is established for damages against an abortionist who violates the ban; and a doctor cannot be prosecuted under the ban if the abortion was necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and should be prohibited. Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. It is also a medical fact that the unborn infants aborted in this manner are alive until the end of the procedure and fully experience the pain associated with the procedure. As a result, at least 27 states banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

Three years ago in Stenberg v. Carhart, however, the United States Supreme Court struck down Nebraska's partial-birth abortion ban as an ''undue burden'' on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother. The Stenberg Court based its conclusion ''that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure'' for pregnant women who wish to undergo an abortion on the trial court's factual findings about the relative health and safety benefits of partial-birth abortions—findings which were highly disputed. Yet, because of the highly deferential clearly erroneous standard of appellate review applied to lower court factual findings, the Stenberg Court was required to accept these trial court findings.

These factual findings are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of the partial-birth abortion procedure—including evidence received during extensive legislative hearings during the 104th, 105th, and 107th Congresses—which indicates that a partial-birth abortion is never medically necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. In fact, a prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice,'' and that it has ''never been subject to even a minimal amount of the normal medical practice development.''

Thus, there exists substantial record evidence upon which Congress may conclude that the ''Partial-Birth Abortion Ban Act of 2003'' should not contain a ''health'' exception, because to do so would place the health of the very women the exception seeks to serve in jeopardy by allowing a medically unproven and dangerous procedure to go unregulated.

Although the Supreme Court in Stenberg was obligated to accept the district court's findings regarding the relative health and safety benefits of a partial-birth abortion due to the applicable standard of appellate review, Congress possesses an independent constitutional authority upon which it may reach findings of fact that contradict those of the trial court. Under well-settled Supreme Court jurisprudence, these congressional findings will be entitled to great deference by the federal judiciary in ruling on the constitutionality of a partial-birth abortion ban. Thus, the first section of the ''Partial-Birth Abortion Ban Act of 2003'' contains Congress's factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

The ''Partial-Birth Abortion Ban Act of 2003'' does not question the Supreme Court's authority to interpret Roe v. Wade and Planned Parenthood v. Casey. Rather, it challenges the factual conclusion that a partial-birth abortion might, in some circumstances, be the safest abortion procedure for some women. The ''Partial-Birth Abortion Ban Act of 2003'' also responds to the Stenberg Court's second holding, that Nebraska's law placed an undue burden on women seeking abortions because its definition of a ''partial-birth abortion'' could be construed to ban not only partial-birth abortions (also known as ''D & X'' abortions), but also the most common second trimester abortion procedure, dilation and evacuation or ''D & E.'' The ''Partial-Birth Abortion Ban Act of 2003'' includes a new definition of a partial-birth abortion that clearly and precisely confines the prohibited procedure to a D & X abortion.

This bill is not new. This chamber has passed legislation to ban this procedure four times and twice, this chamber voted to override the President's veto of this bill. Now that we have a President who is equally committed to the sanctity of life and who has promised to stand with Congress in its efforts to ban this barbaric and dangerous procedure, it's time for Congress to act to place this bill in front of the President and end this barbaric and dangerous procedure.

INTRODUCTION OF THE ACCIDENTAL SHOOTING PREVENTION ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by 33 of my colleagues in introducing the ''Accidental Shooting Prevention Act'' to address the large number of firearm injuries and deaths that occur when users mistakenly fire guns they believe are not loaded. This sensible bipartisan legislation would require that all semiautomatic firearms manufactured after January 1, 2006, which have removable magazines, be equipped with plainly visible chamber load indicators and magazine disconnect mechanisms.

As with many other consumer products, firearm design can reduce the risk of injury. But unlike other products, gun design decisions have been largely left to manufacturers. Fortunately, firearms manufacturers have already produced many guns with safety devices, such as chamber load indicators and magazine disconnect mechanisms, which can help reduce the risk of accidental injuries.

A chamber load indicator indicates that the gun's firing chamber is loaded with ammunition, but to be effective, a user must be aware of the indicator. Generally, chamber load indicators display the presence of ammunition via a small protrusion somewhere on the handgun. Unfortunately, most chamber load indicators do not clearly indicate their existence to untrained users or observers. We must ensure these indicators are easily visible to all gun users, and my legislation will do just that.

