working with my colleagues and moving this resolution foward.

PARTIAL-BIRTH ABORTION BAN ACT OF 2002

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 2002

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to state my opposition to the unconstitutional H.R. 4965, the Late Term Abortion Act of 2002.

At a time when there are many other issues facing our nation, from the economy to the war on terrorism, the Republican leadership has instead decided to interfere with a woman's right to choose.

Since the last House vote on a bill banning so-called ''partial-birth abortion,'' the Supreme Court has spoken unequivocally on these bans. The decision in *Roe* v. *Wade* struck a careful balance between the right of a woman to choose and the states' interest in protecting potential life after viability. Most recently, in June 2000, the Court handed down *Stenberg* v. *Carhart,* striking down a Nebraska law banning ''partial-birth abortions.'' The Nebraska law is nearly identical to H.R. 4965. The court gave the following reasons for striking the Nebraska ban.

First, the Nebraska ban was unconstitutionally vague because it did not rely on a medical definition of what is prohibited. H.R. 4965 suffers from this same flaw, The bill does not identify any specific procedure it seeks to ban. Nor does it contain language stating that it applies only post-viability. Nor does it exclude common procedures from its prohibitions. As a result, contrary to rhetoric that focuses on a full-term fetus, the bill applies well before viability, and could ban other safe procedures.

Second, the Nebraska law did not provide an exception to protect women's health. Instead of including health exceptions, the sponsors of H.R. 4965 have provided fifteen pages of ''findings'' which assert that Congressional findings of fact are superior to judicial findings of fact. In short, these sponsors are essentially admitting that their bill is unconstitutional under *Stenberg* v. *Carhart,* and that Congress should simply ignore this Supreme Court ruling.

As I value women's health and a woman's right to chose, I voted against H.R. 4965.

RECOGNIZING MR. FLETCHER COX

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mr. Fletcher Cox, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Fletcher is a senior communications major at William Jewell College and has distinguished himself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Fletcher joined my staff for the 107th Congress as part of the House of Representatives Intern Program at the United States Capitol in Washington, DC., a program designed to involve students in the legislative process through active participation. Through this program, Fletcher has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During his time as an intern in my office, Fletcher has successfully demonstrated his abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Fletcher has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of his knowledge and skills acquired prior to his tenure as an intern and through a variety of new skills he has acquired while serving the people of Missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Mr. Fletcher Cox for his many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to him our very best wishes for continued success and happiness in all his future endeavors.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to draw to the attention of my colleagues Section 642 of the Treasury-Postal Appropriations bill, which prohibits the Bureau of Alcohol, Tobacco, and Firearms from using appropriated funds to release information from its Trace and Multiple Sale Database. Effectively, this provision would prevent state and local governments from accessing information about multiple gun buyers who may be selling guns to criminals in their communities and data on guns traced to crimes on their streets.

These restrictions on access to public information would compromise the safety of many of our communities across the country, including Chicago. In fact, one of the stated purposes of the ATF's crime gun tracing program is to enable participating local governments to obtain information regarding the sources and movement of guns used in crimes, so that local law enforcement agencies may develop successful strategies to reduce gun violence. In the past, information from ATF's Trace and Multiple Sale Database has been invaluable in helping cities and states determine who is illegally selling guns in their communities. The City of Chicago, which has a ban on most types of guns, is trying to use this information to determine who is marketing guns to its residents. Yet, Section 642 would require that ATF withhold multiple sales and crime gun trace data from disclosure under FOIA, regardless of how essential that data may be to local law enforcement agencies. Withholding information from ATF's database would prevent City officials and others from doing all they can to secure the safety of their streets and the safety of their residents.

Furthermore, this provision attempts to override existing laws regarding the Freedom of Information Act by forbidding the ATF to use Federal funds to release information that, by law, it is required to make available. This defies common sense—that a government agency would be forbidden by law to use appropriated funds to carry out and obey existing law.

If proponents have a problem with allowing this information to be released and believe it should be exempted under the FOIA, then they should address the FOIA issue head-on, not try to endrun it by placing a provision in an appropriations bill. But they know that they probably couldn't win that fight. In a case involving the City of Chicago's FOIA request for ATF information, a Federal court has ruled that the release of this information is not protected by current FOIA exemptions. In fact, the 7th U.S. Circuit Court of Appeals went so far as to say that, ''When one balances the public interest in evaluating ATF's effectiveness in controlling gun trafficking and aiding the City in enforcing its gun laws against the nonexistent or minimal privacy interest in having one's name and address associated with a gun trace or purchase, the scale tips in favor of disclosure.''

Finally, Section 642 goes beyond the scope and jurisdiction of this bill by applying this prohibition not just to the bill before us but to ''any other Act with respect to any fiscal year.'' This attempts to place mandates on any other legislation this body has considered in the past or may consider in the future. Without the waiver granted in the rule, this provision would certainly be subject to a point of order.

At this time when we are demanding that corporations and CEOs be held accountable for their actions, we must also make sure that our government agencies are accountable. That is what FOIA is intended to do. We must preserve its integrity and importance in our government. Section 642 is dangerous and unnecessary, and I will work hard to have it removed from the bill in Conference.

FALUN GONG

SPEECH OF

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 2002

Mr. GEPHARDT. Mr. Speaker, earlier this evening I was unavoidably detained during the vote on House Concurrent Resolution 188, expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners. Had I been present for this vote, I would have voted ''aye.''

As enumerated repeatedly in U.S. Government and independent human rights reports, practitioners of Falun Gong have been subjected to numerous human rights abuses by the Chinese Government. These abuses have extended from intimidation and surveillance to torture and other cruel, inhumane, and degrading treatment against them and other prisoners of conscience.

These practices must end. This resolution calls on the Chinese Government to release from detention all Falun Gong practitioners and put an end to the practices of torture and