

ago, and what might happen in the future? To do this, there are certain understandings in the scientific community that the ocean, the land, and the atmosphere working together provide us with a type of balance in the heat distribution on the planet. No one would dispute that the Earth, the ocean, and the atmosphere work together through various means to make the type of climate that the planet has right now. The atmosphere and the elements that make up the atmosphere and all the different kinds of gasses are in a constant cycle with the Earth and the oceans. So that is not in dispute.

If we observe the planet today and 150 years ago, we will see that there is a warming trend both on the surface of the land, the surface and subsurface of the oceans. There is a significant retreat of glaciers around the planet, and the Arctic Sea ice is getting smaller and actually thinning. So if we look at these observations, someone could say that there is a natural cycle over the last 150 years and we happen to be in a warming trend. If we take the climate over the long range and we go back 10,000 years ago through an analysis of ice cores, certain seabeds, coral, crustaceans, et cetera, if we go back 10,000 years, we will see a natural range of fluctuation on the climate of the planet, a natural range of fluctuation due to a number of variables including the atmosphere, land, and ocean, the wobble of the Earth, the closeness we are to the sun, et cetera. There is a predictable change in the climate based on the last 10,000 years. In fact, we could go back 400,000 years and base that prediction.

What we are now seeing, though, in the last few decades of the 20th century and the first decade of the 21st century, are environmental variables that have not been seen for 400,000 years. If we look at what is making up our atmosphere and the kind of greenhouse gasses that we need in order for a distribution of the heat balance, we will see an increase in these greenhouse gasses, most notably carbon dioxide or CO₂, a more significant increase now than we have seen in the last 400,000 years. The amount of carbon dioxide that has been in the atmosphere over the last 400,000 years has been a predictable amount based on the historical records which we find in ice cores and so on; but that natural range of fluctuation, the amount of CO₂, the amount of greenhouse gasses in the atmosphere, was seen to have a pattern, a trend. But the increase in CO₂, carbon dioxide, that we have seen now in the last 50 years is larger, stronger than has ever been seen before.

So is it a natural bump up in CO₂? When we calculate the natural sources of CO₂ on the planet, and there are many, we will have a certain amount of CO₂ in the atmosphere. What is the percentage of CO₂ in the atmosphere? When we take in all of the natural variables, we still have more than we have ever had before.

When we take in another variable, which is interesting, human activity, this answers the question that human activity is increasing CO₂ in the atmosphere, changing the climate in ways that may not be predictable. Just a few facts to lay upon the table.

UNBORN VICTIMS OF VIOLENCE ACT OF 2003

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. AKIN. Mr. Speaker, the topic that I would like to take a look at this evening is the passing of a very important piece of legislation which is scheduled for this week, and that is the Unborn Victims of Violence Act.

But I would like to approach this standing back just a minute from a piece of legislation and try to put what we are trying to accomplish this week into context, in fact, into the American context. So I would challenge those, particularly those who are Americans, to answer a question, a very basic question, and that is let us say that someone from another country, and there were a television camera running, were to ask how would they define in a condensed sentence the uniqueness or the essence of what America is. What is it that has made America unique? What has created a Nation that people have come from all over the world to immigrate here? What has created a Nation where we have to have border guards to try to keep people out whereas other nations put minefields and machine gun nests to try to keep people in?

□ 1700

What is it that made America unique, and how would you say that in one simple sentence?

I suppose one of the rules that people who have been involved in politics for some period of time know is that you are not supposed to ask a question unless you have an answer to the same question. So if I were asked to try to summarize what America is about, I would go to our birthday document, to the document that separated America into an independent and unique Nation, and that is the Declaration of Independence, our birthday document.

In that document you find a long and somewhat complicated sentence, but a very important sentence in terms of defining who we are and what has made us so unique. It is the sentence that says, "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

Now, the sentence does not end with "pursuit of happiness." It goes on to say that governments are instituted among men for the particular purpose

of securing those rights, that is life, liberty and the pursuit of happiness.

Let us say we take this long sentence, and, as a former engineer myself, we put it into a formula. The formula is pretty straightforward. It has three parts. The first thing is there is a God; the second thing is God grants to mankind, to all people, and in particular our Founders were talking about Americans, certain unalienable rights; and chief among these are life, liberty and the pursuit of happiness.

And so it was based on this document, this simple three-point statement in a sense, that our forefathers declared this a free and independent Nation, and it is by this formula that we believe that all men everywhere are granted with certain unalienable rights, which has to a large degree motivated much of our behavior and defined America. It has also created in America, although it was there for the 170 years before, a culture of respect for life.

