

The Values Action Team 2003 Annual Report

Congressman Joe Pitts, Chairman



108th Congress

First Session

THE VALUES ACTION TEAM

FY 2004 APPROPRIATIONS

Background

Deficits and an ongoing War on Terror served as the backdrop for this year's appropriations process. VAT focused on ensuring that pro-family provisions from previous years were not gutted and that pro-family gains (such as the those enacted in the President's Global AIDS bill) were also protected.

The following appropriations bills passed the House and Senate individually and have been signed into law: Defense, Homeland Security, Interior, Legislative Branch and three emergency supplemental bills.

On December 8, 2003, the House passed H.R. 2763, the Consolidated Appropriations Act of FY2004, by a vote of 242-176. The omnibus appropriations bill contains the remaining appropriations bills, and the Senate is expected to pass it in January 2004.

Status Quo Maintained

Commerce/Justice/State

- Maintains long-standing bans: no money for prisoners' abortions, conscience protection for prison employees, and no Legal Services Corporation abortion litigation.
- No hate crimes language.
- Preserves President's authority over Mexico City Policy.

District of Columbia

- Continues ban on using appropriated funds (federal or D.C. revenues) for abortion in the District of Columbia.
- Prohibits funding for efforts to legalize marijuana.
- Prohibits funding to "issue, implement, administer, or enforce any order invalidating the policy of the Boy Scouts of American regarding the employment or voluntary service of homosexual troop leaders."

Foreign Operations

- Maintains President's authority not to fund UNFPA.
- Maintains President's authority over the Mexico City Policy.
- Maintains Kemp-Kasten provision to bar subsidizing forced abortion.
- Maintains Tiahrt voluntary family planning protections.
- Maintains Helms amendment ban on foreign aid funding for abortion.

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- Maintains ban on using Peace Corps funds for abortion.

Labor/Health/Human Services

- Maintains Dickey-Wicker provision: No federal funding of “research in which a human embryo or human embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for fetuses in utero” under federal human subjects regulations.
- Retains Hyde Amendment and ban on federally funded needle exchange programs.
- No hate crimes language or funding.
- Maintains ban on mandating private insurance coverage of all forms of “contraception,” including the morning-after pill.
- Keeps section clarifying that Provider Sponsored Organizations are not required to cover or provide abortion in order to participate in Medicare+Choice.
- Retains requirement that Title X grantees comply with state reporting laws on statutory rape, child abuse, etc.
- No amendments that undermine the definition of marriage or marriage promotion efforts under welfare reform.

Treasury/Postal/Transportation

- Retains ban on taxpayer-funded abortion through the Federal Employee Health Benefits Program (FEHBP).
- No implementation of a national driver’s license (precursor to National ID card).

Wins (pending Senate approval of the omnibus)

Commerce/Justice/State

- Bans funding for issuing a patent on the human organism.
- This provision was sponsored by VAT Member Rep. Dave Weldon (R-FL). The purpose of this provision is to remove the profit motive for human cloning by making it impossible for cloning companies to patent human embryos in order to create disease models that can be sold to the highest bidder. The Biotechnology Industry Organization (BIO), which initially stated that they supported a ban on patenting, reversed course and opposed the Weldon provision,, then reversed their opinion again and approved the final provision.

District of Columbia

- Includes \$14 million in funding for school choice programs in DC.
- The District of Columbia public schools rank among the worst in the United States. District students are provided an inadequate academic program, despite the fact that the District of Columbia spends more than \$11,000 per year to educate each DC public school student. Ninety-four percent of 4th grade students in

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Washington, DC, are not proficient in math, and 90 percent lack proficiency in reading, according to the National Assessment of Educational Progress (NAEP). VAT Members and groups worked with House Leadership and the White House to ensure that DC school choice was implemented. The support of DC Mayor Anthony Williams and DC School Board Chair Peggy Cooper Cafritz, were also instrumental in ensuring the successful inclusion of this provision.

Foreign Operations

- Decreases funding for international “family planning” from \$446.5 million in FY03 to \$432 million in FY04.
- Redirects \$25 million in unspent UNFPA funding to be used to combat sex trafficking.

Labor/Health/Human Services

- Provides \$75 million for SPRANS abstinence-until-marriage education, a \$20 million increase over FY03, and \$12 million for Title XX abstinence-until-marriage education.
- Provides \$10 million to start a national network of cord blood stem cell banks.

Treasury/Postal/Transportation

- Includes language prohibiting funding for transit authorities that promote controlled substances.
- Fines the Washington Metropolitan Area Transit Authority (WMATA) for its decision to allow sexually suggestive, pro-marijuana advertisements in the DC Metro system.
- VAT Members, Chairman Ernest Istook (R-OK) and Chairman Mark Souder (R-IN) took the lead on holding WMATA accountable for allowing the pro-marijuana group Change the Climate to have free advertising space.

Losses (pending Senate approval of the omnibus)

Commerce/Justice/State

- Removes House-passed Hostettler amendments barring funding for the enforcement of the 9th Circuit pledge decision and the Alabama Supreme Court decision regarding Judge Moore and the Ten Commandments.
- The Hostettler amendments passed the House in July 2003 during consideration of the Commerce, Justice, and State appropriations bill. However, the amendments were not included in the FY04 omnibus bill.

Interior

- Increases funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH).

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- The Interior bill includes \$122 million for the NEA (FY03 funding level was \$115.7 million) and \$137 million for the NEH (FY03 funding level was \$129.9 million).

Labor/Health/Human Services

- Increases funding for Title X from \$273.35 million in FY03 to \$280 million in FY04.
- On July 10, 200, Reps. Pat Toomey (R-PA) and Chris Chocola (R-IN) offered an amendment to the Labor/HHS Appropriations bill that would have prevented the National Institutes of Health (NIH) from further funding 5 specific grants that they are currently funding. The combined value of these grants is roughly \$1.733 million for FY 2004. The amendment would not have cut any funding to NIH, it simply would have prevented the agency from funding these 5 projects. The amendment failed by a vote of 210-212. The grants are:
 - v Grant Number RO1HD043689: "Mood Arousal and Sexual Risk Taking." An excerpt from the grant abstract: In a series of laboratory studies, mood and sexual arousal will be induced and their individual and combined effects on sexual risk taking will be examined."
 - v Grant Number RO3HDO39206: "Study on Sexual Habits of Older Men." This study seeks to determine whether older men experience a decline in sexual behavior and if that decline is associated with sexual dissatisfaction, "especially with behaviors (such as masturbation) that may be substituted for more rigorous activities."
 - v Grant Number R01DA01386: "Study on San Francisco's Asian Prostitutes/Masseuses." An excerpt from the grant abstract "The proposed study will describe drug use and HIV-related behaviors among Asian female commercial sex workers at massage parlors."
 - v Grant Number R01MH065871: Study on American Indian Transgender Research. This study aims to get a general understanding of the "American Indian and Alaskan Native lesbian, gay, bisexual, transgendered, and two-spirited individuals... who are a drastically understudied and underserved group."
 - v Grant Number 01HD039789: National Institute for Child Health and Human Development Study on PANDAS in China. An excerpt from the grant abstract: "In this study, we view population-environment interactions as the interrelationships among five major components: human population, forests, giant panda habitats, socioeconomic and institutional factors, and government policies."

