

PARTIAL-BIRTH ABORTION BAN  
ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. After passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 3660 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1692 and request a conference with the Senate thereon.

□ 1030

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 457 is a closed rule providing for consideration of H.R. 3660, the Partial Birth Abortion Ban Act of 2000. H. Res. 457 provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

House Resolution 457 provides that, after passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692, consider it in the House, and to move to strike all after the enacting clause and insert the text of H.R. 3660 as passed by the House.

The rule also waives all points of order against the motion to strike and insert. It provides that if the motion is passed, then it shall be in order that the House insist on its amendment and request a conference on the bill.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, I will not take time here to discuss the grizzly nature of this procedure at issue. Many of the other speakers today will address that. I would like to briefly note, however, that this rule allows the House to take this latest step in the ongoing saga of

the effort to ban the dreadful partial-birth abortion procedure.

Legislation has passed this House by a veto-proof majority in the past two Congresses. The vote today will be the seventh time the issue has come before the House in the past 5 years. In fact, the bill we debate today has been adjusted from previous texts to account for the growing body of law dealing with partial-birth abortion.

While the President has prevented Congress from taking the action that the overwhelming majority of Americans support, the States have taken the lead on this issue. I urge my colleagues to stand today with the American people to preserve unborn life by supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I oppose this closed rule. The majority claims to favor full and free debate on important issues; however, on this controversial bill, the majority has chosen to prohibit any amendments from being offered.

I must also voice my strong concerns with the bill made in order by this rule, H.R. 3660, the so-called Partial Birth Abortion Ban.

Once again we have anti-choice legislation on the House floor. Like most of us, my schedule as a Member of Congress is erratic, but each year I have discovered that one of the legislative constants is that the House leadership finds plenty of time to force consideration of anti-choice legislation. As the Washington Post noted this morning, and I quote, "The measure is probably unconstitutional and certainly bad policy, but the House is to take it up today for the third time in 5 years."

This legislation has been fast tracked through Congress, denied input from other Members of Congress or the benefit of the subcommittee and full committee markup. But what is most offensive about the timing of the legislation is not simply the lack of debate time, it is the fact that the legislation is breathing down the neck of an upcoming Supreme Court hearing on the constitutionality of Nebraska's abortion law and is a blatant attempt to try to influence the court.

The fundamental principles of *Roe v. Wade* already protect a viable fetus. *Roe* recognizes that the State has a compelling interest in the welfare of a fetus that can survive outside the womb. And none of us, none of us, approve late-term abortions, except in circumstances to save the life and health of the mother.

But under this ban, the fundamental principles of the *Roe v. Wade* decision

are gutted. The Supreme Court has consistently held that a woman's life and health must be protected throughout pregnancy. And no advances in medicine yet have guaranteed a perfect pregnancy. Due to the lack of health exceptions in abortion bans, President Clinton has vetoed similar legislation time and time again, and this bill is no different. It makes no exception for protecting a mother's health.

Moreover, the language of the bill is so intentionally vague that both doctors and the courts have scoffed at it, asserting that this terminology could ban all procedures regardless of the viability thresholds guaranteed by *Roe*. In fact, it would make it a criminal offense for a physician to perform not just one particular procedure, but the safest and most common procedure in reproductive health care.

Even the American Medical Association, which originally supported this legislation, no longer does. And can we blame them? What is a doctor to do, faced with losing his or her livelihood and potential jail time? I can assure my colleagues that the primary concern of most physicians will not be protecting the health of the woman if their own livelihood is at stake. Why would they risk 2 years in prison and loss of their license when they could simply make a decision?

The proponents of this legislation would have us believe that this ban will prohibit one procedure used to perform only post-viability abortions; that is the point after which the fetus can live on its own. However, the bill is written so that it could ban safe abortion procedures used prior to fetal viability.

Mr. Speaker, in the circumstances of late abortions, in most all cases, these are fetuses who are either badly malformed or in a condition that really threatens the health of the mother. In most cases these babies are desperately wanted, and there is no other choice to be made. It is heartbreaking for parents to have to make this choice, but it is even more heartbreaking for them not to be allowed to because a legislative body has said no.

By introducing this ban in tandem with the critical Supreme Court case, and at the start of an election year, the proponents of the bill are not just chipping away at the right to choose, they are taking a jackhammer to it. The American people have told us time and time again that when faced with life and death decisions they want to confide in their doctor, their family, and whomever else they choose to consult, but they never say they would like to consult their local Congressperson.

Throughout the managed care debate, Congress has said to the people "we promise to put medical decisions back into the hands of the patients and the doctors," and yet with this vote today that promise is turned on its head. Congress, like HMOs, will dictate life and health decisions for women, not their doctors, their families or spiritual advisers.

It is unconscionable for this Congress to place its political agenda ahead of a woman's ability to have access to safe and appropriate health care. Like any other patient, a woman deserves to receive the best care based on the circumstances of their particular situation.

Mr. Speaker, we will hear arguments from staunchly anti-choice members who may resort to inflammatory charts and graphic images to pledge their support of the ban. But we will also hear from Members who are deeply concerned about the legislation and the precedent it would set. So far as I know, this Congress, nor any previous Congress, has ever outlawed a medical procedure.

But at the end of the day, after all the political fights subside, we must ask ourselves one fundamental question: Do American women matter? As a Member of Congress, the mother of three daughters, and a long-time advocate of women's health, I strongly believe the health of women matters in America.