Now, how then does the piece of legislation that we are looking at connect to this culture of life in America? I think it is easy when you are discussing legislation to, first of all, talk about that there is some problem, and then you have a bill which is designed to solve the particular problem. So in order to help define the problem that we have in America legislatively, I have a copy here now of a testimony that was given by Tracy Marciniak before a committee, and I would like to read part of her testimony to help define what is going on and the need, the tremendous and important need, that we pass the Unborn Victims of Violence Act.

"I carried Zachariah in my womb for almost 9 full months. He was killed in my womb only 5 days from his delivery date. The first time I ever held him in my arms he was already dead."

The letter goes on. She is pointing to a photograph of her with this child in her arms.

"There is no way that I can really tell you about the pain I feel when I visit my son's gravesite in Milwaukee, and at other times, thinking of all that we missed together. But that pain was greater because the man who killed Zachariah got away with murder. Please don't tell me that my son was not a real victim of a real crime. We were both victims, but only I survived."

"Zachariah's delivery date was to be February 13, 1992, but on the night of February 8, my own husband brutally attacked me at my home in Milwaukee. He held me against a couch by my hair. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. Then he refused to call for help, and prevented me from calling."

"About after 15 minutes of my screaming in pain that I needed help, he finally went to a bar and from there called for help. I and Zachariah were rushed by ambulance to the hospital, where Zachariah was delivered by

emergency cesarean section. My son was dead. The physician said that he had bled to death inside me because of blunt force trauma.

"My own injuries were life-threatening. I nearly died. I spent 3 weeks in the hospital.

"During the time I was struggling to survive, the legal authorities came and they spoke to my sister. They told her something that she found incredible. They told her that in the eyes of Wisconsin law, nobody had died on the night of February 8th. Later, this information was passed on to me. I was told that in the eyes of the law, no murder had occurred. I was devastated.

"My life already seemed destroyed by the loss of my son, but there was so much additional pain because the law was blind to what had really happened. The law which I had been raised to believe was based on justice was telling me that Zachariah had not really been murdered.

"It took over 3 years for this case to go to trial. The State prosecuted my attacker for first degree reckless injury and for false imprisonment, and he was convicted of those counts. They also prosecuted him under a 1955 abortion law, but they failed to win a conviction on the abortion count because that law required that they prove a specific intent to destroy the life of my unborn child. I do not fault the State authorities or the jurors. They simply did not have the legal right or tool for this type of case. The law simply failed to recognize that anybody who looks at the photo should be able to see that Zachariah was robbed of his life."

That, my friends, is the problem with our laws that we are attempting to fix, that we are attempting to remedy here, with the Unborn Victims of Violence Act. What the act does is it recognizes the fact that when there is a crime of this nature, it recognizes both people who were victims to that particular crime.

Now, there is talk that this law is unnecessary. There are some people who say, no, we do not really need to recognize the second person that is involved. But I would suggest that if one were to talk to the people who have lost their child, women who have been violently attacked in this way, and particularly those who have been attacked in this way close to the time when they are about to deliver, that they would suggest otherwise, that there are indeed two victims. When you talk to the grandparents, they would suggest that there are two victims.

I am 56 years old. I recently, just a matter of a month or so ago, received some very exciting news. I have six children. One of them just this last summer got married. In fact, he got married to a young lady who was working in my congressional office. They have gone off, he is in the Marines, and you can imagine what the news was. We heard that she was expecting her first child, which meant that I was expecting to be, for the first time in my life, a grandfather.

I would suggest that if someone were to attack her and to end the life that is inside her, that it would be a very difficult thing to try to convince me that there was not a person involved, that I did not need to be concerned about the fact that, oh, maybe you are a grandfather, or something like that. I think most of us see that in the most common-sense way.

So that is what is involved with this piece of legislation, to be able to recognize that when a crime, a violent crime, is committed against an innocent, pregnant woman, that there are two victims involved.

At this point, Mr. Speaker, I would like to yield to one of my colleagues for whom I have a great deal of respect, 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.

Mr. Speaker, it is a great privilege for me to join my colleague from Missouri as he leads this critical Special Order among my colleagues on legislation that this Congress will take up tomorrow, the Unborn Victims of Violence Act. We heard much debate today, Mr. Speaker, on the subject of this legislation, and, for all the world, it seemed as though we were talking about a bill that had something to do with the debate over abortion.

This bill most certainly emanates around a respect for the life of a mother and the nascent life within her, but this is not a debate over abortion or the right to life, but rather this is a debate about justice. It is about the institution of Congress in Federal law recognizing, as 29 other States have recognized, the demands of justice when a woman and her unborn child are both the victims of a crime.