Veterans/Housing and Urban Development

- Increases Americorps Funding to \$444 million, \$100 more than House-passed level.

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PRO-LIFE LEGISLATION

Bills that Passed the House in 2003

Abstinence-Until-Marriage Education

On February 13, 2003, the House passed H.R. 4, Personal Responsibility, Work, and Family Promotion Act of 2003, by a vote of 230-192. H.R. 4 includes \$50 million (per fiscal year) in funding for Title V abstinence-until-marriage grants, up to \$100 million for marriage promotion grants, and \$100 million for marriage promotion research projects for Fiscal Years 2004-2008.

The Senate has yet to pass a welfare reform bill. On October 1, 2003, President Bush signed an extension of current law through March 31, 2003. Until that date, abstinence-until-marriage funding will continue at the current authorized level of \$50 million per fiscal year.

VAT Members were concerned when it became public that not only California (which typically shuns abstinence-until-marriage funding) but also Arizona and Pennsylvania failed to apply for Title V abstinence funds in FY2003. Under current law, each state may apply for abstinence funds and be granted funding based on their most recent census population figures. However, if states fail to apply, and money is left over at the end of the fiscal year, the money returns to the U.S. Treasury. This means that the limited pool of abstinence-until-marriage dollars is not redistributed to programs in other states. VAT will continue to work to address this technical glitch and free up more money for qualified abstinence-until-marriage programs across the country.

H.R.534, The Human Cloning Prohibition Act

On February 27, 2003, the House passed H.R. 534 by a vote of 241-155. H.R. 534, introduced by Rep. Dave Weldon, provides a total ban on all human cloning. Those convicted under this bill would face penalties such as ten years in federal prison and/or a \$1 million fine or twice the amount that the guilty parties gained through their illegal activities.

VAT Members worked to defeat a substitute bill sponsored by Rep. Jim Greenwood (R-PA) that would have allowed for human clones to be created for research purposes provided that they were destroyed and never implanted into a womb. The Greenwood substitute failed on February 27, 2003, by a vote of 174-231.

VAT Members also defeated the Lofgren (D-CA) Motion to Recommit, which had the same effect as the Greenwood substitute. The Lofgren Motion was defeated by a vote of 164-237.

Sponsor: Rep. Dave Weldon (R-FL)

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United Nations Population Fund

UNFPA has long been an area of concern for pro-lifers because of UNFPA's history of involvement with China's forced abortion policy and its insistence on distributing abortion kits as part of "humanitarian" relief efforts.

As the House International Relations Committee considered H.R. 1950, the State Department Authorization Act, Rep. Joseph Crowley offered an amendment to increase allowable UNFPA funding from \$25 million to \$50 and to weaken the Kemp-Kasten human rights law. Kemp-Kasten gives the President the authority to refuse to fund organizations that are determined to have been complicit in forced abortion or forced sterilization programs. The Crowley amendment, which passed Committee by a vote of 23-22, states that unless an organization is found to be directly involved in forced abortion or sterilization programs, the organization cannot be barred from funding under Kemp-Kasten. This weakened standard would assure that UNFPA continues to be funded.

On July 15, 2003, Rep. Chris Smith offered an amendment to H.R. 1950 on the House floor. The Smith amendment, which passed the House by a vote of 216-211, overturned the Crowley amendment. H.R. 1950 is currently stalled in the Senate.

Other Pro-Life Bills

H.R. 1997, The Unborn Victims of Violence Act "Laci and Conner's Law"

This bill would amend federal law so that individuals who have committed crimes of violence prohibited under federal law could also be prosecuted if their conduct resulted in death or bodily injury to an unborn child.

The need for this legislation was further highlighted following the tragic murders of Laci and Conner Peterson. H.R. 1997 is strongly supported by President Bush. On April 25, 2003, then-White House press secretary Ari Fleischer said, "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." Also, the parents of Laci Peterson have endorsed this bill and asked that it be named after their daughter and grandson.

This bill has been passed by the House each of the past two congressional sessions only to be blocked by Senate Democrats. The House Subcommittee on the Constitution has held a hearing and markup of the bill. We now await a unanimous consent agreement to begin consideration in the Senate.

Sponsor: Rep. Melissa Hart (R-PA)

H.R. 1755, The Child Custody Protection Act

This bill makes it a federal crime to transport a minor (under 18) across a state line to obtain an abortion if a state law requiring parental involvement is not met. Those convicted under this law could face penalties up to \$100,000 in fines and jail terms up to one year.

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Sponsor: Rep. Ilena Ros-Lehtinen (R-FL)

H.R. 3664, The Abortion Non-Discrimination Act

Hospitals and health systems that object to performing abortions are in danger of being forced to close, despite protections that are provided under current law and were originally intended to protect against this type of problem. Current law clearly protects individual physicians, other healthcare professionals, and post-graduate physician training programs. However, current court interpretations have not afforded this protection to health facilities.

The Abortion Non-Discrimination Act amends the Public Health Service Act to extend the protections currently available to doctors and health care providers under current law to hospitals, provider-sponsored organizations, health maintenance organizations, health insurance plans, and any other kind of health care facility, organization or plan, which is consistent with the original intent of current law.

Sponsor: Rep. Michael Bilirakis (R-FL)

H.R. 2852, The Cord Blood Stem Cell Act of 2003

This bill would establish a National Cord Blood Stem Cell Bank network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells. Ten million dollars in funding for the maintenance of a cord blood bank was included in the FY2004 omnibus bill.

Sponsor: Rep. Chris Smith (R-NJ)

H.R. 486, The RU-486 Patient Health and Safety Protection Act

This bill would enact many of the health and safety guidelines the FDA originally proposed for RU-486 but dropped after pro-abortion activists launched an aggressive lobbying campaign to kill the provisions. Provisions include a requirement that (1) only physicians trained in surgical abortions would be allowed to prescribe the drug; (2) prescribing physicians must be credentialed in ultrasound administration; (3) prescribing doctors must have admitting privileges at a hospital within one hour of their offices; and that (4) there be a follow-up study of all women who have medical abortions. European countries like Britain and France have established even more stringent provisions.

Sponsor: Rep. David Vitter (R-LA)

H.R. 3453, The RU-486 Suspension and Review Act of 2003

Parents across the nation were shocked when an 18-year old California girl died amid rumors of an incomplete abortion. A later autopsy confirmed that Holly Patterson, a Livermore, CA teen died from an infection caused by an incomplete abortion due to RU-486. This past September, Holly went to a Planned Parenthood clinic to receive RU-486, the abortion pill. After four days, she was admitted to an emergency room due to complaints of severe abdominal pain. Unfortunately, by that time, it was too late for doctors to save her life.

