetus at all stages of development. We could have passed several of the alternatives that were proposed by my colleagues that would have dealt squarely with the issue that is before us versus inflaming a division or running a knife between parts of this country on divisive issues such as abortion, such as same-sex marriages.

I just call upon my colleagues to stop putting forth legislation whose real intentions are covered by the intentions that they put forth in the legislation or put forth on the floor. I would encourage all of my colleagues to vote against the rule and vote against the underlying bill. If we really want to protect women, let us fund the COPS program so that there will be more police officers out on the street. If we really want to protect women, let us fund fully the Violence Against Women Act. If we really want to protect women, let us begin to teach young men, and young women as well, the importance of playing fair and not being involved in violence and other things. But this legislation will not do it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding time.

Mr. Speaker, why would Planned Parenthood and a virtual who's who of

abortion activists in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead? Why would they take a position so extreme that 80 percent of Americans oppose it?

Why is it that on the floor of this House, so many intelligent, talented, and gifted lawmakers to whom so much has been given are going to such great lengths to deny basic protections in law for an unborn child who has been shot, beaten, stabbed, or otherwise mauled by an attacker, even taking the irrational step of opposing a definition that was overwhelmingly passed in this body 417 to zero?

Could it be that America's abortion culture, a culture of death, has so numbed our hearts and dulled our minds that we have become unwilling, or perhaps incapable, of recognizing the obvious? Could it be denial with a capital D?

Amazingly, as a result of breathtaking breakthroughs in medicine, today unborn children are often treated as patients in need of curative procedures in healing just like any other patient. Is the concept of an unborn child as a victim really so hard to grasp, even when we are not talking about abortion, but assault by a mugger? Have the soothing voices of denial by credentialed people, especially in medicine and the media, ripped off our capacity to think?

□ 1500

Has the horrific spectre of almost 45 million poisoned or dismembered babies legally enabled by *Roe v. Wade* robbed us of our capacity to see and understand and empathize? Is it a lacking in logic or courage or common sense or compassion? Have unborn children become mere objects, a dehumanizing and deplorable status that feminists rightly rebel against? Should a mugger, like an abortionist, have unfettered access to maim or kill a baby without triggering a separate penalty for the crime?

For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against women, and that is as it should be. In December of last year, President Bush signed my comprehensive antitrafficking legislation, the Trafficking Victims Protection Act of 2003, and before that President Clinton signed landmark legislation that I authored the Victims of Trafficking and Violence Protection Act, 2000. I would remind my colleagues that included in my law as Division B was the Violence Against Women Act, a \$3.2 billion 5-year authorization for a multitude of efforts to mitigate Violence Against Women, provide shelters, and a myriad of protection initiatives.

So women who are victims of violence clearly need every legal protection, shelter and assistance a caring society has to muster, but I would respectfully submit to my colleagues so do children. A victim is a victim, it

seems to me, no matter how small. Why is it so difficult to recognize an unborn child as a victim who is also capable of suffering severe trauma, disfigurement, disability, or even death? Unborn children feel pain when they are shot or beaten. They bleed and they bruise easily. Unborn children are as vulnerable as their mothers to an assailant wielding a knife, a gun, or a steel pipe.

Mr. Speaker, the amniotic sac is like a protective bubble, but it is not made of Kevlar. It pierces easily. Support the Unborn Victims of Violence Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

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

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

Mr. Speaker, I rise today to express my opposition to this rule and to H.R. 1997, the Unborn Victims of Violence Act. This bill unnecessarily redefines a crime. Why? Not to deter or prevent violence. It does not do that. Not to ameliorate the effect of violence. It does not do that. Not to help the victims of violence. It does not do that. There clearly is an ulterior motive here, a different agenda that the supporters have.

There is no question that the loss or harm to a woman and her fetus is absolutely devastating, and those who injure or kill a pregnant woman or her fetus should be punished, and families should have appropriate redress for their loss, but this bill would not accomplish that. This bill seeks to create a unique Federal criminal offense for acts that cause injury or death to an unborn fetus. Tellingly, it does not create any comparable offense for killing or injuring the woman bearing the fetus. I think that makes it clear that the real purpose here is not to protect the victims of violence, not to prevent violence, but to give the fetus equal legal status to the mother and thus to undermine the legal foundation of *Roe v. Wade*.

I challenge the supporters of this bill to be logically consistent and support the substitute permitted under this rule, the Motherhood Protection Act, which would severely punish crimes against pregnant women without unnecessarily engaging in the abortion debate. I would also remind my colleagues that protecting pregnant women is just one part of combating all forms of violence that threaten women across this Nation. We must renew our commitment to this issue and focus our efforts on passing measures that are aimed at protecting all women from violence, and here I challenge the supporters again to fully fund programs such as the Violence Against Women Act that actually provide life-saving services to battered women.