I urge my colleagues to vote "no" on the rule and no on the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time.

Like many Americans, Mr. Speaker, I am greatly concerned about abortion. Abortion on demand is no doubt the most serious social political problem of our age. The lack of respect for life that permits abortion has significantly contributed to our violent culture and our careless attitude toward liberty.

As an obstetrician-gynecologist, I can assure my colleagues that the partial-birth abortion procedure is the most egregious legally permitted act known to man. Decaying social and moral attitudes decades ago set the stage for the accommodated Roe vs. Wade ruling that nationalizes all laws dealing with abortion. The fallacious privacy argument the Supreme Court used must some day be exposed for the fraud that it is.

Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are indeed on the slippery slope toward euthanasia and human experimentation. Although the real problem lies within the hearts and minds of the people, the legal problems of protecting life stems from the ill-advised Roe v. Wade ruling, a ruling that constitutionally should never have occurred.

The best solution, of course, is not now available to us. That would be a Supreme Court that would refuse to deal with the issues of violence, recognizing that for all such acts the Constitution defers to the States. It is con-

stitutionally permitted to limit Federal courts jurisdiction in particular issues. Congress should do precisely that with regard to abortion. It would be a big help in returning this issue to the States.

H.R. 3660, unfortunately, takes a different approach, and one that is constitutionally flawed. Although H.R. 3660 is poorly written, it does serve as a vehicle to condemn the 1973 Supreme Court usurpation of State law that has legalized the horrible partial-birth abortion procedure.

Never in the Founders' wildest dreams would they have believed that one day the interstate commerce clause, written to permit free trade among the States, would be used to curtail an act that was entirely under State jurisdiction. There is no interstate activity in an abortion. If there were, that activity would not be prohibited but, rather, protected by the original intent of the interstate commerce clause.

The abuse of the general welfare clause and the interstate commerce laws clause is precisely the reason our Federal Government no longer conforms to the constitutional dictates but, instead, is out of control in its growth and scope. H.R. 3660 thus endorses the entire process which has so often been condemned by limited government advocates when used by the authoritarians as they constructed the welfare State.

We should be more serious and cautious when writing Federal law, even when seeking praise-worthy goals. H.R. 3660 could have been written more narrowly, within constitutional constraints, while emphasizing State responsibility, and still serve as an instrument for condemning the wicked partial-birth abortion procedure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise in very strong opposition to this rule and to the underlying bill.

Mr. Speaker, it is like Yogi Berra and *deja vu* all over again. It could be 1996, it could be 1998; but it is 2000. If anybody had forgotten that this was not an election year, because the presidential primaries have kind of waned, all they have to do is to look and see that this bill is up again and that it is being brought to the floor under a closed rule.

Now, my colleagues and my dear colleague from Florida, the sponsor of this bill, knows this bill is not going to become law this year. It is going to be vetoed by the President and then it is going to be sent back here later, and it will sit at the desk. And I would bet probably around September, or the middle of September, pretty close to the general elections in November, the leadership will decide to roll this bill out again. They will roll it out, and

there will not be sufficient votes, certainly not in the other body and probably not in this body this year, to override the President's veto, but it will make for good press releases. Our friends at the NRCC will roll out some press releases on this, and it will be a political issue.

That is what this is really about. The fact is, if we really wanted to address the issue of late-term abortions, which I do and I think the vast majority of this House wants to do, then we would bring the Hoyer-Greenwood bill to the floor and debate it. Now, I know the gentleman from Florida has some problems with the Hoyer-Greenwood bill. Fair enough. Bring it to the floor under an open rule, and let us debate the issues.

This House, since its creation, has debated and written the laws of this Nation. But the Republican leadership has decided that only a few men in the leadership role can decide what the laws are; what is really important to the health of women or not. They are going to decide that rather than the whole House. But is that not what democracy is all about? Is that not the essence of the people's House, the House of Representatives; that we decide the laws, we debate the laws? Apparently, that is not the essence of the Republican leadership.

□ 1045

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Montana (Mr. HILL).

(Mr. HILL of Montana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding me the time. I rise to support the rule, and I also support the bill.

I want to describe for the House again what this procedure is. A doctor artificially dilates the cervix, creating an opening that is of adequate size for the baby's delivery. Then the doctor, guided by an ultrasound device, takes hold of one of the baby's legs with a forceps. Then that leg is pulled into the birth canal and is fully delivered.

Then the other leg is accessed and it is delivered, followed by the baby's entire body, everything except the head. We would commonly refer to this as a breech delivery.

The doctor then uses one hand to trace up the spine of the baby up to the base of the baby's skull. And then with a Metzenbaum scissors, the doctor penetrates the base of that skull with those scissors and spreads the scissors open to create a passage large enough for a suction catheter to be inserted into the skull. And then the baby's brains are extracted with the suction device, and that causes the skull to collapse. At that point, the baby dies. And then the baby is fully delivered. The placenta is subsequently delivered, and all the remains are then discarded as medical waste.

The AMA, Mr. Speaker, says that this is not good medicine. Dr. Koop,

former surgeon general, says this is never medically necessary. Everybody in this room knows that this is wrong, that it is not legally and it is not morally defensible. The way for us to end it is to vote for this rule and to vote for this bill today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman very much for yielding me the time.

Mr. Speaker, I entered this body in 1995 with enormous hopes and aspirations for this Congress meeting up to its mission and its obligations and its high constitutional calling. And that is, of course, that it includes the protection of the American people at the highest levels.