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Holly's parents, Monty and Helen Paterson are working with pro-life Congressmen Jim DeMint (R-SC) and Roscoe Bartlett (R-MD) to support H.R. 3453, the RU-486 Suspension and Review Act of 2003. When the Clinton administration rushed approval of RU-486 in its waning days in 2000, many Members of Congress knew that the FDA cut corners and compromised safety. H.R. 3453 calls for an immediate investigation into the process that the Food and Drug Administration used to approve RU-486. Until a General Accounting Office audit is complete, RU-486 would be banned.

Sponsors: Rep. Jim DeMint (R-SC) and Rep. Roscoe Bartlett (R-MD)

H.R. 1229, The Adoption Information Act

This bill requires that all family planning clinics that accept Title X funds provide a detailed pamphlet of adoption information to all people inquiring about family planning services. The pamphlet must include a comprehensive list of the adoption centers available in the state where the services are provided, including address and telephone number.

Sponsor: Rep. Jo Ann Davis (R-VA)

H.Res. 233, Resolution supporting crisis pregnancy centers

This resolution commends crisis pregnancy centers for their unique, positive contribution to the individual lives of women, men and babies.

Sponsor: Rep. Cliff Stearns (R-FL)

H.R. 926, The Schoolchildren's Health Protection Act

This bill would prohibit funds from going to schools if they distribute the morning-after pill to K-12 students. The Congressional Research Service has found that at least 180 schools across the country distribute the morning-after pill at school-based clinics. Stopping the distribution of the morning-after pill in schools is still a top VAT priority.

Sponsor: Rep. Melissa Hart (R-PA)

H.R. 195, The Informed Choice Act

This bill would provide \$3 million in grants for nonprofit organizations to purchase ultrasound equipment. Those who receive the grants would be required to: (1) show the mother a live ultrasound image of the baby and describe to her the general anatomical and physiological description of the characteristics of the baby; (2) explain to the mother the approximate age of the baby; and (3) give each mother information on alternatives to abortion and referral services should she choose either childbirth or adoption.

Sponsor: Rep. Cliff Stearns (R-FL)

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H.R. 1489, Parental Notification and Intervention Act of 2003

This bill would prohibit any person or organization from performing, permitting facilities to be used to perform, or assisting in the performance of an abortion on an unemancipated minor under age 18, without: (1) clear and convincing evidence of physical abuse of the minor by the parent and the provision of written notification to the parents; (2) compliance with a 96-hour waiting period after notice has been received by the parents; and (3) compliance with judicial intervention procedures. This bill prescribes penalties of up to ten years' imprisonment and/or a \$1 million fine for violating such prohibition.

Sponsor: Rep. Marilyn Musgrave (R-CO)

H.R. 2444, The Parents' Right to Know Act

This bill requires that written notice be provided to parents at least five business days before contraceptive drugs and devices are distributed to their minor child by a Title X clinic. Currently, federally funded clinics are prohibited from disclosing information to parents when their unemancipated minor child seeks contraceptive drugs or devices, including injections.

Sponsor: Rep. Todd Akin (R-MO)

Bills that have been signed into law

H.R.760, The Partial Birth Abortion Ban Act

This bill bans the procedure known as partial-birth abortion in which an abortionist partially delivers a baby, stabs it through the head with a pair of scissors, vacuums out its brain, and extracts its corpse from its mother's birth canal.

VAT worked hard to defeat the Greenwood substitute bill and the Baldwin Motion to Recommit. Both measures would have added a so-called health exception to the ban, essentially creating an endless loophole for vague "health" reasons, such as a woman's mental and financial "health." The Greenwood substitute failed by a vote of 133-287, and the Baldwin motion failed by a vote of 165-256.

After eight years of legislative battles, twenty votes and two Presidential vetoes, on November 5, 2003, President Bush signed the Partial Birth Abortion Ban Act into law.

With the ink on the Partial Birth Abortion Ban Act still wet, Planned Parenthood, the National Federation of Abortion Providers and the Center for Reproductive Rights filed suit in California, New York and Nebraska, respectively, to prevent its enactment.

The lawsuits claim that the partial-birth abortion ban is unconstitutional because it defines the procedure "too broadly" and does not include a broad health exception for women. The Supreme Court will eventually decide the challenges to the Partial Birth Abortion Ban. In the case of *Stenberg v. Carhart* in 2000, by a 5-4 vote, the Supreme Court struck down a Nebraska law banning partial-birth abortions, holding that *Roe v. Wade* guarantees the

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right of an abortionist to use the method whenever he thinks it is preferable to other methods.

The Bush Administration, under the leadership of Attorney General John Ashcroft, has promised to vigorously defend the Partial Birth Abortion Ban Act.

Sponsor: Rep. Steve Chabot (R-OH)

Abortions in Military Hospitals

On February 10, 1996, the National Defense Authorization Act was signed into law by President Clinton with a provision to prevent DOD medical treatment facilities from being used to perform abortions, except where the life of the mother is endangered or in cases of rape or incest. (Public Law 104-106)

Each year since then, Rep. Loretta Sanchez has tried to amend current law to allow women to have abortions-on-demand at U.S. military hospitals. VAT has worked to ensure that taxpayers are not forced to pay for abortion-on-demand at U.S. military hospitals domestic and abroad.

On May 22, 2003, Rep. Sanchez offered her amendment to H.R. 1588, the Defense Authorization bill, which was defeated by a vote of 201-227.

The issue of military abortions became a VAT concern in the House-Senate Defense Authorization Conference Committee. Rep. Jim Ryun led the VAT effort against military abortions. After working to keep the Sanchez amendment out in the Armed Services Committee and working to defeat it on the floor, Rep. Ryun continued to press the Conference Committee on this issue. The White House, House leadership and pro-life Chairman Duncan Hunter were also key to this effort.

The final version of the bill, which was signed into law on November 24, 2003, maintains the current ban on abortions in military hospitals.

H.R. 3182, the Adoption Promotion Act of 2003

H.R. 3182 reauthorizes the Adoption Incentives program, which was created as part of the Adoption and Safe Families Act of 1997. Currently, the Adoption Incentives program provides awards to states of \$4,000 per child adopted above prior year levels, and an additional \$2,000 per special needs child adopted above prior year levels.

H.R. 3182 would reauthorize the current Adoption Incentive program, while making key improvements. This legislation reauthorizes the current program at \$43 million per year for each of FY 2004 through FY 2008. H.R. 3182 retains the current incentive awards provided to States to promote adoption. At the same time, the data used to calculate the incentive awards will be updated, making it more likely that states will qualify for incentive awards and provide for larger payments. H.R. 3182 passed the House by voice vote on October 8, 2003, and passed the Senate by unanimous consent on November 14, 2003. President Bush signed the bill into law on December 2, 2003.