The Unborn Victims of Violence Act is simply legislation authored by the distinguished gentlewoman from Pennsylvania (Ms. HART) which recognizes that when a criminal attacks a pregnant woman and injures or kills her unborn child, that 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, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child. The exact charge, of course, would depend on which Federal law was involved.

It may astonish many of those that look in on our debates and proceedings, Mr. Speaker, to know that under current Federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. For example, if a criminal beats a woman on a military base and kills her unborn child, he would be charged only with battery against that woman, because the unborn child's loss of life is not at the present moment even recognized as a crime under Federal law.

Therefore, as we engage in this critical debate on the House floor tonight, and as we move this legislation, I believe, with broad bipartisan support tomorrow, it is my hope that our intentions will be laid bare that this is not about the debate over the sanctity of life or some debate over the fault lines of the culture war, but, rather, this is simply a debate about justice and about the demands of justice.

To those, Mr. Speaker, who say that this is somehow an idea on the fringe of the American political debate, I offer as case in point this chart, which points to the fact that there are at the present moment, with the recent addition of Kentucky, 29 States in the Union, even, using my mathematical skills, nearly 60 percent of the United States of America in their various State laws, including my home State of Indiana, that recognize fetal homicide for all or part of prenatal development.

□ 1715

Mr. Speaker, 29 States recognize a criminal act, when performed against a pregnant woman, that criminal charges can be rendered, not only against the woman who is assaulted, but against the unborn child. And here Congress is with regard to Federal law, in a very real sense, Mr. Speaker, trying to catch up with what 29 States have already understood in their State legislatures and assemblies to be the demands of justice.

Now, as to the issue of whether or not this is by subterfuge a debate about abortion, I think it is important to point out, as pro-life as I am, and proud of it, this bill explicitly provides that it does not apply to any abortion to which a woman has consented, to any act of the mother herself, legal or illegal, or to any form of medical treatment, period. That is in the specific language of this legislation. Therefore, those who would argue that by subterfuge, somehow, in the language there is an effort to erode *Roe v. Wade* with a fetal homicide law on the Federal level, do so with a genuine lack either of understanding or lack of intellectual honesty.

In fact, it is well established that unborn victims laws do not conflict with the Supreme Court's pro-abortion decrees beginning in *Roe v. Wade*. The 29 State laws mentioned above have had no effect on the practice of legal abortion in those States. Criminal defendants have brought many legal challenges to State unborn victims laws based on *Roe*, but all such challenges have been rejected by State and Federal courts. The jurisprudence on this issue is overwhelming and decisive.

But as I close and prepare to yield back to the gentleman from Missouri who is leading us tonight in this debate, it would be wrong to spend the few moments that I have on this blue carpet tonight speaking of this issue as though it could simply be resolved in the cold confines of law schools and judicial chambers. When we talk about

the demands of justice, I believe we are talking about the fundamental obligations of this institution to interpret the intangible obligations of the law. And as we come upon the very idea of a woman who is assaulted and as a function not only may have lost her life, but lost the life of her unborn child, and the wake and wash of grief that is left behind that, we cannot think of this in cold and sterile terms. So I close with two examples of the real world impact of crimes against unborn children.

Carol Lyons' 18-year-old daughter, Ashley, is pictured here; a beautiful young woman who, along with her unborn child, was murdered in Scott County, Kentucky, on January 7 of this year. And her mother, Carol Lyons, speaking of the law about which we debate tonight, said, "Nobody can tell me that there were not two victims. I placed Landon," her grandson, "in his mother's arms. I wrapped him in a baby blanket that I had sewn just before I kissed my daughter good-by for the last time and closed the casket."

Carol Lyons, whose 18-year-old daughter, Ashley, and unborn grandson, Landon, were killed just weeks ago, said, "Nobody can tell me that there were not two victims."

And of the legislation that we will consider tomorrow, another voice. This legislation has even come to be known euphemistically as Laci and Conner's Law, and there is scarcely an American who does not know the story of Laci Peterson and her unborn baby, Conner, a woman who was abducted on Christmas day and vanished and was found brutally murdered, with her 8-month child a victim as well. Her mother said the following: "Of those who would have us think of this type of an act as only having one victim," Sharon Rocha, mother of Laci Peterson, said, "please understand how adoption of a single victim proposal would be a painful blow to those like me 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, indeed, that they never really existed at all. But our grandson did live," Sharon wrote. "He had a name, he was loved, and his life was violently taken from him before he ever saw the sun."