As a freshman, I wanted to do good and still offer myself for that purpose. It was interesting that was called the Gingrich revolution. We came in under the auspices of what many have called the Contract on America.

I remember my colleague, Pat Schroeder, introduced me to the high calling again on the Committee on the Judiciary and its importance. I am reminded as I go to elementary schools, in indicating that I am on the Committee on the Judiciary, the eyes are sparkling as I speak about the Constitution.

But here we stand again, Mr. Speaker, again not calling on those high values and respecting the constitutionality of our responsibility, but yet, in many instances, although I respect those who have come to the floor to support this legislation, taking legislation that ultimately has been noted as having unconstitutional aspects of it and again and again bringing it to the floor of the House.

I remember those first years when we listened to the voices of women who cried out to us not to have this legislation and indicated that the medical procedure that they had to ultimately give consent for to their physician and to make sure that they either lived or that they would have the opportunity to procreate in the future, it was a highly personal decision, it was one they wished they could not make. And yet we bring to the floor legislation that holds a physician criminal.

In the Committee on Rules yesterday, no one would simply provide for an amendment that I had offered that simply clarified that the woman, in essence the victim, would not be held civilly liable, would not be open to lawsuit if she, out of desperation to save not only her life, but to add to the ability of her having a family would have to consent to a procedure that her doctor advised that she might have.

But yet here we come again and, as my colleague has noted, so appropriately in an election year, to bring forward clearly an aspect of legislation

that should be left to the private determinations under the ninth amendment under the Constitution that has been noted before.

In addition, the Greenwood-Hoyer amendment, where 40 States have already recognized the importance of designing this legislation in the same manner as that amendment, an amendment that would have garnered the support of so many of us, this amendment, however, was not allowed.

It has come to my attention that even in Texas we have a law regarding the medical procedure since 1987 that protects the life and health of the mother similar to the Greenwood-Hoyer amendment, yet the Rules Committee saw fit to vote even against this reasonable language.

Mr. Speaker, this is not a serious debate. I would ask that we would vote against this rule, respecting my colleagues who believe in this particular legislation. This is wrong headed and wrong directed. I ask my colleagues to vote against the rule and the bill.

Mr. Speaker, I am pleased to have an opportunity to speak on this important matter. I am disturbed that the Committee is inhibiting a full and fair debate about this critical matter.

"The Partial Birth Abortion Ban of 2000," H.R. 3660, is extreme and unconstitutional legislation that would endanger women's health because it lacks an exception even for serious threats to a woman's health. If enacted, H.R. 3660 would lead to undue government interference in doctor-patient relationships by subjecting physicians to arrest and imprisonment for using their best medical judgment in accordance with the wishes of their patients.

I am distressed that this committee refused to even consider any amendments to such a momentous piece of legislation that would essentially eradicate a women's freedom of choice as we have known it for over 25 years.

Despite proponents comments to the contrary, H.R. 3660 would actually allow civil actions against the woman who has already undergone a traumatic experience and essentially open the window for all types of abortions to be banned.

This is why amendments should have been allowed to bring this legislation in accordance with current legal doctrine.

If allowed, my amendments would have allowed Members to express their views whether the viability of the fetus should determine whether this ban should or should not apply and they would have ensured that money damages cannot be sought against a woman that has a "partial abortion."

The proposed statute is simply not a restriction on late-term abortion. To the contrary, H.R. 3660 is extreme and unconstitutionally legislation would endanger women's health because it simply undermines a woman's right to choose.

It is imperative that we take the proper safeguards not to allow any group to take advantage of this emotionally charged issue for financial gain. Although we live in a litigious society, we should be careful to not provide incentives for frivolous reasons.

Termination of a pregnancy is already a tragic event for any woman. When one is faced with such a decision, they should simply

not be thinking of the adverse consequences of potential litigation. That is simply cruel to the woman.

Members should be afforded an opportunity to consider reasonable alternatives to penalties contained in the legislation for so-called "late term" abortions.

Because the ambiguous wording of this bill creates the potential to ban all forms of abortions in violation of *Roe v. Wade*, while also leaving open the possibility for the woman to be prosecuted under this new statute, it is necessary to add clarifying language.

Mr. Speaker, I believe many Members would want the opportunity to be heard on this crucial matter. Private medical decisions belong with the woman, their families, their religious leader, and the physicians, not politicians.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to the gentlewoman from Texas (Ms. JACKSON-LEE) that what she so derisively calls the Contract on America has been passed, 70 percent of which has been signed by President Clinton.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER.)

Mr. FLETCHER. Mr. Speaker, I certainly appreciate the gentleman from Georgia (Mr. LINDER) bringing this bill to the floor. I stand to speak today to support this bill.

It is a day that my daughter back home, surrounded by her mother, my mother, and my mother-in-law, are all viewing right now as she is having an ultrasound this morning to look at the child within her womb. There is a lot of excitement about that, and there should be.

It reminds me of the quote from Hubert Humphry, who says, "The moral test of government is how that government treats those that are in the dawn of life." That is what this bill is about.

What is it about? It is about children. It is about decency. It is about compassion and love. It is about putting aside our selfish desires, whatever desperate situation we are in. And I agree that there are some desperate situations, and I have seen those, but setting those aside to look at the interest of the most vulnerable among us, those, as Hubert Humphry said, are in the dawn of life.