Sponsor: Rep. David Camp (R-MI)

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TAX RELIEF

Bills that were signed into law

Marriage Tax Penalty

On May 22, 2003, the House passed H.R. 2, the Jobs and Growth Reconciliation Tax Act of 2003 Conference Report by a vote of 231-200. H.R. 2 accelerates marriage tax penalty relief (to double the deduction of single filers) to 2003 and 2004. The Senate passed H.R. 2 on May 23, 2003 by a vote of 51-50, and the President signed the bill into law on May 28, 2003.

Bills that Passed the House

H.R. 1308, The All American Tax Relief Act of 2003

On June 12, 2003 the House passed H.R.1308, the all American Tax Relief Act of 2003 by a vote of 205-201. H.R. 1308 would eliminate the marriage penalty in the child tax credit by raising the phase out for married couples from \$110,000 to \$150,000 (twice the level of the single filer phase out) beginning in 2003. This provision would provide \$20.4 billion in tax relief for families. The House and Senate Democrats lobbied unsuccessfully for expanded eligibility for the child tax credit (to include many Americans whose income is such that they do not pay taxes). As a result, H.R. 1308 has not passed the Senate.

Sponsor: Rep. William M. Thomas (R-CA)

H.R. 7, The Charitable Giving Act of 2003

On September 17, 2003, H.R. 7 passed the House by a vote of 408-13. H.R. 7 is similar to S. 272 (The CARE Act). H.R. 7 helps non-itemizers deduct charitable contributions, raises the cap on corporate charitable contributions, and allows people to donate their individual retirement accounts to charity tax-free. VAT supports this modified version of the tax provisions of the President's faith-based plan.

Sponsor: Rep. Roy Blunt (R-MO)

Other Tax Bills

H.R. 1057, The Adoption Tax Relief Guarantee Act

The Hope for Children Act, which doubled the adoption tax credit to \$10,000 and doubled the employer adoption assistance exclusion to \$10,000, passed the House by a unanimous vote during the 107th Congress. However, when it was enacted as part of Economic Growth and Tax Relief Act of 2001, a technical rule was included to sunset the law on December 31, 2010. Unless these provisions are made permanent, adoption tax relief will automatically disappear.

Sponsor: Rep. Jim DeMint (R-SC)

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H.R. 181, The Family Care Tax Credit

This bill would expand the existing Dependent Care Tax Credit (DCTC) to include families who choose to have a parent stay home to care for their children. Under the FCTC, a stay-at-home parent is assumed to incur \$250 per month in child care expenses, for a maximum of \$3,000 per year which equals the maximum allowed under the DCTC for one dependent.

Sponsor: Rep. Jim Ryun (R-KS)

EDUCATION

Bills that passed the House

H.Res. 26, Resolution Honoring Catholic Schools

This resolution recognizes and honors the contributions of Catholic schools. For the 2000-2001 academic year, Catholic schools enrolled over 2.6 million children in over 8,000 Catholic schools across the country. Catholic schools have been particularly effective at providing school choice for students in America's inner cities.

H.Res. 26 passed the House on January 27, 2003 by a vote of 392-0.

Sponsor: Rep. David Vitter (R-LA)

H.Res. 300, Resolution Honoring Christian Colleges and Universities

H.Res.300 recognizes the university campuses affiliated with the Council for Christian Colleges and Universities, and other faith-based campuses and supports the goals and ideas of Christian Higher Education Month. The House passed H.Res. 300 on November 4, 2003 by voice vote.

Sponsor: Rep. Pete Hoekstra (R-MI)

H.Res. 204, Resolution Promoting Charter Schools

This resolution acknowledges and commends the charter school movement for its contribution to improving our nation's public school system. It expresses the sense of Congress that: (1) the tenth anniversary of the nation's first charter school should be recognized; (2) the goals of National Charter Schools Week are important; and (3) the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the nation.

H.Con.Res. 204 passed the House on April 29, 2003, by a vote of 403-0.

Sponsor: Rep. Jon Porter (R-NV)

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H.R. 1350, The Improving Education Results for Children With Disabilities Act of 2003

On April 30, 2003, the House passed H.R. 1350 by a vote of 251-171. This bill reauthorizes the IDEA program.

Items of concern to VAT:

- v Discipline: allows school personnel to discipline disabled children in the same manner as non-disabled children, although educational services for disabled children must continue in an alternative setting (if the child is suspended for more than 10 days) even if such services would be discontinued to non-disabled students.
- v Accountability: requires state performance goals for children with disabilities to be the same as the state's definition of adequate yearly progress under the Elementary and Secondary Education Act (ESEA) and to include measurable annual objectives for student progress.
- v Choice: allows funds to be used to provide supplemental services (like tutoring) to disabled children in schools identified for school improvement under ESEA.

VAT strongly supported including stronger school choice measures in the IDEA bill. Two VAT Members offered school choice amendments:

- v Rep. Jim DeMint (R-SC) introduced an amendment to allow the Secretary of Education to fund the design, development, and initial implementation of parental choice programs for students with disabilities. The DeMint amendment would also allow federal money to follow the child to the selected public or private school. Unfortunately, the DeMint amendment failed by a vote of 184-240.
- v Rep. Marilyn Musgrave (R-CO) introduced an amendment to allow school districts the option of offering parents of disabled children in private schools a certificate to be used for their child's special education needs. The amount of the certificate would be equivalent to the per-pupil proportionate IDEA dollars generated to the school district by private school children.

H.R. 2210, The School Readiness Act

On July 25, 2003, the House passed H.R. 2210 by a vote of 217-216. H.R. 2210 reauthorizes the Head Start preschool programs for lower-income children. The main VAT priority in this bill was to ensure that faith-based preschools could participate in the Head Start program on an equal basis with secular preschools. Through the efforts of the House Republican leadership and VAT Members and groups, H.R. 2210:

Allows community and faith-based organizations to be designated a Head Start agency; and revises current law non-discrimination provisions to allow faith-based organizations to maintain their right to hire employees on a religious basis under Title VII of the Civil Rights Act.

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Liberal groups vehemently opposed the faith-based provisions in the bill. Rep. George Miller (D-CA) offered a substitute bill that would not have included the protections for faith-based groups. Fortunately, the Miller substitute was defeated by a vote of 200-229.

Other Education Bills

H.R. 2732, The Homeschool Non-Discrimination Act of 2003

This bill seeks to clarify current federal laws that overlook or unfairly impact home school students. Provisions include: federal aid eligibility for home school graduates and institutions; accessibility to Coverdell Education Savings Accounts; protection of home school student records; allowing home-educated students to work during traditional school hours; clarification that IDEA does not require home school students who aren't seeking special education services to be evaluated; and, eligibility for the Robert C. Byrd Honors Scholarship Program

Sponsor: Rep. Marilyn Musgrave (R-CO)

H.R. 3130, The Parental Consent and Head Start Act

This bill would require parental consent for "non-emergency intrusive physical exams" (genital exams). While the No Child Left Behind Act, included reforms for the Department of Education, Head Start remains in the Department of Health and Human Services and language clarifying the requirements for such exams has not been codified.