I strongly urge my colleagues to reject H.R. 1997.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

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

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

I rise in support of the rule and in support of the underlying bill and, along with some of my colleagues, with a little bit of mystification as to the reaction of those who oppose the rule and the underlying bill.

It appears as though we have some ignorance of facts going on here. Some of the Members and many of the Members remember the case of Laci Peterson. In fact, it is being adjudicated right now in the State of California. Laci Peterson's mother, Sharon Rocha, called me, the prime sponsor of the Unborn Victims of Violence Act, and Senator DEWINE, who is the sponsor of the legislation in the Senate, and requested that we name the bill in honor of her daughter Laci and her unborn grandson Conner. We did so without hesitation. It was very simple to understand and do so as a result of her request and also understand the grief that she and her family felt as a result of the murder of her daughter and her unborn grandson. She said, "Please understand how adoption of a single-victim proposal," one that will be offered in opposition to the underlying bill, "would be a painful blow" to the victims' family, a family like Ms. Rocha's, "who are left to grieve after a two-victim crime because Congress would be saying that Conner and other innocent victims like him are not really victims, that, indeed, they never really existed at all. But our grandson did live," she says. "He had a name, he was loved, and his life was violently taken from him before he ever saw the sun."

Unfortunately, the Peterson case is not the only case like this; more recently the family in Kentucky that just helped the Kentucky Legislature pass legislation similar to this in the Kentucky State Legislature.

We need to pass a bill that recognizes two victims. There are two victims. In fact, our bill specifically separates abortion from an act of violence against the mother. We are talking about a mother and a family who have chosen to bear a child. That family is preparing for that child's birth. That family has often named that child. That child is actively now a member of that family. But, unfortunately, facts in this world make some pretty ugly figures. We see that where statistics were kept about the cause of death to pregnant women in Maryland, Illinois, and New York, that fully more than one-quarter of the pregnant women who died died at the hands of a criminal. They were victims of homicide. Along with their death was the death of their unborn child. Why then should we not recognize two victims? There were two victims. There were two vic-

tims in the Peterson case and two victims in all of those statistics that New York, Maryland, and Illinois kept.

If our job here as legislators is not to recognize crime and prosecute crime, then I am not really sure what it is. I request my colleagues to support the rule for the two-victim Unborn Victims of Violence Act, the Laci and Conner law, and also to support the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership on this issue and so many others and for her yielding me this time.

I rise in strong opposition to the rule and the underlying bill and in support of the Lofgren amendment, which will be on the floor tomorrow.

Over the past 5 months, this body has dealt reproductive rights and women's health a one-two punch, first with the passage of the so-called partial birth abortion ban, which ignores the health and life of the woman, and now with this bill, which again ignores the health and life of the woman.

I have kept a scorecard of the antichoice action since the Republican majority took over in 1995, and if this rule and its underlying bill pass, it will mark the 202nd action against a woman's right to choose, which is exactly what this bill is intended to do.

According to this bill, anyone could be a murderer since no intent to harm the fetus is required. So in other words, if a pregnant woman is on an airline and crashes, is the airline now liable for two deaths? If a woman is working out in a gym with a trainer and miscarries, is the trainer a murderer? Pregnant women will become a liability for stores, gyms, and other businesses, and their freedom to perform daily tasks will be restricted.

This bill is not a domestic violence bill, and it does absolutely nothing to protect women who are victims of domestic violence. What this bill does is for the first time in Federal law, this bill, the underlying bill, will give a fertilized egg the same legal recognition and standing as a man or a woman. Under this bill a criminal could avoid stiffer penalties as long as he causes no harm to the fetus even though the pregnant woman might be brutally beaten and victimized.

It is insulting that the authors of this legislation would use violence against women as the vehicle to attack a woman's right to choose, which is what this bill is really about, whittling away, piece by piece, legislation by legislation, a woman's right to choose. This bill does absolutely nothing to address the violence against women, but the Lofgren amendment, which will be on the floor tomorrow, does, and the Lofgren substitute would severely punish crimes against pregnant women without tangling juries and prosecutors in the abortion issue. The Lofgren

amendment protects pregnant women without limiting their very basic rights and without redefining the Constitution to establish fetal personhood.