We have heard the discussions of the details of this procedure. We may not need to discuss how barbaric and gruesome a procedure that we wish to forbid here today. For I believe that all know, each one of us, everyone, deep down in our hearts, that killing a living, viable child who has made only a partial entry into this world of opportunity is wrong and morally inexcusable.

The President has vetoed this bill several times. Mr. Speaker, I would ask him that he reconsider, that he turn from his friends on the radical left and look deep into his heart and into the eyes of children, those eyes that glisten with hope for a future, and that he would sign this bill.

It is a bill of decency, goodness, fairness, and it is a bill of hope, a bill filled with the dreams, the dreams of those that want to come to know the joys of opportunity to be all that they can be.

I know that there are those that may consider the debate as one whether they are pro-life or pro-choice, but this goes well beyond that debate. This debate goes to are we going to be judged as a Nation, as Hubert Humphry said, a Nation whose moral test is decided on how we treat those at the dawn of life. This bill is about those that are at the very dawn of life and are we going to protect their opportunity, their future, and their dreams. I trust we can.

I encourage the President to sign this bill for decency, for fairness, and for moral integrity of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I am strongly opposed to late-term abortions. But when the health of the mother is at risk in tragic cases, that choice should be made by a woman and her doctor, not by politicians in Washington, D.C.

This bill would prohibit abortions even when a mother's health is at risk. We have no right in this Congress to make that health decision for other people's wives and other people's daughters. No Member of this House has the right to risk any other woman's fertility, no Member.

What this Congress should do is to pass a bill that outlaws all late-term abortion procedures, not just one procedure like this bill does, and then include an exemption in rare tragic cases where a mother's health is at risk.

This is the kind of bill I helped pass in Texas in 1987. It was a bipartisan bill, unlike this one, designed not for political press releases and sound bites and attack ads. It was designed to save the lives of babies, something this bill would not do.

I would like to ask the supporters of this bill one question they refused to answer for the last 5 years. If they have such a low opinion of America's women that they truly believe mothers want to maliciously kill viable, healthy babies late in pregnancy just moments before natural childbirth, if they really believe that, how does outlawing one procedure while keeping all other procedures legal save even one baby's life?

The truth is this bill does not save one life, and pro-life citizens and leaders have even admitted that. The deceptive secret of this bill is that it would keep it perfectly legal to have late-term abortions under this bill, just use a different procedure.

Babies are not saved by this bill. But sadly, in tragic, sad cases, mothers' health and their ability to have children in the future will be put at risk.

The truth is that if there is one frivolous killing of one healthy baby after viability anywhere in America, that is one too many. And we would all want to prevent such a case.

The real tragedy is not that this bill will not become law. The real tragedy is that supporters of this bill could have added a health exemption into this bill at any point during the last 5 years and we would have outlawed all late-term abortion procedures, not just one procedure.

Let us vote no on this rule and no on this bill and then do what we should do. Let us pass a law that will outlaw all late-term abortion procedures while protecting women's health.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to the gentleman from Texas (Mr. EDWARDS) who said that the Texan law was bipartisan, unlike this one, that the last time it met the floor of the House it got nearly 300 votes, including the vote of his leader.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of this rule and urge my colleagues to vote for this good bill.

Partial-birth abortions should have been made illegal long before now. But the supporters of this procedure continue to tell us that it is needed. They claim that, without this procedure, the health and even the lives of mothers in this country will be at risk. By saying this, they seem to suggest that those of us who want to ban this procedure are somehow being insensitive or cruel.

But former Surgeon General C. Everett Koop says the procedure "is never medically necessary to protect a mother's life or her future fertility. On the contrary," he says, "this procedure can pose a significant threat to both."

The American College of Obstetricians and Gynecologists says "there are no circumstances under which this procedure would be the only option to save the life of a mother and to preserve the health of a woman."

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning partial-birth abortion. The American Medical Association, the American College of Obstetricians and Gynecologists, and the most respected doctor in America are all telling the truth.

But not everyone is.

Not too long ago, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, admitted that he lied through his teeth when he claimed that partial-birth abortions are rare and only on women whose lives are in danger or whose babies had severe defects. He also admitted that he had lied about how frequent partial-birth abortions are. There are thousands every year in America.

What Mr. Fitzsimmons showed us is that there are pro-abortion activists in this country so extreme in their position, so completely unwilling to listen to reason, that they will defend even this procedure which is indistinguishable from cold-blooded infanticide.

Stabbing a baby in the back of the neck with scissors is gruesome, even if his head remains an inch inside the birth canal.

Mr. Speaker, partial-birth abortion is so gruesome and so barbaric that it must be stopped immediately. It is completely unnecessary. It is in every case unjustifiable and in no case the lesser of two evils.

The will of the American people has been consistently clear in every poll on this issue. The House and Senate have both passed this ban before by large margins. Clearly, reasonable and thinking Americans want this ban to become law. A few extremists continue to stand in the way. We will be asked to recommit this bill so that they can add on a provision providing an exemption for what they call "mental health." That will, of course, mean there is no ban at all. In fact, if they are having a bad day, they can have a partial-birth abortion.

Mr. Speaker, we have a good bill before us. It does not need to be changed. It already does what we know is the right thing to do. We should stop playing games and pass this good legislation so that America can go back to believing that their Government stands for decency. America knows that partial-birth abortion is wrong. They want us to do something about it.