Sponsor: Rep. John Sullivan (R-OK)

H.R. 120, The Voluntary Opportunities to Increase Contributions to Education Act

H.R. 120 would allow a 75 percent tax credit for individuals (up to \$500/\$1,000 joint return) and corporations (up to \$100,000) for contributions made to a qualified student tuition organization or to an elementary and secondary school for construction, renovation, or technology needs.

Sponsor: Rep. Pete Hoekstra (R-MI)

H.R. 2347, The Hope for the Children Act

H.R. 3130 encourages states to enact their own state scholarship tax credit. If a state enacts a scholarship tax credit of \$250 or more, all residents of that state are eligible to take part in an additional federal tax credit. The federal tax credit is only \$100 (\$200 for joint returns) and only for those individuals contributing to education investment organizations that distribute at least half of their scholarships to low-income children. For those nine states that do not have an income tax, they can take a dollar for dollar credit against their property taxes.

Sponsor: Rep. Trent Franks (R-AZ)

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H.R. 282, The Education Freedom Act

The Education Freedom Act would provide a 50 percent tax credit for donations to public or private schools or scholarship funds. The credit would be capped at \$250 for individuals and \$50,000 for businesses. This bill is designed solely to increase donations to both public and private schools, as well as to scholarship funds to send students to those schools.

Sponsor: Rep. Pete Hoekstra (R-MI)

OBSCENITY/CHILD PORNOGRAPHY

Bills that were signed into law

H.R. 1104 (S. 151), The Child Abduction Prevention Act

In the wake of the miraculous rescue of Elizabeth Smart, the attention of the American people was focused on the need to improve federal law enforcement capabilities for child abuse prevention. AMBER alerts are named for Amber Hagerman (a 9-year-old brutally murdered in Arlington, Texas, in 1996), and are now operating in 38 states, in 42 counties, and multi-county regions, such as the D.C. metropolitan area.

Last year, President Bush announced his own plan to improve the AMBER system by ordering the Justice Department to set national standards. He said at a White House conference on Missing Exploited and Runaway Children that he was releasing \$10 million toward the effort of improving the system through a special coordinator in the Justice Department.

S. 151 is an omnibus bill that contains provisions from several bills that passed the House in the 107th Congress, only to be blocked by Senate Democrats. Among the bills whose provisions are included in the Amber Alert bill are: the Child Abduction Prevention Act, the Two Strikes You're Out Child Protection Act, the Child Sex Crimes Wiretapping Act, the Child Obscenity and Pornography Prevention Act, and the Sex Tourism Prohibition Improvement Act.

S. 151 includes the following provisions, among others:

- v Amends the federal criminal code to make the authorized term of supervised release after imprisonment for the offenses of sexual abuse, sexual exploitation of children, transportation for illegal sexual activity, and sex trafficking of children "any term of years or life;
- v Makes murder in the perpetration of child abuse or as part of a pattern or practice of assault or torture against children first-degree murder;
- v Increases the penalties for violating sexual abuse statutes;
- v Amends the federal criminal code to provide for mandatory life imprisonment of a person convicted of a federal sex offense in which a minor is the victim (if the person has a prior sex conviction in which a minor was the victim);
- v Increases penalties against sex tourism; and

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- v Requires the Attorney General to designate a DOJ officer as the national coordinator of the AMBER Alert communications network, and authorizes \$20 million for grants to States to pay up to 80 percent of the costs for the development and enhancement of communications systems along highways for recovery of abducted children.

In addition, key provisions were included that were top VAT priorities in the 2nd Session of the 107th Congress.

Child Pornography

Provisions from VAT Member Rep. Lamar Smith's (R-TX) Child Obscenity and Pornography Prevention Act:

- v Prohibition on any offer to sell or buy "real" child pornography;
- v Prohibition on obscenity involving pre-pubescent children and minors; and
- v Prohibition on showing pornography to children and on providing material support that will be used in the exploitation of a child.

Internet Safety for Children

Provision from VAT Member Rep. Mike Pence's (R-IN) Truth in Domain Names Act:

- v Punishes those who use misleading domain names to attract children to sexually explicit Internet sites. If convicted, offenders could be fined up to \$250,000 and imprisoned for up to four years for misleading a minor and two years for misleading an adult.
- v In September 2003, a United States Attorney in Manhattan prosecuted the first case under the Truth in Domain Names Act. Federal prosecutors in Manhattan charged a Florida man, John Zuccarini, who had registered 3,000 domain names that included misspellings and slight variations of popular names like 'Disneyland' and 'Bob the Builder' and then would lease them to pornographers to expose children to this prurient material. Federal prosecutors had wanted to charge Mr. Zuccarini for several years, but until the Truth in Domain Names Act was signed into law, they were unable to prosecute him. On December 10, 2003, Mr. Zuccarini was convicted of forty-nine counts of violating the Truth in Domain Names Act.

Other Anti-Pornography Bills

H. J.Res. 65, An Amendment to the Constitution to Ban Child Pornography

H. J. Res. 106 states that neither the U.S. Constitution nor any state constitution should be construed to protect child pornography (defined as visual depictions by any technological means of minor persons, whether actual or virtual, engaged in explicit sexual activity).

Sponsor: Rep. Henry Brown (R-SC)

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H.Con.Res. 298, Resolution Supporting the Vigorous Enforcement of Obscenity Laws

H.Con. Res. 298 would strengthen the hand of Attorney General Ashcroft and encourage him to continue to enforce obscenity laws, particularly against those who use the Internet to distribute obscenity. Under the Clinton Administration, the U.S. Justice Department de-emphasized the prosecution of obscenity, giving pornographers freedom to distribute their material online. However, Attorney General Ashcroft has begun to make obscenity prosecutions a priority.

On November 22, the Senate version of this resolution (S.Con.Res.77), sponsored by Senator Jeff Sessions (R-AL) passed the Senate by Unanimous Consent.

Sponsor: Rep. John Sullivan (R-OK)

H.R. 2885, The Protecting Children from Peer-to-Peer Pornography (P4) Act

H.R. 2285 gives parents the tools they need to protect their children from pornography and threats to privacy posed by peer-to-peer file trading networks. H.R. 2285 regulates P2P software, and requires the Federal Trade Commission ("FTC") to adopt regulations that require P2P distributors to: (1) Give notice of the threats posed by P2P software; (2) Distribute P2P software to a minor only with a parent's consent, and not when parents have used a "do not install" beacon to indicate their desire to avoid P2P software;(3) Comply with the Children's Online Privacy Protection Act (COPPA) when collecting information from children under age 13; (4) Ensure that the software can be readily uninstalled; and (5) Ensure that the user's computer not be commandeered as a "super node," and not disable or circumvent security or protective software, without consent.