By comparison, a magazine disconnect mechanism is an interlocking device which prevents a firearm from being fired when its ammunition magazine is removed, even if there is a round in the chamber. Interlocks are found on a wide variety of consumer products to reduce injury risks. For example, most new cars have an interlocking device that prevents the automatic transmission shifter from being moved from the ''park'' position unless the brake pedal is depressed. It is common sense that a product as dangerous as a gun should contain a similar safety mechanism.

At the age of sixteen, I was left paralyzed when a police officer's gun accidentally discharged and severed my spine. Although the act was unintentional, I am reminded every day of the tragedies that can occur when firearms are mishandled. Unfortunately, I am not alone in my experience. In 1999, the Centers for Disease Control reported that over 820 people were killed in the United States by accidental discharges of firearms, and many more were injured. Clearly, mistakes can happen even when guns are in the hands of highly-trained weapons experts, which is why safety devices are so critical.

I urge my colleagues to join me and the 33 original co-sponsors of this bill in reducing the risk of unintentional shootings. Please cosponsor this responsible measure, and help make firearms and their storage safer while protecting those unfamiliar with the operation of guns.

NORTH TEXAS MOBILITY IMPROVEMENT ACT OF 2003

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BURGESS. Mr. Speaker, I rise today to introduce the North Texas Mobility Improvement Act of 2003.

Transportation, its related infrastructure, and industry are a vital part of Texas' economic development and a significant contributor to quality of life in the 26th congressional district of Texas. My congressional district includes

the growing northern suburbs of the Dallas-Fort Worth Metroplex, which provides state and local officials with some of our greatest transportation mobility challenges. The increase in traffic over the past three decades is a result of unprecedented population and employment growth experienced in the North Texas region.

The transportation congestion and mobility challenges of Interstate 35 East could minimize economic opportunity and investment in the North American international trade corridor if our country's leaders do not support the development of an efficient, seamless, intermodal trade and transportation system. With congressional passage of several important trade agreements, the heartland of America enters a new era as a geographic crossroad for international trade.

Interstate 35 extends from Laredo, Texas, the busiest U.S. border crossing into Mexico, to Duluth, Minnesota. One third of the highway is in Texas, including the Dallas-Fort Worth Metroplex. Of $57 billion in U.S. trade into Mexico annually, 78 percent moves through Laredo, and much of that on Interstate 35. The North American Superhighway's Coalition estimates it will take $3.4 billion to upgrade Interstate 35 over the next five years. Texas alone would require about $2.87 billion.

I am actively working with local, state, and federal officials to improve international trade transportation on Interstate 35 by widening current lanes and adding frontage roads without sacrificing Texas' ability to meet its regular mobility needs within the state. The North Texas Mobility Improvement Act of 2003 would authorize $2.5 million to widen from four lanes to six lanes those segments of Interstate 35 East between FM Road 2181 and Lake Lewisville in Denton County. The environmental review for this interstate expansion is currently underway by the Texas Department of Transportation.

With ever-increasing demands on our transportation system for both local mobility and international trade transportation improvements, the North Texas Mobility Improvement Act of 2003 would help the Texas Department of Transportation accelerate the widening of the segments both north and south of the existing 6-lane segment in order to alleviate the overburdensome bottlenecking on this vital segment of Interstate 35 East. Mr. Speaker, I strongly support the widening of this portion of Interstate 35 East. The North Texas Mobility Improvement Act of 2003 would provide for the additional needed funding to complete the project and address the immediate needs of my constituents and other North Texas commuters that Interstate 35 East on a daily basis.

INTRODUCTION OF THE CLEARWATER BASIN PROJECT ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. OTTER. Mr. Speaker, I rise before the House today to introduce the Clearwater Basin Project Act, a bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce national forests in Idaho. I am pleased to be joined by Congressman MIKE SIMPSON, a fellow Idahoan, in introducing this legislation.

The Forest Service has not been able to adequately address insect outbreak, catastrophic fire, and other fish and wildlife habitat and ecosystem health issues on the lands it manages within the basin. That is why I am introducing The Clearwater Basin Project Act to provide a better mechanism to address critical resource issues concerning Clearwater and Nez Perce national forest lands. The legislation takes advantage of existing collaboration and stewardship mechanisms to provide a more effective framework for stakeholders to work with the Forest Service to attain some meaningful forest management results on the ground.