This parent, and no parent within the sound of my voice, can fail to be moved by the tragic loss of both of these families or, in my judgment, fail to understand the opportunity we have as Congressmen and -women, Republicans and Democrats, in the next 24 hours to pass the Unborn Victims of Violence Act, not to engage ourselves in yet another tiresome debate on the fault lines of a woman's right to choose, but rather to engage ourselves in the expansion of justice, to look at the grief of these families and know what plain, commonsense Americans all know: that there are two victims and Federal law, as 29 other State laws have done, should recognize and address that with clarity.

With that, I yield back to the gentleman from Missouri with gratitude for his leadership on this issue and for hosting this important debate tonight.

Mr. AKIN. Mr. Speaker, I thank the gentleman for his pointed and well-taken comments.

It is now my honor to be able to yield the floor to the gentleman from Florida (Mr. WELDON), a doctor, and my esteemed colleague and good friend.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. Let me just commend my good friend and colleague, the gentleman from Indiana (Mr. PENCE), for the outstanding job I think he just did laying out many of the issues that have surrounded this debate. I agree with the gentleman, it is high time that we adopt the position that exists in 29 States; and I believe ultimately that most States will adopt this statute.

I also want to commend the gentleman from Indiana for his advocacy regarding the fence in Israel. I think that is a very, very important issue. The gentleman's resolution that he is trying to bring forward I think is very timely and very important. The fence in Israel is preventing hundreds of these suicide bombers from getting into Israel and killing people; and I think it is a tragedy, as the gentleman from Indiana does, that that case is before that court in Europe, and the Israelis are doing the right thing.

Getting back to the issue at hand here, I want to really commend my colleague, the gentleman from Missouri, for bringing this very important issue up. I am just going to speak as a doctor. We are going to hear from attorneys. We will hear, perhaps, from philosophers tonight on this issue. I practiced medicine before I came to this body. It was a joy; it was a pleasure practicing medicine. But there were some things that were unpleasant that I had to do. I will not mention them all; but one of them was, of course, the sad business of pronouncing people dead. We would frequently be called in to a hospital room by the staff, by the nurses and asked to assess the patient. The nurse was calling us to make a pronouncement of death. What do we do? Well, we check for a heartbeat; and, in cases where people are brain dead, we check for brain waves.

Well, science tells us that babies have brain waves and beating hearts very early in development. You can detect a beating heart at 17 days and brain waves at 40 days. Now, of course, with new modern technology, we have this new technology called 4-dimensional ultrasound where we can get a 3-D image on tape of a baby in the womb actually moving, and you can actually see them moving their face, opening their eyes, sucking their thumbs, moving around. They have the appearance of a human being, because they are a human being. And obviously, many of us understand that.

When we have one of the tragedies like we have seen and talked about to-

night, Laci Peterson and this case in Kentucky is very, very heart-wrenching, and to say there is not a second victim to me defies logic. We desperately need this in Federal law. There have been cases that we have been unable to bring of double murders because we do not have a statute where punishments would have been meted out more significantly if we were able to bring the second murder case. So I think this is very timely legislation. It is very, very important.

I certainly not only commend my colleague, the gentleman from Missouri, for bringing this debate forward tonight, but I want to additionally commend the author of the legislation, the gentlewoman from Pennsylvania (Ms. HART), a great member who sits on the Committee on the Judiciary, and who has really been an outspoken advocate on this issue and, in particular, she is very knowledgeable about the law. So I am very, very pleased to support the legislation. I thank my good friend. I also want to thank the gentleman for standing up for the principles of our Constitution and seeing to it that the Constitution is properly interpreted in today's context of today's law.

Mr. AKIN. Mr. Speaker, I thank my colleague for his comments. It is an honor to work with him and serve with him. I appreciate his leadership on this and many other issues.

It is now my honor to yield to the gentleman from Arizona (Mr. FRANKS), who it is just an honor to serve with and someone who, though he has been here just merely a small number of months, considering how long some Congressmen have been here, one who has immediately been respected for his thoughtfulness and his articulate understanding of some of these questions. So I yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think that sometimes when we begin to debate an issue that is before us, it is always important to ask ourselves why we are really here. And if there is any foundational purpose for this Congress, it is to protect the innocent in humanity. Sometimes we complicate that greatly. Perhaps one of our greatest abilities as human beings is to hide from something that we would rather not face, and I think that that is indeed the situation that we face today.

The Unborn Victims of Violence Act has been distorted in the minds of many people. It has been distorted in the speeches that have been made from this well to a great degree. I find that people on both sides of the aisle, on my side of the aisle, they try to say, well, this has nothing to do with abortion; and that is true. On the other side of the aisle they try to say, well, this is just a disguised pro-life bill. In a sense, both of those things are true, and I think it is time for us to face it directly.