I urge all my colleagues to support the ban on partial-birth abortion today.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make clear that the AMA no longer supports this bill and that the gynecologists never did.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

□ 1100

Mrs. TAUSCHER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I have prepared remarks; and I am an original cosponsor of this bill, but I cannot let the comments of the previous speaker and other speakers go by. I think that it is absolutely a horror for the American people to be told by any Member of Congress that American women may have a bad day and decide to have a partial-birth abortion. That is certainly not the fact, and that is certainly demeaning to every woman in this country. How dare anyone suggest that this is anything but about a very tragic, personally debilitating scenario, when very late in a pregnancy a mother and a father are told that that baby will not survive outside the womb and that medical procedures may be necessary to save the life and the health of that mother. Let us talk about the facts, ladies and gentlemen. Let us not cloud this. And let us not demean American women by suggesting that because they are having a bad day, they are going to get rid of a very precious child.

Let us ban late-term abortions. There is no one here that is pro-choice that is pro-abortion, but there are people here unfortunately that will twist the facts for their own political gain. This is a shameful day for this House. It is a shameful day that we will not protect the health and the life of American women and that we will not honor the mothers of this country by acting as if they can actually take care of their own children.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I think anytime a woman chooses to abort a baby, it is a difficult decision. And it is a tragedy regardless of the reason for it. What we just heard is not an accurate representation of partial-birth abortion. All you have to do is look at the facts from Kansas this year. So far this year, there have been 180 partial-birth abortions performed in Kansas. Seven of them were from women from Kansas. The rest of them were from out of State. Not one of those babies had a lethal defect. There was nothing that was going to keep them from living an adequate and acceptable life. We can say that partial-birth abortion is about terminating pregnancies on babies that are not viable. But the facts do not bear that out. Does it occasionally happen? Yes. When it happens for a non-viable baby, it is being done only for the convenience of the abortionist. It is not being done for the safety and health of the woman. Because in fact it was for the safety and health of the woman, they would terminate the pregnancy in a very much different way. They would not put at risk her reproductive future. They would not put her at risk for a pulmonary embolism from amniotic fluid, they would not put at risk the ability for her cervix to maintain its muscular strength by dilating it against its will. The facts about partial-birth abortion are that it is done for the abortionist, not for the woman. I know that because I have helped thousands of women deliver children. I have done D&Xs. I know the procedure very well. It is the last procedure I would ever do to help a woman eliminate a nonviable child. That does not go to say how right are we in expressing our knowledge, scientifically based, on whether or not we are accurate about a child's viability.

So let us dispel the three myths that are put forward. Partial-birth abortion in this country is not being done for the health of the woman. It is being done for the convenience of the abortionist. That is number one. Number two, it is not being done because children have lethal defects. It is being done so that late-term abortions can be accomplished. That is why it is being done. Number three, this procedure puts the health of a woman at much greater risk than any of three other procedures that could be used to terminate her pregnancy.

We can agree to disagree on whether abortion is right or wrong. I do not

have any problem with that, and I have a great deal of respect for those who disagree with me on that issue. But you cannot confuse the medical facts of the risk that a woman is put to when this procedure is used on her. It is a marked increase in risk for her health. If in fact it was an emergency to eliminate this baby, we would do a saline injection, take the life of the baby and put prostaglandin in and have the baby deliver head first. The baby would be dead, it would come out, and the woman would have labored it out. But instead, we do not do that. We put in japonicum, which is seaweed, we allow it to dilate up, then we dilate the cervix further, we reach in with instruments, we turn the baby around, we pull the baby out, puncture the head, collapse the head and pull the baby the rest of the way out and then forcefully extract a placenta. When we do that, we expose the woman to loss of fertility and loss of competency of her cervix, we expose the woman to significant hemorrhage, and we expose the woman to fluid embolus from amniotic fluid. Nobody who is thinking about the woman would use this procedure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I wanted to come to speak specifically on the rule, because it is the rule that shows that this body is not serious about achieving consensus on this very serious and troublesome question. Because there is, after all, an alternative which has a very good chance of getting that consensus, the Hoyer-Greenwood alternative. Many like me would be reluctant to support that alternative because it compromises the health language; but in the name of getting a consensus on so troublesome, and deservedly so, an issue, we could get there this time. We are told this time it is constitutional. And the reason the other side has to talk to us about constitutionality this time is that the courts have handed them their heads. Not the Congress, not the President.

It is the courts that have told you you are in violation of the Constitution. The reason Hoyer-Greenwood is obviously a much preferable alternative boils down to two. The Republicans come forward with a bill that uses inflammatory lay language. Basically, it is a gotcha 30-second ad. Of course it does not speak to the gestational period, so the, quote, "living fetus" could be when it is, I do not know, 3 weeks old, and you could be prosecuted under this language. Would you think this has a moment's chance of standing up in court?

Hoyer-Greenwood, on the other hand, makes it clear that it is after viability. You ask the average American, you talk about after viability, they know what you are talking about. Hoyer-Greenwood says seventh, eighth and

ninth month, unless it is very serious, you are not going to get an abortion. I do not know why that is not good enough for you. I am sure it is not good enough for the American people. Serious health consequences? That means that people on my side who believe this should be between a woman and her doctor are indeed accepting a real compromise. It is you who are unwilling to accept a compromise, because Hoyer-Greenwood by limiting late-term abortions to the serious adverse health consequences of the woman virtually guarantees that there will be few seventh, eighth, and ninth month abortions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today as one of the people who is under political attack by right-to-life on this issue which in my State is very clearly a political issue, not a policy issue, because they say I want to keep partial-birth abortions. I say I am a cosponsor of the bill of the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD) that says not just partial-birth abortion but all late-term abortion should be illegal in this country except to save the life of the mother or if she has a serious health consequence, a serious threat to her life or her health. That is what this is about. This is an alternative that will be signed by the President and could very quickly be the law of the land to make it clear that not just one procedure but every late-term abortion procedure would be banned except if the mother's life is threatened or there is a serious health consequence to her continuing the pregnancy. And then she could still continue the pregnancy; but it would be her choice, not the politicians in Washington's choice. That is what this is about.