In 1996, the state of Idaho established a Federal Land Task Force to design potential pilot projects on federal lands. The task force report identified a broken decision-making process as part of the problem on federal lands. An eight-member working group identified five pilot projects on Idaho's federal lands. The legislation I am introducing today is a product of that process. The Clearwater Basin Project Act implements concepts and addresses needs identified in the Clearwater Basin Collaborative Project that was described in the December 2000 Federal Land Task Force Working Group Report, ''Breaking the Gridlock.'' The aims of the original Clearwater Project and the Act are to provide a better mechanism to address critical resource issues concerning Clearwater and Nez Perce national forest lands within the basin.

This legislation provides an up-to-date, reasonable and realistic approach to implementing a pilot project on national forest lands in the Clearwater Basin. The Act facilitates forest management through consensus-building procedures to expedite identification, scheduling and implementation of specific high-priority forest stewardship activities. The legislation provides a working test of innovative collaborative management, fully within the framework of existing environmental laws.

This legislation requires the Secretary of Agriculture to establish the Clearwater Advisory Panel (CAP), a collaborative group comprised of a broad spectrum of stakeholders in Clearwater Basin national forest management. The CAP is to work with the Forest Service, other agencies and the public to consider and recommend specific high-priority forest stewardship activities to implement over a five-year period within the Basin.

This act does not bypass existing environmental legislation. Rather, it requires the Forest Service and other federal agencies to complete National Environmental Policy Act (NEPA) and other consultation and coordination procedures for each proposed schedule of activities, within one year after the Forest Service issues the public scoping notice for the proposed schedule. The appropriate forest supervisor is required to review the five-year schedule of activities for each forest, then issue a decision document within 30 days regarding whether to approve the schedule recommended by the CAP.

The Act also provides additional authority for stewardship and other contracting to prepare and carry out activities recommended and approved for priority implementation. Also authorized is monitoring to measure the success of the project and to assure accountability and determine what funding and other support is needed for the project to succeed.

It is important to note that nothing in this act (1) transfers ownership or control of any national forest lands from the United States to anyone else; (2) transfers Forest Service national forest decision authority to anyone else; (3) exempts Forest Service decisions or the priority activities from environmental laws, or from administrative appeal and judicial review; or (4) impairs opportunities for participation by any interest group or the general public.

The need for this legislation is greater now then ever. Elk City, a small rural community in my district, is an island in a sea of Forest Service, Bureau of Land Management, and state lands. The town is surrounded by dead and dying timber. However, because of federal regulations there is little or no access to the resource. That is threatening the local mill and placing the city and its residents at risk of catastrophic wildfires. Inaction no longer is an alternative for the Clearwater Basin. We cannot sit idly by and watch the forest bum. We must take action before our precious resource is destroyed and the lives of those dependent upon the resources are changed forever.

EIGHT AMERICAN HEROES FROM THE GREAT STATE OF OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise in honor eight American heroes from the great State of Ohio.

JoAnn Gallitto, Robert S. Kraska, Paul J. Mizerak, Florence I. Ousley, George T. Radigan, Walter L. Ratcliffe, Kathleen C. Sauterer, and Theresa Ann Yakubik are the honorees of the distinguished Franklin A. Polk Public Servants Merit Award presented by the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association as a result of their more than twenty years of faithful service to the bench, bar and public in Cuyahoga County.

JOANN GALLITTO—CLEVELAND HEIGHTS MUNICIPAL COURT

Cleveland Heights Municipal Court Chief Deputy Clerk JoAnn Gallitto is this year's nominee of Judge A. Deane Buchanan. JoAnn has been employed at the Court since 1974, and she has been Chief Deputy Clerk since 1984. Her duties include supervision of the Civil Division of Ohio's largest single judge municipal court, the processing of new cases, judgment execution proceedings, preparation of judgment entries and a myriad of other tasks, including direct contact with the bar and public. A graduate of Shaw High School in East Cleveland, JoAnn is the eldest of 4 children, who credits her upbringing by two hard-working parents in a close, traditional Italian-American family, with instilling in her a level of encouragement and support that has allowed her to succeed personally and professionally. An avid Browns' and Indians' fan, JoAnn looks forward to a Super Bowl trophy in Cleveland sometime soon. While waiting for that event, she enjoys reading and music of the '50's and '60's, particularly that of Dean Martin, whose shows she saw frequently while visiting her favorite vacation destination Las Vegas, the home of two very good friends. JoAnn has a myriad of memories in almost three decades of work. She recalls, from early in her career, the excitement of being a witness at a wedding before her Judge, which was followed