The truth is, this bill is not about abortion. But the fact is, if it were not for abortion on demand, we would not even be debating this bill. We would not even be questioning whether or not this was important. Because most of the opposition to this bill comes from those who try very hard, and I understand their problem, I understand their difficulty; they try very hard to put this bill aside as a nonserious issue because it makes them face the reality of the humanness of this little unborn baby child. And that is a difficult thing to face, because, after all, when we consider America's history since *Roe v. Wade*, we have taken the lives of 10,000 times as many babies as people who died on 9/11.

So I understand the hesitation to face the reality here; but sometimes, there has to come a point in all of our lives where we just put aside those things that we know in our hearts are not true and embrace what is obviously a self-evident truth.

□ 1730

The fact is that there really are two victims in this situation. When a mother is assaulted and her child is killed, there are two victims, and I speak to some degree from personal experience.

I used to live in Albany, Kentucky, many years ago, and this is far before such a bill like this was even contemplated. There was a situation where a man had, with his bare hands, killed an unborn child of a mother on the streets of Monticello, Kentucky, and try as they might, the prosecutors had a great difficulty in being able to bring the right kind of charge against this person.

They brought a charge of manslaughter, but again, *Roe v. Wade* was mentioned as a defense. They said, well, there is no child here. Everyone in the court, everyone connected to the case knew there was a child, and I would suggest to my colleagues, Mr. Speaker, that the mother knew there was a child, and perhaps as tragic as it was that this child died in the streets alone, I do not think anyone felt the reality and the horror and the tragedy more than that mother. For us here in Congress to say to her that her child was not real, that her grief was not real, is just beyond description, in my opinion.

Mr. Speaker, it is time that we recognize the truth here. It is time we all asked the real question, and that is, is there really a baby here? Mr. Speaker, an honest look at the truth reflects the unavoidable reality that there is a child, and if there is a child, how can those of us in this body, whose primary, principal purpose for being here is to protect the innocent, how can we ignore that fact?

I just hope, Mr. Speaker, that people on both sides of the aisle will simply recognize the reality of the humanness of the child and the great mourning of a mother that loses that child to someone that would deliberately take that

child's life or take that child's life incidentally to trying to assault her. It is time we stood up and did what was right, Mr. Speaker, and I hope that we will do that.

I just want to remind all of us that if we do not have the courage to protect the innocent, in the final analysis, no matter how erudite we are, we will never really find the true courage to protect that kind of liberty for anyone, and I pray that we respond in that manner.

Mr. AKIN. Mr. Speaker, I would like to thank my colleague for his appropriate comments and a challenge to all of us to recognize something that has been woven throughout America's past and her history over the years, a respect in the most basic sense, a respect for human life.

On this question about what does a mother feel when she is attacked and her child is killed, we have a letter from Laci Peterson's mother that I would share with my colleagues now, and it starts:

"I am writing to thank you for your ongoing efforts to pass 'Laci and Conner's Law,' the Unborn Victims of Violence Act," giving a bill number, "and to encourage you to redouble those efforts."

"On May 5, I and the other members of the family of Laci and Conner wrote to urge that this bill be passed as a tribute to Laci and Conner, and to allow true justice to be done in the future when such horrible crimes occur within the jurisdiction of Federal criminal law or military criminal law. I want you to know that I appreciate your efforts, all the more so because of some of the unfair attacks and criticisms to which you have been subjected in recent weeks by those who oppose the bill for misguided ideological reasons.

"I know that you have been working for years for this legislation, but I have only become aware of your efforts because of our recent tragic circumstances. I have been astonished and somewhat offended to see, in the news media, recent statements by some critics who say that those who have been working for years on this legislation are inappropriately 'exploiting' the public interest in the murder of Laci and Conner. I assure you that we do not see it that way. On the contrary, we believe that our case does provide a powerful illustration of why this type of law is absolutely necessary, and we urge you to continue to point to that connection. I intend to do the same, for as long as necessary to achieve the needed reform in the law.

"When a criminal attacks a woman who carries a child, he claims two victims. I lost a daughter, but I also lost a grandson. Fortunately, California law allows a double homicide charge in such a case, but if Laci and Conner had been killed in a Federal jurisdiction, or during commission of a Federal crime of violence, Conner's death would not be recognized or charged. Now that so

many people are becoming aware of this defect in Federal law, I hope that the Congress will move swiftly to approve the Unborn Victims of Violence Act. I was heartened to read the White House statement of April 25, stating, 'The President does believe that when an unborn child is injured or killed during the commission of a crime of violence, the law should recognize what most people immediately recognize, and that is that such a crime has two victims.'