So I urge my colleagues to oppose this rule and the underlying bill and support the Lofgren amendment and substitute tomorrow.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague from Georgia, the distinguished member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I come to the floor today to speak in support of the rule to consider H.R. 1997, the Unborn Victims of Violence Act, and to recognize fetal homicide as a crime, a crime under Federal criminal proceedings. And I want to thank the gentlewoman from Pennsylvania (Ms. HART) as well as the gentleman from Ohio (Mr. CHABOT) for introducing this legislation, which I believe represents the majority opinion of Americans across this country.

According to a Fox News poll conducted in August of 2003, 79 percent of the electorate believes that prosecutors should be able to charge an assailant with the death of an unborn child resulting from their act of violence. A similar Newsweek poll conducted in May of 2003 revealed that 56 percent of the people believe that if someone kills a fetus still in the womb, as well as the mother, that person should be charged with two murders instead of one.

Considering that 29 States, including my own State of Georgia, have already passed unborn victims of violence laws, it is past time to enact such a law at the Federal level. Let me assure the opposition to the legislation that H.R. 1997 does not supersede State laws, but it rather applies only to already defined Federal crimes. This debate is simply about prosecuting criminals. It is not an abortion bill, but rather a crime bill, and under this bill it is necessary to prove beyond that a defendant had intent to do criminal harm at least towards the mother. The legislation is about identifying victims, and I urge passage of the rule so that we can move on to debating and passing this vital piece of legislation.

My colleagues on the other side of the aisle complain that the Unborn Victims of Violence Act does not address the mother.

□ 1515

Well, we have laws to protect the mother in regard to violence and murder.

I want to remind Members on the other side of the aisle who are opposing this legislation also that in regard to the mother and protecting the mother, a strategically directed blow to a mother's abdomen resulting in minimal injury to the mother very well could result in the death of a 6½- or 7-pound unborn baby, just like Conner Peterson, and the mother's injury could be a minor contusion. So you are

going to say you solve that problem by instead of slapping one wrist, slap two? Give me a break.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I want to reiterate something that the gentleman from Georgia (Mr. GINGREY) just said: It is really important to remember that there are laws to protect the woman, and it is important that we strengthen those laws and make sure those laws are solid. But we also need to be concerned about children and unborn children.

When we talk about child abuse in this country and we talk about children's protection, often many of the Members who are critical of this bill have been among the leaders in that effort, and I would like to see them join with us in this one. In fact, the poll that the gentleman from Georgia (Mr. GINGREY) referred to also showed that 69 percent of those who consider themselves prochoice support this amendment that causes the perpetrator of a violent action that causes the death of an unborn baby to be charged with murder.

In other words, this is not really an abortion debate, this is how do you feel about the legal protections for the unborn baby? And even prochoicers, 69 percent, say they favor this amendment.

I want to reiterate some of the points that the gentlewoman from Pennsylvania (Ms. HART), who has been the leader of this effort, has also said.

We followed the news accounts of the tragic double murder of Laci and Conner Peterson. Not one, but two lives were lost. Under California law, the killing of Laci and Conner is being prosecuted as a double murder with two victims. Unfortunately, in some parts of the country, as well as under Federal law, Laci and Conner's deaths would not be viewed as a crime against two victims, but rather just one. This is clear violation of justice, and the Peterson case has helped highlight this fact.

Today we have the opportunity to correct a shortcoming in Federal law that does not allow an unborn child to be identified as a second victim of murder if killed while on a military base or other location under Federal jurisdiction. The Unborn Victims of Violence Act, also known as Laci and Conner's Law, would correct that loophole and ensure that the perpetrator of the double murder be prosecuted and punished accordingly.

It is unbelievable to me that some Members of Congress would like Federal law to only recognize the death of one victim in such cases under Federal jurisdiction. That would not get the same protection as Laci and Conner

Peterson did. The Lofgren one-victim substitute amendment which will be allowed to be offered under the rule is offensive to those who have lost loved ones.

Mr. Speaker, everyone has followed the news accounts of the tragic double murder of Laci and Conner Peterson in California just before Christmas in December 2002. Not one, but two lives were lost as was plainly evident when the bodies of both Laci and Conner washed up on the shore many months later.

Under California law, the killing of Laci and Conner is being prosecuted as a double murder with two victims. Unfortunately, in some parts of the country, as well as under Federal law, Laci and Conner's deaths would not be viewed as a crime against two victims, but rather one. This is a clear violation of justice—and the Peterson case has helped highlight this fact. Consistently, in poll after poll, 80 percent of Americans say they believe there are two victims in the killing of a pregnant mother and her unborn baby.

