Nor does the bill pertain to any action by a woman that results in harm to her own unborn child. Moreover, the laws of 24 states already recognize the ''unborn child'' as a victim of violent crimes for all or some of the baby's period of pre-natal development. These laws are listed at www.nrlc.org/Whatsnew/sthomicidelaws.htm.

Numerous state and federal courts have ruled that these state unborn victims laws do not contradict Roe v. Wade or otherwise affect legal abortion. Moreover, the U.S. Supreme Court in 1989 found no problem with a Missouri law that establishes the ''unborn child'' as a legal member of the human family for purposes far broader than those covered by the Unborn Victims of Violence Act. Indeed, the April 21 issue of National Journal (page 1173) quotes Heather Boonstra, senior public policy analyst at the Alan Guttmacher Institute, as ''acknowledging that [Rep.] Graham's bill would probably survive a court challenge.'' For further discussion of the constitutional issues, see the Judiciary Committee report at ftp://ftp.loc.gov/pub/thomas/cp107/hr042.txt.

Some opponents of H.R. 503 have objected to the bill's recognition of the ''child in utero'' as a member of the human family. Yet, on July 25, 2000, the House by a vote of 417–0 passed a bill that contained the same definition of ''child in utero'' and that embodied the same basic legal principle. The roll call on that bill, and the text of the bill, are appended.

In NRLC's scorecard of significant congressional votes for 2001, a vote in favor of a one-victim substitute amendment to H.R. 503 will be accurately described as a vote to declare that when a criminal injures a mother and kills her unborn child, there has been no loss of a human life. Thank your for your consideration of NRLC's views on this legislation.

Sincerely,

DOUGLAS JOHNSON,
Legislative Director.
PATRICIA COLL,
Legislative Assistant.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my opposition to H.R. 503, the Unborn Victims of Violence Act.

H.R. 503 claims to protect unborn children from assault and murder by giving the fetus—at any stage of development from the time of fertilization—the status of a person under the law so that crimes resulting in the death of a ''child in utero'' can be charged separately. The bill does not address the violence against the mother that resulted in the harm to the fetus.

The purpose of H.R. 503 is not to protect pregnant women from violence, it simply seeks to confer the same legal status to an embryo or fetus as to the woman who is pregnant. In fact, this act would give even a fertilized egg this status. H.R. 503 seeks to establish in law the principle of ''fetal rights'' that are equal to but distinct from the rights of pregnant women. The bill seeks to undercut Roe v. Wade, in which the Supreme Court held that at no stage of development are fetuses persons under the law.

I wish that the Members of this body who so fervently want to overturn the right of women to a legal abortion would present an honest and straightforward bill to confer full personhood on an embryo or fetus. Let's take a vote on that.

But we should not pretend that this bill is about protecting women from violence. If you want to protect pregnant women from violence, then it is important to address the problem of domestic violence by fully funding the Violence Against Women Act. The vast majority of attacks against pregnant women are domestic violence. In fact, this bill will only divert the attention of the legal system away from domestic violence or violence against women. The National Coalition Against Domestic Violence, which represents organizations and shelters in all 50 states, opposes this legislation.

H.R. 503 ignores the fact that when harm comes to a pregnancy, it happens to the woman who is pregnant. The bill fails to address the need for strong federal legislation to prevent and punish violent crimes against women.

If you want to provide for an enhanced penalty for attacks against women that result in harm to her pregnancy, then vote for the Lofgren amendment.

Mr. LANTOS. Mr. Speaker, H.R. 503 would undermine Roe v. Wade by recognizing for the first time in federal law a zygote, blastocyst, embryo, or fetus as a ''person,'' with rights equal to those of a woman. As a strong supporter of the Violence Against Women Act, I am concerned that the ''Unborn Victims of Violence Act'' does not ensure that programs aimed at taking action against domestic violence are fully funded.

Mr. KLECZKA. Mr. Speaker, we all agree that violence against a pregnant woman, where harm is brought to not only the mother but also the fetus, is a most heinous offense. These acts of violence are tragic and should be recognized by increased federal penalties for those convicted of violence to a pregnant woman.

To accomplish this goal, I will be supporting The Motherhood Protection Act, which creates a new, separate federal criminal offense for harm done to a pregnant woman. This bill provides for a maximum twenty year sentence for injury to a woman's pregnancy. Further, it provides a maximum life sentence for termination of a woman's pregnancy.

The underlying Unborn Victims of Violence Act (H.R. 503) and The Motherhood Protection Act achieve the exact same goal and provide identical penalties. The only difference is that H.R. 503 includes a legal definition of when life begins. However, medical experts and knowledgeable scientists are still debating this issue, and I don't believe Congress is in a position to make that determination today.

Sadly, this serious issue has been turned into an abortion debate, which it is not. The goal of the sponsors of this legislation is to protect pregnant women and the unborn, and The Motherhood Protection Act, sponsored by Representative ZOE LOFGREN, accomplishes this purpose. The Motherhood Protection Act has my full support.

Mr. GOODLATTE. Mr. Speaker, first, I want to thank my colleague on the Judiciary Committee, Mr. GRAHAM, for bringing this very important legislation before the House. I commend you for your extraordinary efforts on behalf of the unborn victims of violence.

I am proud to be a cosponsor of the Unborn Victims of Violence Act which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current federal law, 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 during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the states, including my home state of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for intentional harm done to an unborn child. This discrepancy in the law is appalling.

Regardless of whether you are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions.

When a mother chooses to bring a life into this world and that life is cut short by a violent criminal, that criminal should be held accountable under the law. Justice demands it, and so should we. I urge each of my colleagues to join me in voting for the Unborn Victims of Violence Act.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 503, the Unborn Victims of Violence Act.

I oppose this legislation because of its implications for the future of a woman's right to lawfully terminate a pregnancy, not because I oppose punishing crimes against pregnant women—or anyone else—to the full extent of the law.

Don't be fooled, this bill is an attack on the fundamental principles of Roe v. Wade. H.R. 503 would establish a zygote, blastocyst, embryo, and fetus as a person under federal law. Although the Supreme Court has held that fetuses are not persons under the 14th amendment, this bill would bestow separate rights to the fetus equal to that of the mother.

The Lofgren substitute, on the other hand, creates a separate criminal offense for harm to a pregnant woman, while maintaining the woman as the primary victim of the crime. It also creates an offense for violence resulting in the injury or termination of a pregnancy.

I urge my fellow colleagues to oppose H.R. 503 and to support the Lofgren substitute. H.R. 503 dislodges the cornerstone underpinning Roe v. Wade. In contrast, the Lofgren substitute strengthens punishments for crimes against pregnant women without weakening a woman's right to choose.

Mr. BARCIA. Mr. Speaker, I rise today as the Democratic Chair of the Pro-Life Caucus, to express my strong support for the Unborn Victims of Violence Act and to dispel some of the myths we've heard about it from those who are opposed to this commonsense, anticrime legislation.

In recent years, 28 States have passed laws similar to the Unborn Victims of Violence Act, allowing criminals who assault pregnant mothers to be prosecuted for injuring or murdering the unborn child during the attack. Unfortunately, under current Federal law, the criminal faces no such consequences.

We have all heard the tragic stories told here today, stories of brutal assaults on pregnant mothers which resulted in the deaths of