"Over the last several weeks I have heard the arguments of opponents of Laci and Conner's law, but they seem to me to miss the point. In the first place, they should stop trying to turn this into the abortion issue. California's unborn victim law has been on the books since 1970, and it does not affect the availability of legal abortion, nor have any of the similar laws in effect in more than half the States. The Unborn Victims of Violence Act explicitly says that it does not apply to abortion, or to any acts of the mother herself.

"Having said that, I have no difficulty understanding that any legislator or group opposed to abortion logically would also support this bill to protect the lives of unborn children like Conner from violent criminal actions, and I welcome their support."

But she goes on to say, "What I find difficult to understand is why groups and legislators who champion the pro-choice cause are blind to the fact that these two-victim crimes are the ultimate violation of choice.

"I have looked very carefully at the 'substitute' legislation proposed by the opponents of Laci and Conner's law, which they call 'The Motherhood Protection Act,' proposed in the House of Representatives," and, "This proposal would provide that if the victim of a Federal crime happens to be a pregnant woman, and the crime somehow disrupts her pregnancy, a harsher sentence would be assessed than otherwise. But the Lofgren proposal would enshrine in law the offensive concept that such crimes have only a single victim, the pregnant woman. This would be a step in the wrong direction.

"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 the 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.

"The application of a single-victim law," such as this particular amendment, "would be even more offensive in the many cases that involved mothers who themselves survive criminal attacks, but who lose their babies in those crimes. I don't understand how any legislator can vote to force prosecutors to tell such a grieving mother

that she didn't really lose a baby, when she knows in the depths of her soul that she did. A legislator who votes for the single-victim amendment, however well motivated, votes to add injury to injury."

I would, Mr. Speaker, now like to yield to the gentleman from Pennsylvania (Mr. MURPHY), my colleague and respected Member of the House.

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I rise today in strong support of H.R. 1997, the Unborn Victims of Violence Act introduced by my fellow gentlewoman from Pennsylvania (Ms. HART).

When we reflect back, I must acknowledge there was a time in our history when sadly it was not considered a crime for a man to beat his wife, because she was not granted a protective legal status. That is, what we now see as both immoral and illegal at that time was not seen as illegal. Luckily, we now see how grievous and how cruel that error in legal definition was.

Similarly, we cannot escape our bleak history when African Americans were not given rights, when Irish immigrants were seen as subhuman, and therefore, acts of violence against them went unpunished. As we recognized the value of human dignity, then we are compelled to do so again today.

When we hear about an action of violence against a pregnant woman where the baby inside her is killed, in some States the act would be charged with murder, and in some States he would not.

Fortunately, when I was a State senator in Pennsylvania, my State enacted a law that imposed criminal penalties on individuals who intentionally murder unborn children in acts of violence, and 29 other States have seen fit to enact laws protecting unborn children from violence. When a criminal in those States attacks a pregnant woman and kills her unborn child, he has killed two people. No doubt, no question, no room for argument.

But the question before us today expands this issue to other States. When a man brutally beats a woman and in that process kills her unborn child, he has committed murder. What if that woman's baby was due the following day, had a nursery decorated and clothes folded neatly and arranged, a mobile swinging above the crib? In 21 States this is not murder; in 29 States it is.

It is time we consider the morality of the baby's rights to be protected. We must protect them until they protect themselves, in the womb and during their young years. It is their right, and it is our duty.

Think of this. If a man wants to end the pregnancy and the woman does not, and he beats her until the life within her, by whatever definition or stretch one might hold, if that life ends, do we tell the woman her desires mean nothing, her hopes mean nothing, her baby is a sacrifice at the altar of legalese,

and she, as the mom, has no rights to her hopes and her dreams and her desires? Do we say to that mom her baby does not exist until someone defines it as so? Tell that to the mother. Tell that to the father. Tell them their baby was nothing.

I know that there are those that feel this will infringe on someone's rights, that this is a woman's issue. Well, I speak to my colleagues tonight as a father first and as a legislator second. This is not a woman's issue or a man's issue; this is a child's issue. These are lives we are talking about. I know that there are those who feel that this will infringe upon someone's rights, that this is a woman's issue, but a violent act must be punished, a violent act that is maybe even more heinous when committed against an individual so helpless that it needs the protections of its mother's body.

I think back on years when I used to work at McGee Hospital and Mercy Hospital in Pittsburgh, where I would see young babies born a month, 2 months, 3 months premature, perhaps born at 24 weeks, tiny little lives, and sometimes they survived and went on. Now I see some of them have gone on to graduate high school and college and have families of their own, and some did not make it, but I know very well the waves of grief that flowed over the families because they considered those children alive.

When a child is killed within the mother, by saying that is a child, by recognizing that as a murder, we are indeed protecting them. We are indeed saying something is right and something is moral, and we are attaching the right legal action upon that and protecting them.