I find it along with my colleagues, the women of this House, totally offensive as a mother of two beautiful children to say that women in the final weeks of pregnancy would just have a bad day and decide to terminate a pregnancy that they had carried almost to term. We are talking about women who want children, who are bringing this child into the world, who are excited, who have put together the crib and the wallpaper in the baby's room and are excited and get to the point at the end where they find out that the doctor says, we have got a serious problem here and we are going to have to sit down and talk about it and there is going to have to be some decisions made because there is something that has gone wrong. When that happens, I want the woman, the doctor, her family and her faith and not the people in this room making that decision.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would just ask the gentlewoman from Michigan to look at the experience in Kansas. Every one of the partial birth abortions that have been provided for this year have been on the basis of the health exception. A health exception for the woman. Eight of them from Kansas, seven or eight from Kansas, the rest from outside of Kansas but on a health exception. Very few of those were based on the physical health of the woman, but on the fact that she did not want to have a baby.

Now, I understand that in our country that is okay. That is legal today. I want to make one other point, that we sometimes forget. Why is partial-birth abortion out there? Because if you abort a baby a different way, guess what? The baby is born alive. When the baby is born alive in most States if it is at viability, then you have to express the will of the State to do everything you can to keep that child alive. So we abort a baby, have a baby that is viable, and then we work to keep it alive because that is what the States say we must do. So partial-birth abortion is developed so you deliver a dead baby. That is why it is there, so you get around this idea that it is alive.

Again, I would remind the vast majority, upwards of 90 percent of all partial-birth abortions are on absolutely normal babies. Normal. Not abnormal. I have delivered tons of abnormal children. I have dealt with every consequence associated with terrible errors in reproduction. They are tragedies. But to couch partial-birth abortion on the basis of 1 or 2 percent of those issues, and that is what you are really talking about, 1 or 2 percent, not the vast majority, to justify it as a means to terminate the life of a well, healthy child is unconscionable. Most women if they truly had informed consent would never allow partial-birth abortion to be performed on them.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I was puzzled to hear the gentleman from Oklahoma say that they were not for physical health reasons in most cases. The reason I say that is I went to the Committee on Rules to ask for the right to offer an amendment that would have allowed this only in cases where there was severe, adverse, long-term physical health consequences.

□ 1115

Now, many do not think that does enough. It would not be enough for me to vote for the bill, but at least it would have met that argument.

So when the gentleman says, oh, but we are just talking about all health, not just physical health.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I would tell the gentleman I would fully support that amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and he may have a chance to. But I assume that means the gentleman will vote against the rule, because I went to the Committee on Rules and asked for this amendment to be made in order.

This bill is being done in the most abusive way ever. Do we want to know what is a late-term abortion? The real late-term abortion bill is the one that the gentleman from Maryland was not about to offer. Late-term abortion describes this legislative procedure. We wait until late in the term so we can get maximum political advantage, and then we abort the legislative procedures; no committee vote, no amendments being made in order.

The gentleman from Oklahoma says well, 1 or 2 percent, so let us try to deal with the 1 or 2 percent. That is not what we have. This is a bill in search of a veto for use for political purposes. Members who sincerely want to restrict this procedure and some would want to restrict it more than I would want to, and I might lose on that. But the rule is calculated to get a veto. It does not allow what the gentleman from Oklahoma talked about.

The Committee on Rules specifically refused my amendment and many of the strongest pro-choice people think my amendment gives away too much; I do myself in some ways, but at least the body should be able to vote on it. The true late-term bill was the gentleman from Maryland's.

This is the most outrageous repudiation of the democratic procedure I have seen in 20 years. A bill where there is pending constitutional litigation where some courts have held this bill, in effect, unconstitutional at the circuit court level, does not have any committee consideration, comes to the floor with no amendment whatsoever, solely for the purpose of being used politically. The money that is being spent on this bill ought to be reported to the Federal Election Commission as a Republican campaign contribution.

Mr. LINDER. Mr. Speaker, I would inquire as to how much time remains on both sides.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. LINDER) has 11½ minutes remaining; the gentlewoman from New York (Ms. SLAUGHTER) has 9½ minutes.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, it was not so long ago that I stood on the State Capitol steps in Denver, Colorado commemorating the 27th anniversary of the Supreme Court ruling in *Roe v. Wade* which

guarantees a woman the constitutional right to determine her own reproductive destiny. On that day I joined Coloradans in urging them to protect this deeply personal right and urging them to continue the fight against increasing efforts to chip away at these rights for which we fought so hard.

It strikes me that the House leadership today, if it was interested in good policy, not politics, would not have brought this bill to the floor. In just a few weeks, the Supreme Court will hear oral arguments on the substantially similar Nebraska partial-birth abortion ban which makes the timing of H.R. 3660 a bit more than suspect.

If the leadership were really serious about seeking bipartisan consensus in passing a law, the Committee on Rules should have permitted consideration of the Hoyer-Greenwood substitute, which has the strong backing of Members on both sides of the aisle, the promise of the President's signature, and the support of sensible policy leaders who recognize the vital importance of including health exception and a post-viability provision.