Sponsor: Rep. Joseph Pitts (R-PA)

Hearing

Peer-to-Peer Pornography

In March 2003, the House Committee on Government Reform held a hearing on the dangers of peer-to-peer pornography. At the hearing, officials from the General Accounting Office (GAO) released information from a recent GAO student that found that: pornography is readily available and accessible on P2P networks; children are easily exposed to pornography while using P2P programs; and the filters available to parents do sufficiently address the threat to their children's safety. Searches for child pornography by the GAO and the Customs Services on file sharing programs produced hundreds of pornographic images, more than half of which was child pornography and graphic adult pornography.

CULTURE

Marriage

Welfare Reform

Once again, VAT, led by researchers at the Heritage Foundation, made the case for using welfare reform dollars to promote healthy marriages. Marriage promotion among the original goals of the 1996 Welfare Reform law. However, it was never adequately supported under the Clinton Administration. Under the Bush Administration, several marriage promotion initiatives have been developed. On February 13, 2003, the House passed H.R. 4, which included \$100 million for marriage promotion research projects for Fiscal Years 2004-2008.

The Senate developed its own welfare reform proposal. However, the full Senate did not consider either the House or Senate versions of the Welfare Reform bill.

Sponsor: Rep. Deborah Pryce (R-OH)

Definition of Marriage

This year marked an unprecedented level of attack on the institution of marriage. From the Supreme Court's disastrous decision in *Lawrence v. Texas* to the Massachusetts Supreme Court decision in *Goodridge v. Massachusetts Department of Public Health*, the courts sought to redefine marriage according to the political whims of the day. VAT Members and VAT groups worked together to promote marriage as the union of one man and one woman and to fight against the efforts of unelected judges to change one of the foundational institutions of Western civilization.

H.J.Res.56 (S. J. Res.26), The Federal Marriage Amendment

The Federal Marriage Amendment reads, "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the Constitution of any State, nor State or Federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups."

The purpose of the Federal Marriage Amendment is to ensure that:

- (1) marriage in the United States is defined exclusively as the union of one man and one woman; and
- (2) elected representatives (through state legislatures) not judges are able to determine how the benefits of marriage are to be distributed in any given state.

Throughout 2003, VAT groups and Members discussed the best legislative response to the increased threat against marriage. Discussions centered around whether or not legislative language should be amended in order to include a ban on states' abilities to allow civil unions or provide domestic partnerships. In the end, the amendment language remained the same as the text introduced by Rep. Ronnie Shows (D-MS) in the 107th Congress.

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On November 18, 2003, the Massachusetts Supreme Court rendered its long-awaited decision in the case of *Goodridge v. Massachusetts Department of Public Health*. The *Goodridge* case involved several homosexual couples that sued the state because they were denied marriage licenses based on a Massachusetts statute that provides that only heterosexual couples may obtain marriage licenses.

As Matt Spalding and Joseph Loconte of the Heritage Foundation point out in their analysis of the decision, the *Goodridge* case is troubling for two main reasons: (1) the court assumes that a ban on same-sex marriage violates the Massachusetts state constitution because the ban is irrational and could only be motivated by a prejudicial opposition to homosexuality; and (2) the court redefines common-law marriage such that it no longer consists of the union of one man and one woman, but simply the voluntary relationship of consenting adults. The Court gave the State Legislature 180 days in which to respond to their decision by taking legislative action. The Massachusetts state legislature will consider this issue on February 11, 2003.

The Federal Marriage Amendment gained over 100 cosponsors in the House. However, neither the House nor the Senate considered the bill on the Floor. Preserving the definition of marriage will be one of VAT's top priorities for the 2nd Session of the 108th Congress. Unless we are able to preserve marriage, future generations will be deprived of the foundational blessings that have undergirded thousands of years of civil society.

Sponsors: Rep. Marilyn Musgrave (R-CO) and Sen. Wayne Allard (R-CO)

H.R. 3313, The Marriage Protection Act of 2003

The Defense of Marriage Act (DOMA) protects marriage by stating that no state is required to give full faith and credit to a marriage license issued by another state, if that relationship is between two people of the same sex. DOMA also defines the terms "marriage" and "spouse" for purposes of federal law and federal benefits as terms only applying to relationships between people of the opposite sex. However, activist groups have stated that they intend to use the courts to overturn DOMA.

The Marriage Protection Act tries to address this possibility by removing the Supreme Court's appellate jurisdiction, as well as inferior federal courts' original and appellate jurisdiction, over DOMA's full faith and credit provision. It also removes appellate jurisdiction from the Supreme Court and inferior federal courts over DOMA's marriage definition provision.

Sponsor: Rep. John Hostettler (R-IN)

Hearing

On September 9, 2003, Senator John Cornyn (R-TX) held a hearing in the Senate Judiciary Committee Subcommittee on the Constitution to consider the potential vulnerabilities of the Defense of Marriage Act (DOMA). The purpose of the hearing was to determine whether a constitutional amendment would be needed in order to protect DOMA from court challenges. The general consensus was that DOMA was vulnerable and that another federal statute would not likely be enough to protect DOMA from a challenge by the activist community.

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Hate Crimes

Rep. Sheila Jackson-Lee (D-TX) introduced H.R. 80, the Hate Crimes Prevention Act of 2003. This bill would expand federal hate crimes laws to include sexual orientation and provide federal assistance to states and local jurisdictions to prosecute hate crimes. Senator Edward Kennedy (D-MA) introduced the companion bill, S. 966, the Local Law Enforcement Enhancement Act of 2003. Neither bill was voted on in 2003.

Sponsors: Rep. Sheila Jackson-Lee (D-TX) and Sen. Edward Kennedy (D-MA)

Patriotism Bills

H.R. 2028, The Pledge Protection Act

H.R. 2028 would bar federal district and circuit courts from ruling on cases pertaining to the pledge's standing under the Establishment Clause. H.R. 2028 would invoke Congress' constitutional right (given in Article III) to define the jurisdiction of the lower courts.

Sponsor: Rep. Todd Akin (R-MO)

H.J. Res. 40, Pledge of Allegiance and National Motto Amendment

H.J.Res. 40 would amend the constitution to clarify that the Pledge of Allegiance does not violate the First Amendment by stating that nothing in the First Amendment of the Constitution can prohibit the recitation of the Pledge of Allegiance or the National Motto, "In God We Trust."

Sponsor: Rep. Chip Pickering (R-MS)

RELIGION

The continued controversy surrounding the display of the Ten Commandments and the increasing use of a religious litmus test to block President Bush's judicial nominees, prompted VAT to refocus its efforts to stem the tide of judicial tyranny.

Religion Bills

H.R. 235, The Houses of Worship Free Speech Restoration Act

The purpose of H.R. 235 is to ensure that houses of worship are aware of their rights with respect to participation in the political process. In 1954, then-Senator Lyndon B. Johnson offered an amendment to a revenue bill that permanently extends the reach of the Internal Revenue Service into our nation's houses of worship. Since that time, many religious institutions have been confused and concerned about the possibility of losing their 501(c) 3 status if they communicate the principles of their faith during an election cycle.