Thomas Jefferson once said, "I tremble for my country when I reflect that God is just and his justice cannot sleep forever."

□ 1745

What we face now is a time of bringing to justice those who try and kill those children, and we bring protection to those children too. It is a time when we must do all these things and recognize how within this vast world we can sometimes play with all the definitions we want; but it is still a life, and it is still worthy of our attention.

Mr. AKIN. Mr. Speaker, I thank the gentleman from Pennsylvania. We appreciate his perspective and the challenge to each of us that we need to be about the business that is the fundamental business of our government, and that is to protect. To protect that fundamental right to life, which is so much the heartbeat and the central theme of our country from our very beginning, from our birth day.

I would make reference now just briefly to some polling data which may be of interest to some of my colleagues. Here is a poll that was taken, and I will read it specifically: "If a violent physical attack on a pregnant woman leads to the death of her unborn child, do

you think prosecutors should be able to charge the attacker with killing the fetus?" The response to this was 79 percent of the American voters who were asked this question, 79 percent said, yes, that we should. The polling data indicates that there is a strong and simple understanding of the fact that such a violent attack as this is really an attack on two individuals.

We have, of course, voted this bill in the House in the past. In the 107th Congress, my first Congress, it was passed by 252 to only 172. It was passed in the previous Congress, the 106th Congress, by 254 to 172. So we have a record of having passed this before. I believe that it is time for us to get on with our business and move ahead with this bill and continue in our tradition of a deep-seated respect for life in America.

Now, when I started my comments not so long ago, I asked if we were to define America in one sentence, if we had to get the essence, the core, of what makes us who we are and we had to try to simplify that and put it into something that would be understood to someone from a foreign country that asked, what is the secret, why is America different, I believe the answer to that question is found in our birthday document, the Declaration of Independence, which is that great sentence, "We hold these truths to be self-evident: That all men are created equal and endowed by their creator with certain unalienable rights; that among these is life, liberty, and the pursuit of happiness."

That document goes on to say that it is the job of government to protect those basic rights. And so if we as Members of the Government of the United States fail to protect that basic right to life, that God-given unalienable right to life, if we fail to take this action, then we fail in our most fundamental purpose as a Nation. We, in fact, are almost turning our back on the organizing principle, our birthday document, and everything that Americans have held dear.

Now, this respect for life was not just reflected in one document years ago, but it has been part of our culture for years. Our founders bled and died and fought a great war for our independence to defend this basic principle. We have seen throughout our history challenges in the courts which have threatened the essence of personhood. There was, of course, the Supreme Court decision where the Supreme Court decided to stop looking at the Constitution and just started to get into the legislative business in *Dred Scott*, resulting in, or is at least partly responsible for, the great scourge of the Civil War, where we said that people really were not going to acknowledge this personhood.

We have seen this culture carried even forward to our own day. I think some of the most vivid imagery that perhaps many of us can recall came on September 11. It was not a matter of people saying words; it was the way that they lived their lives before everybody watching that showed this respect

that America has for life, when we saw the big, strong police and the firefighters taking people that were in wheelchairs that were hurt or helpless, risking their lives to try to protect the lives of fellow Americans. This was not something that was orchestrated. This was something that we just did. It was an outpouring of the very heart of America.

Subsequently, as we started to go after those people who did not have the respect for life that we have in our culture developed through the years, these terrorists who make it their job of killing people, of taking life, how did we proceed? Did we do the very safest and simplest thing for us, which would have been to unleash a whole lot of nuclear devices on countries that were targets? Of course we did not. We took extra pains to make sure that we tried to minimize collateral damage. We tried to be very, very careful that nobody's life was taken except for people who were immediately responsible or culpable for these acts of terrorism. That has been done at a great risk to many of our own airmen and our own soldiers and all who are involved and even now defending us overseas as we discuss these important questions.

Mr. Speaker, in conclusion, I would call my colleagues back to the things that America has always stood for; that our young men and women have sometimes come home underneath a flag defending this very basic concept, a concept that is bigger than America, a concept that is being taken by America to the entire world, the concept that there is a God, and that every single person in this world is an heir to these unalienable rights, particularly this right to life.

So I close with this appeal that we must recognize this right to life in this situation where a little child is beaten to death. They must be recognized by law, and I urge my colleagues to pass the Unborn Victims of Violence Act.

Mr. Speaker, I yield now to the gentlewoman from Pennsylvania (Ms. HART), my respected colleague and the coauthor of this legislation.

Ms. HART. Mr. Speaker, I thank the gentleman for his comments and for his support for the legislation. I want to also emphasize the support we have heard today not only from our colleagues, but the support we have heard today from the Lyons family from Kentucky, the support that we have heard from a number of different families who have experienced this tragic loss of their daughter and their grandchild.