Most importantly, the Hoyer-Greenwood alternative is what Americans want. In a recent poll, 88 percent, 88 percent of Americans supported the inclusion of a health exception for women. If the leadership were really serious about outlawing one particular abortion procedure, they would have agreed to consider an alternative to this vague and broadly-worded piece of legislation.

Mr. Speaker, if the leadership continues to ask Members of Congress to support bad public policy, we must continue to oppose it. For my part, I will do all I can to protect a woman's right to choose. Oppose this rule, oppose this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, let me tell the Members what I support. Like most people, I believe that all late-term abortions should be outlawed unless the woman's life is in danger or she would suffer serious health problems by continuing the pregnancy.

Our language would stop far more late-term abortions than will be voted on today, but the leadership is not going to allow it.

I oppose late-term abortions. I co-sponsored legislation to outlaw them. Mr. Speaker, 88 percent of the American people believe that if a woman's life is in danger or there is a serious health problem for the woman, there should be an exception. This is only common sense.

The Congress today votes on eliminating only a single medical procedure. Perhaps it may stop a limited number of late-term abortions, yet I support language that stops all late-term abortions, regardless of medical procedure, unless the woman's life is in danger or

she will suffer serious health consequences. Abortion is an agonizing decision and an agonizing debate, requiring all views, and yet I will not be permitted today to protect the woman against serious physical health consequences. I oppose the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule. This is an extremely important vote for the Members of the House.

It is simply baffling to me why those who oppose abortion, those who are generally referred to as pro-life, are not out here on the floor with us saying, this rule should allow the amendment that offers this House the choice to ban all post-viability abortions.

Third-trimester abortions are abhorrent to the American people, and they are wrong. But never in our history has this House banned a single medical procedure, and it will not work now. It will not accomplish our goal in terms of respecting the potential life of a well-developed fetus, and it will endanger the legitimate rights of women in the first trimester of pregnancy.

Mr. Speaker, 40 States have the kind of legislation we wanted to bring to this floor of the House together in a bipartisan fashion. It would ban third trimester abortions by any method. But it would respect the right to life of the mother and the right to avoid severe health consequences through carrying a hostile pregnancy. Many States have this law and it has never, ever been declared unconstitutional, yet the only choice we have here today is legislation that in 20 of the 21 challenges has been declared unconstitutional.

Sadly, I think we are being denied this right because our legislation would pass, because it is the right thing to do for America, it is the right thing to do for America's women, it is the right thing to do for our children, and it profoundly respects the life of the unborn, the life of the mother, and the wholeness of family.

Mr. Speaker, I urge my colleagues on both sides of this issue to vote no on this rule. Let us go back to the Committee on Rules. Let the Committee on Rules rethink the caliber of debate that should come to this floor on such a critical issue. And for once, let us open this body to the breadth of debate, to the depth of consideration, that this issue deserves.

I believe there is common ground that could unite all of us. Please, oppose the rule.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OSE. Mr. Speaker, if I understand the rules and procedures of the

106th Congress, a Member is allowed to speak once on a question before the House. Is that accurate?

The SPEAKER pro tempore. The Chair would advise the gentleman that this resolution is being considered under the hour rule. The gentleman from Georgia (Mr. LINDER) was recognized for 1 hour, and he has within that time the option to yield to whomever he wants for whatever period he wants.

Mr. OSE. I thank the Chair.

Mr. COBURN. Mr. Speaker, it is interesting that of the few people in our body that have experience with this issue, that we now have an attempt to cut off debate. The fact is, I am all too familiar with this procedure.

The gentlewoman from Connecticut (Mrs. JOHNSON) I think made one misstatement, and the fact is that whether this passes or not, it will have no effect on first-trimester abortions, none, zero.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, we have testimony from physicians that the way the bill is worded, it would indeed have that effect, and we have judicial rulings from judges that say the language is so broad they would have to rule that way.

Mr. COBURN. Mr. Speaker, reclaiming my time, in fact, and in actuality, this procedure is never used in first trimester, because it is way too dangerous. No physician who should be licensed and who should continue to be licensed would ever use this procedure in the first trimester. So regardless of the testimony, the medical facts are, one would never use this procedure in the first trimester.

The second point I would like to make, as we defend the right of women in this country under a health exception to destroy their unborn children, we need to talk about how we define death in this country. Because we define death in this country as the absence of a heartbeat and the absence of brain waves. All 50 States, every territory, upheld by the Supreme Court.

Now, if that is death, let me tell my colleagues what the opposite is: present heartbeat, present brain waves. That is life. I say to my colleagues, at 41 days past the last menstrual period, every fetus has a heartbeat and brain waves.

So we can have the debate on whether it is not all right for us to chew up our unborn; that is not what this debate is about. This debate is about whether or not we are going to continue to convenience the abortionists with a procedure that put women at risk, even for that small percentage of time when we have, as the gentleman from Connecticut described, a hostile pregnancy.

Those of us that are pro-life believe all life has value, and we do not believe that it is proper to rationalize one moral error with another moral error.

The first moral error is attaining an unwanted pregnancy. The second moral error is to eliminate that pregnancy because it inconveniences someone.

Now, we can talk about this issue, and there are some tragedies, I agree. But I also will tell my colleagues that this is never the best way to solve those tragedies. I understand why it is out there, I understand why it is used, but medically it is never the best way to solve those tragedies.