Sponsor: Rep. Walter Jones (R-NC)

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H.R. 3609, The Public Expression of Religion Act

H.R. 3609 amends the statutes by which civil rights actions are brought, to provide that in cases arising out of the public expression of religion brought against state and local officials, no monetary damages, costs, or attorney's fees be awarded.

The purpose of H.R. 3609 is to free state and local officials from the fear of lawsuits arising from the public expression of religion by state and local officials

Sponsor: Rep. John Hostettler (R-IN)

H.J.Res. 46, The Pledge and Prayer Amendment

H.J.Res. 46 would permit but not mandate prayer, the Pledge of Allegiance, and display of the Ten Commandments on public property, including schools.

Sponsor: Rep. Ernest Istook (R-OK)

H.R. 2045, The Ten Commandments Defense Act

H.R. 2045 would allow states to decide whether or not they wish to display the Ten Commandments on state property.

Sponsor: Rep. Robert Aderholt (R-AL)

H.R. 2999, The Military Academy First Amendment Protection Act

H.R. 2999 seeks to protect our military academies' cadets' rights to participate in non-denominational prayer. In May 2001, the Virginia Chapter of the American Civil Liberty Union sued the Virginia Military Institute on behalf of two former cadets who opposed the non-denominational pre-supper prayer. In April 2003, a three-judge panel of the 4th Circuit Court of Appeals in Richmond, VA decided in favor of the ACLU arguing that the grace ritual violated the First Amendment. Since then, the Maryland chapter of the ACLU has targeted the U.S. Naval Academy at Annapolis.

Sponsor: Rep. Walter Jones (R-NC)

H.Con.Res. 50, The Ten Commandments Resolution

H.Con.Res. 50 would require the display of the Ten Commandments in the House and Senate Chambers.

Sponsor: Rep. Cliff Stearns (R-FL)

H.R. 3190, Safeguarding Our Religious Liberties Act

H.R. 3190 would remove the jurisdiction of federal district and appellate courts over cases involving the Pledge of Allegiance, the National Motto, and the Ten Commandments. The state courts and the Supreme Court would retain jurisdiction over such cases under this legislation.

Sponsor: Rep. Chip Pickering (R-MS)

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GAMBLING

In 2003, Rep. Spencer Bachus introduced H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act. H.R. 2143 would give law enforcement authorities a new tool for preventing unlawful Internet gambling. H.R. 2143 would also prohibit an unlawful Internet gambling site from accepting credit card payments or other financial instruments, and would authorize Federal regulators to stop banks from processing credit card payments to illegal gambling sites.

H.R. 2143 passed the House on June 10, 2003, by a vote of 319-104. Several Members attempted to derail the legislation by offering hostile amendments. No hostile amendments were adopted. However, the Senate did not consider H.R. 2143 in 2003.

Sponsors: Rep. Spencer Bachus (R-AL)

INTERNATIONAL ISSUES/UNITED NATIONS

H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act

In the State of the Union Address for 2003, President Bush announced a bold, new plan for AIDS relief in Africa that included building on the successful AIDS strategy used in Uganda. The Government of Uganda, led by President Museveni, developed a distinctive approach to AIDS prevention known as the ABC approach: Abstain, Be faithful, or use Condoms if A and B are not practiced. The abstinence message urged youth to delay having sex until marriage. In addition, married people were encouraged to be faithful to their spouse.

There were significant changes in sexual behavior between 1989 and 1995, which were most pronounced among youth, the very age group primarily targeted in AIDS education. And the behaviors that changed the most were the ones emphasized in Uganda's AIDS prevention efforts. The proportion of young males age 15-24 reporting premarital sex decreased from 60 percent in 1989 to 23 percent in 1995. For females, the decline was from 53 percent to 16 percent.

As usual, the safe-sex lobby was infuriated by the idea that the U.S. would invest AIDS dollars in abstinence prevention efforts instead of a massive condom campaign. The President's Global AIDS bill (H.R. 1298) was first considered by the House International Relations Committee. Democrats and liberal Republicans on the Committee, led by Rep. Barbara Lee (D-CA) stonewalled conservative attempts to prioritize abstinence, protect faith-based groups, combat prostitution and sex trafficking and increase the accountability of the United Nations Global Fund. During committee consideration the following amendments were among those considered:

- Rep. Joe Pitts (R-PA) offered an amendment to prioritize abstinence funding in prevention efforts. This amendment was gutted by an amendment offered by Rep. Barbara Lee (R-CA), which was adopted by the Committee by a vote of 24-20.

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- Rep. Joe Pitts also offered an amendment to ensure that faith-based groups that had a moral objection to providing condoms were not required to do so as a condition for receiving funding under the bill. The Pitts amendment failed by a vote of 21-23.
- Rep. Chris Smith (R-NJ) offered an amendment requiring that groups funded under the bill explicitly oppose prostitution and sex trafficking. The Smith amendment passed by a vote of 24-22. Rep. Tom Lantos (D-CA) offered an amendment that would have gutted the Smith amendment, but the Lantos amendment failed by a vote of 21-22.
- Also adopted was an amendment sponsored by Rep. Jo Ann Davis (R-VA) that focused on the impact of condom use on the spread of the human papillomavirus (HPV) in sub-Saharan Africa, and an amendment sponsored by Rep. Jeff Flake, regarding the salaries of Global Fund employees and the contribution of Global Fund monies to state sponsors of terrorism.

The Global AIDS bill that emerged from the International Relations Committee was highly problematic from a pro-family standpoint. White House, House Leadership and VAT groups worked together to ensure that the final bill embraced the priority of abstinence and the involvement of faith-based groups. The efforts paid off, and VAT was able to counter a substantial lobbying effort by the AIDS establishment and pro-abortion/anti-abstinence groups like Planned Parenthood and SEICUS.

During consideration of H.R. 1298 on the House Floor, the following amendments were among those adopted:

- Pitts/Hyde amendment, which specifies that of the amount set aside for HIV/AIDS prevention in bilateral assistance, 33 percent should go to abstinence-until-marriage programs. Passed the House by a vote of 220-197.
- Smith (NJ)/Hyde/Stupak/Renzi, which ensures that a qualified grantee is not disqualified from receiving HIV/AIDS funds because the grantee has a religious or moral objection to participating in some types of HIV/AIDS prevention or treatment. Passed the House by voice vote.
- Tauzin/Brown and Stearns amendments, which provided increased accountability for U.S. contributions to the U.N. Global AIDS Fund. VAT was concerned that the Global AIDS bill maintain the President's vision of bilateral assistance, focused on the Uganda model, instead of wasting dollars on a UN bureaucracy that is inefficient and ineffective. Tauzin/Brown passed the House by voice vote, and the Stearns amendment passed by a vote of 276-145.