It is a very sad situation that we are talking about with this legislation, but it is one that we obviously can try to help prevent through a criminal law, through recognition of the mother and the child both as victims, and one that I think we would be remiss in fact in our work if we do not pass this legislation.

Recent polling shows that upwards of 80 percent of registered voters, and that includes 69 percent of registered

voters who identify themselves as pro-choice, believe that prosecutors should be able to separately charge the attacker who attacks a pregnant woman and causes injury or death to her and/or her unborn child. Twenty-nine out of the 50 States already have legislation that recognizes that crime, the crime against the mother and the crime against the unborn child.

The language that we use, which has been somewhat controversial by those opponents of this bill, is where we describe a child in utero. This is actual language that this House has used before, and the House passed the bill unanimously. So that language was supported unanimously on a bipartisan basis in legislation that passed before I came to this Congress. I believe it was in the 106th Congress that they passed a bill called the Innocent Child Protection Act, which banned the Federal death penalty for a woman who is pregnant and they described the pregnancy as "carrying a child in utero," and defined that child exactly to the word as we have defined that child in our legislation.

Therefore, Mr. Speaker, it is obvious that this is not new. This language is well set and accepted by this House of Representatives, and anyone who tries to make a claim to the contrary is simply ignoring the truth. They are ignoring the facts.

The most important part, though, Mr. Speaker, is that we recognize families. We recognize women who have made a choice to carry their child to term, a mother to carry her child to term. A woman who is attacked, who may be murdered or may just be seriously injured and survive the attack, will have to live the rest of her life with the knowledge that someone attacked her and took that choice away from her, killed her child. It is important for us to recognize and allow our law enforcement and prosecutors to recognize that child, recognize that family's loss, and allow a prosecution of that crime.

Finally, Mr. Speaker, I want to bring up a couple of points about domestic violence. We have seen statistics that show that unfortunately the cause of death among pregnant women in States that actually keep those statistics, Maryland, New York, Illinois, among the ones that we saw, showed us that upwards of a quarter of the pregnant women who die, die as a result of a homicide.

Mr. Speaker, the recognition of that fact is important for us as well. It is a serious case of domestic violence when a woman is beaten to death, clearly. It is a serious case of domestic violence when both the woman and her child are beaten to death, her unborn child is beaten to death. It should be recognized by this Congress. It should be recognized by this Nation.

I encourage my colleagues to support our two-victim bill, the Unborn Victims of Violence Act, named in honor and remembrance of Laci and Conner

Peterson; and I thank the gentleman from Missouri (Mr. AKIN) for yielding to me.

PENTAGON OPENS CRIMINAL FRAUD INVESTIGATION INTO HALLIBURTON

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, earlier this week the Pentagon did something that the House Republican leadership should have done many months ago, and that is they opened a criminal fraud investigation into Halliburton. The Pentagon is expected to investigate the overcharging of at least \$61 million for fuel shipped from Iraq to Kuwait. Halliburton has also been accused of charging the government for meals it never served at dining facilities in Iraq and Kuwait. The company agreed to reimburse the government \$27.4 million for potential overcharges related to the meals and \$6.2 million to cover other potential overcharges.

Now, Mr. Speaker, all I can say is it is about time. I have been coming to the floor with a group of my Democratic colleagues to highlight these possible overcharges by Halliburton and called on the House Republican leadership to hold open hearings on whether or not Halliburton is overcharging the American taxpayer with its reconstruction work in Iraq. Instead, the Senate and the House, both controlled by Republicans, continue to turn a blind eye to possible waste and mismanagement by Halliburton in Iraq. Congressional Republicans even refuse to question the Bush administration on the billions of dollars of taxpayer money now going to Halliburton, much less create any special committee to oversee these funds.

I ask you, Mr. Speaker, what are my Republican colleagues afraid of? Why do they refuse to hold Halliburton accountable for the billions it is now spending in Iraq? Could it be that congressional Republicans do not want to draw more attention to the fact that the company profiting from the reconstruction of Iraq, Halliburton, has close ties to Vice President CHENEY? Back in 2002, Vice President DICK CHENEY said these words, and I quote, "Halliburton is a fine company, and I am pleased that I was associated with the company."

Now, how can the Vice President say that Halliburton is a fine company? Let us look at some of the facts.

Fact number one: Halliburton has acknowledged that it accepted, and I quote, "accepted up to \$6 million in kickbacks in its contract work in Iraq."

Fact number two: Halliburton is now being investigated by the Pentagon for overcharging the American government for its work in Iraq.