Today, we have the opportunity to correct a shortcoming in Federal law that does not allow an unborn child to be identified as a second victim of murder if killed while on a military base or any other location of Federal jurisdiction. The Unborn Victims of Violence Act, also known as "Laci and Conner's Law," would correct that loophole and ensure that the perpetrator of the double murder be prosecuted and punished accordingly.

It is unbelievable to me that some Members of Congress would like Federal law to only recognize the death of one victim in cases such as the murder of Laci and Conner Peterson. The Lofgren one-victim substitute amendment, which will be allowed to be offered under the rule we are debating, is patently offensive to the relatives of double murder victims who simply want justice to be done in the prosecution of the individuals who killed their loved ones.

Sharon Rocha, the mother of Laci Peterson, has expressed her opposition to the Lofgren amendment. In a recent letter, she stated:

I hope that every legislator will clearly understand that adoption of such a single-victim amendment would be a painful blow to those, like me, who are left alive after a two-victim crime, because Congress would be saying that Conner and other innocent unborn victims like him are not really victims—indeed that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.

While the Peterson case might be the most widely known two-victim murder case at this time, many other families have also experienced the incredible pain of having lost a daughter or sister or spouse who was pregnant with an unborn child at the time of her murder. These families, too, are calling on Congress to bring about justice and enact the Unborn Victims of Violence Act.

The rule under consideration now is fair to both sides, allowing for both a substitute amendment and a motion to recommit. I urge my colleagues to vote in favor of the rule.

Tomorrow, as we come to vote on the base bill and the substitute amendment, I hope my colleagues will consider the plea of Sharon Rocha, Laci Peterson's mother, and reject the one-victim substitute. There were two victims in the murder of Laci and Conner Peterson,

and in their honor, I urge my colleagues to vote "yes" on the Unborn Victims of Violence Act.

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

Mr. Speaker, the sad thing about this bill is that it is not violence against women, it is violence against pregnant women, and, while that is an abhorrent thing, it should be treated as violence against women. We all know and believe that.

What this bill does is reduce women to vessels, to wombs. It says that they are the ones that matter. If that were not the case, then this Congress would fund the Violence Against Women's Act.

Recently the majority leader of the House said in an interview that he thought all women should be in the home and that their husbands should give all the structure. Well, maybe we will get a bill on the floor pretty soon that says every woman in America of child-bearing age must be pregnant at all times and must not be allowed to leave the house. That, of course, then does say that older women who are past child-bearing age are fair victims for violence because we have not funded the Violence Against Women's Act. But if they are pregnant, then we will really look after them.

What a narrow-minded thing that is. I would like all the Members who think this is a great idea to go home and tell their mothers and daughters and their sisters and all the rest of their female relatives that only if they are pregnant do they matter to the Congress of the United States.

It is appalling that we have had over 200 votes whittling away at this since 1995. I honestly would not put anything past the Congress here, and I would expect if the majority leader comes up with his bill to force women to stay at home, it would be a good hearing and be right out here on this floor, even though people are without jobs, people are going hungry, health care is almost nonexistent in many places, and we are fighting a war that is causing us casualties on a daily basis. But what do we debate? This. This takes precedence over everything else.

So, I just say again to the women of the United States, look out, sisters. You just do not matter here anymore.

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

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

Mr. Speaker, I will just take enough time to say I urge my colleagues to support this rule so we can get on with the real debate on both the underlying bill and the substitute to it.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the clause 8 of rule XX, proceedings will resume on the questions previously postponed.

Votes will be taken in the following order:

H.R. 2751, by the yeas and nays; and House Concurrent Resolution 287, by the yeas and nays.

The second electronic vote will be conducted as a 5-minute vote.

GAO HUMAN CAPITAL REFORM ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2751, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 43, not voting 8, as follows:

[Roll No. 28]

YEAS—382

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
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 (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)

Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
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.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Ford

Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)

Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy

Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
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
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabó
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff

NAYS—43

Akin
Barrett (SC)
Bartlett (MD)
Burgess
Burton (IN)
Cannon
Coble
Cubin
Culberson
Duncan
Feeney
Filner
Flake
Fossella
Franks (AZ)

Garrett (NJ)
Goode
Gutknecht
Hayworth
Hefley
Hensarling
Hostettler
Istook
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Moran (KS)
Nussle
Ose

Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taubin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabó
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff

Paul
Pence
Petri
Royce
Sensenbrenner
Shadegg
Shimkus
Smith (MI)
Stearns
Sweeney
Tancred
Taylor (NC)
Toomey

NOT VOTING—8

Baird
Clyburn
Collins

Doggett
Forbes
Honda

Kucinich
Lantos

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.