H.R. 1298 passed the House on May 1, 2003, by a vote of 375-41. Through the continued leadership of the White House, Senate Majority Leader Frist and Senate VAT, the Global AIDS bill passed the Senate on May 21, 2003, by voice vote, without amendment. All of the pro-family gains made in the House were preserved. On May 27, 2003, President Bush signed the Global AIDS bill into law.

Sponsor: Rep. Henry Hyde (R-IL)

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U.N. Commission on Human Rights

In May 2003, the U.N. Commission on Human Rights considered a proposal offered by Brazil that would extend international anti-discrimination laws to apply to homosexual, bisexual and transgender individuals. Fortunately, the vote on his resolution was postponed until next year. Homosexual activist groups, such as the Human Rights Campaign, heavily supported this proposal.

UNESCO (UN Educational, Scientific and Cultural Organization)

In October 2003, UNESCO released a document entitled “Unwanted Pregnancy and Unsafe Abortion,” which advocates abortion for women and girls and opposes the enactment of parental consent abortion laws.

Human Cloning in the United Nations

In November 2003, the U.N. General Assembly postponed a vote on a proposal offered by Costa Rica that would have banned all human cloning. The Costa Rican proposal was supported by the U.S. and over a hundred other countries. An alternative proposal offered by Belgium, and supported by many other European nations, would have only banned so-called “reproductive cloning,” but would have allowed human embryos to be cloned for research purposes. When it became clear that the Costa Rican proposal was gaining momentum, pro-cloning forces at the U.N. pushed to have the vote postponed on procedural grounds.

U.N. Child Rights Committee

In June 2003, the U.N. Child Rights Committee called for increased access to contraception and other “reproductive health services” for adolescents. The Committee also sought to disparage parental involvement in teen’s decisions involving sexuality and to undermine abstinence messages.

SUPREME COURT DECISIONS

Lawrence v. Texas

In 1998, sheriffs in Texas were responding to a report of a “weapons disturbance” when they entered the home of John Geddes Lawrence and Tyron Gardner. While the weapons disturbance report turned out to be false, Lawrence and Gardner were arrested for violating Texas’ anti-sodomy law. Lawrence and Gardner were subsequently convicted, and their case was appealed to the Supreme Court, after a lower Texas court upheld their convictions.

On June 26, 2003, in a 6-3 decision, the Supreme Court voted to overturn Texas’ anti-sodomy law. The majority of the justices overturned the Texas law on the basis that the law unduly restricted the privacy and due process rights of the individuals involved. The justices also determined that the right to engage in homosexual acts was a fundamental constitutional right and to unduly restrict such behavior violated Lawrence and Gardner’s substantive due process rights (their right to liberty) under the Fourteenth Amendment.

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In 1986, the Supreme Court heard a similar case called *Bowers v. Hardwick*. In the *Bowers* case, the Supreme Court upheld a Georgia anti-sodomy law, declaring that the Constitution did not include a “right” to privacy regarding homosexual behavior

United States v. American Library Assn., Inc.

Is the Children’s Internet Protection Act (CIPA) constitutional? CIPA was signed into law in 2000 and states that any public library that refuses to install Internet filtration software on its computers is ineligible for federal funding for technology support. The American Library Association and the American Civil Liberties Union argued that CIPA violated the First Amendment rights of library patrons. On June 23, 2003, the Court held that the government does have a compelling interest to protect children from Internet pornography, and that CIPA does not violate the First Amendment.

VAT Member and CIPA sponsor Rep. Ernest Istook (R-OK) and several other VAT Members signed onto an American Center for Law and Justice amicus brief in support of CIPA.

Scheidler and Operation Rescue v. National Organization for Women

In October 2001, the Seventh Court Circuit of Appeals ruled that RICO (a federal law designed to reduce organized crime) could be applied to pro-life protesters. The Court stated that Operations Rescue and other pro-life groups were guilty of a conspiracy to shut down abortion clinics across the nation and thereby were guilty of racketeering.

In December 2002, the Supreme Court heard oral arguments in this case that threatens to take away the First Amendment rights of peaceful pro-life protesters. On February 26, 2003, the Court held that Scheidler was not guilty of racketeering under the federal RICO statute

McConnell v. Federal Election Commission

Senator McConnell and other Members challenged the constitutionality of the Bipartisan Campaign Finance Reform Act that was signed into law in 2002. VAT opposed the enactment of this legislation because of its violation of the free speech rights of individuals and outside interest groups. On December 3, 2003, the Court held that the Act was constitutional and was within the rights of Congress to address corruption in the political process.

In Progress

The Supreme Court has agreed to hear an appeal of the 9th Circuit Pledge of Allegiance case. However, Justice Scalia has recused himself, which means that the decision could be close. A decision is expected in spring of 2004.

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PRO-FAMILY ADMINISTRATIVE DECISIONS

- v VAT has worked with the Bush Administration on a number of pro-family issues throughout 2003. The Administration has also pursued many pro-family actions, including:
- v Expansion of Mexico City Policy through executive order on August 29, 2003. This expansion ensures that all family planning funding at the State Department is now covered by the Mexico City Policy, which does not allow federal funding for organizations that promote, perform or refer for abortion overseas.
- v Department of Justice's aggressive defense of court challenges to the Partial Birth Abortion Ban Act.
- v President's remarks in support of marriage as the union of one man and one woman and opposition to the Massachusetts Supreme Court decision in Goodridge.
- v Transferring \$25 million from UNFPA to the Child Survival and Health Programs, and ensuring that organizations that support forced abortion (like Marie Stopes International) do not receive State Department funding.
- v The President's fight for judges who will interpret the law, not legislate from the bench. Remarks in the Oval Office supporting Priscilla Owen and Charles Pickering, along with remarks by the President to the Hispanic Chamber of Commerce on behalf of Miguel Estrada.
- v Calling for \$135 million in abstinence funding in the President's FY2004 budget.
- v Department of Homeland Security's "Operation Predator" to prevent child prostitution and the trafficking of humans launched July 9, 2003 and the arrest of more than 1,000 predators.
- v Bush Justice Department prosecutions for child pornography (and other child exploitation) increased 27 percent during this Administration. Including 2003 indictments of Robert Zicari and Janet Ramano, 2003 obscenity indictment of Dallas Police Officer Garry Ragsdale and his wife Tamara Ragsdale, and September arrest of Texas racketeering/obscenity group.
- v Strong Administration support for D.C. School Choice.
- v The President's opposition to euthanasia evidenced in the Department of Justice work on the Oregon case including May 7, 2003 challenge to Ninth Circuit Court of Appeals ruling.
- v Administration support for the Unborn Victims of Violence Act.
- v August 2003 Department of Justice appeal to U.S. Supreme Court ruling that the Child Online Protection Act is unconstitutional.
- v Marriage Protection Week Proclamation (October 12-18, 2003).
- v Protection from Pornography Week Proclamation (October 26-November 1, 2003).