Mr. Speaker, I want to share a story with my colleagues. This little child's name is Jakie Johnson. Jakie Johnson as an encephalic baby. I want to describe to my colleagues the difference that would have occurred had his mother had a partial-birth abortion. She would have had a 3-day procedure where she developed, as she went through the procedure, forced dilatation. On the third day the doctor would have reached into her womb, ruptured her membranes, the water would have drained out, he would have grabbed with tongs, pulled the baby around, forced the baby out, collapsed the skull, and the baby would have been born dead.

I want to tell my colleagues what happened with Nancy Johnson and her son, Jakie.

□ 1130

Nancy chose not to terminate her pregnancy. I delivered that baby in the middle of the night, alive. That baby died 3 hours later in its mother's and father's arms. Now tell me which is the better outcome for the mother and father and the child, to have some vague, horrendous, risky procedure done, or to have a delivery of a malformed baby which dies in its parents' arms?

If Members think we should abandon the love and caring of a parent as a child dies, then Members should vote against this rule. If Members think there is something to parenting, loving, and caring, then vote for this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is a difficult issue. It is an issue which tears Americans apart. Almost every American I know values life, values children, values those in the dawn of their life, as was said earlier.

Let me start by accepting the premises put forth by the gentleman from Oklahoma (Mr. COBURN), the premises as to why this procedure is used. Let us accept that. But let us also accept his other proposition, that the termination of the pregnancy can be effected by three other methods. That is what the gentleman from Oklahoma (Mr. COBURN) just told us minutes ago.

Then let me turn to the gentleman's assertion that he could have supported and would support the amendment offered by the gentleman from Massachusetts (Mr. FRANK). Then let me assert

that it is my position, the position of the gentleman from Pennsylvania (Mr. GREENWOOD), and the position of those of us who ask for this amendment, the Hoyer-Greenwood amendment to be made in order, that we are opposed to all late-term abortions because we value that viable child; because we believe, consistent with the Constitution, the State has an interest in ensuring that that child has every opportunity to live.

Yes, as the Supreme Court and the Constitution require, we adopt the premise that one must relate to the life of the mother and to the health of the mother. As an aside, let me say that most Members and clearly most of the public believe that rape and incest ought to be exceptions.

As the good doctor knows, a woman's physical health is not put at risk per se because the pregnancy results from either incest or rape. It is in fact in the combination of the physical and mental trauma from which that pregnancy results. In fact, what we ask for in this, the people's House, we send 435 Members, men and women from across the breadth of this land to try to come together and make very difficult judgments.

This rule adopts the premise that there is a simplistic approach. It is a gag rule. It is a closed rule. It allows for no alternatives but the alternative presented, not even by the committee, which did not report this bill out. It is in that sense clearly, Mr. Speaker, a political, as opposed to substantive, approach to legislating in this House.

This ought not to be on an issue of this consequence, of this seriousness. There should have been allowed by this rule the opportunity for full debate and alternatives to be considered. My bill, the bill of the gentleman from Pennsylvania (Mr. GREENWOOD), the amendment we sought, said we want to make it the policy of the United States of America that late-term abortions are illegal, not allowed, prevented; not just one procedure of which the gentleman from Oklahoma speaks, but including the three procedures that the gentleman from Oklahoma also referred to, by whatever procedure. We want to deal with this issue substantively.

Mr. Speaker, I ask Members to vote against this rule. Let us legislate thoughtfully, fully, on this critically important matter, and let us prevent and make illegal late-term abortions.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some years ago Governor Cuomo of New York made the statement that you are going to hear on the floor of this House during this debate. He said, I am personally opposed to abortion, but I will not vote to end a woman's right to choose.

George Will responded to that in an article in the newspaper, where he pointed out that it is a morally incoherent statement. It is morally incoherent. He further pointed out that 141 years ago this year, Justice Roger B.

Taney wrote the Dred Scott decision, which said essentially that Americans may continue to own African-Americans as chattel. What was not broadly known at that time was, 30 years prior to that, Justice Taney released his own slaves to freedom. He personally did not believe in slavery, but he did not mind if you did. That is morally incoherent.

There have been three times in the history of this great Nation when we have declared portions of our population to be nonpersons under the constitutional protections. The first was Native Americans, when we took their land. The second was black people, when we took their freedom. The third is unborn children, when we are taking their lives.

We are still repenting for the first two. We face yet the third.

Let me just close by saying this. When a Nation puts people in jail and fines them for destroying the potential life of unborn loggerhead turtles and bald eagles, and pays people for destroying the potential life of unborn babies, that Nation has lost its way.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I could just say, in defense of my former Governor Mario Cuomo, I say to the gentleman that it is possible to personally object to something but not require that everybody else agree with you.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 179, not voting 11, as follows:

[Roll No. 102]

YEAS—244

Aderholt  
Archer  
Armey  
Bachus  
Baker  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter

Berry  
Biggart  
Billirakis  
Bishop  
Bliley  
Blunt  
Boehner  
Bonilla  
Bono  
Borski  
Boswell  
Brady (TX)  
Bryant  
Burr

Burton  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Chabot  
Chambliss  
Chenoweth-Hage  
Clement  
Coble  
Coburn  
Collins  
Combest

Cooksey  
Costello  
Cox  
Crowley  
Cubin  
Cunningham  
Danner  
Davis (VA)  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Dickey  
Dingell  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Everett  
Ewing  
Fletcher  
Foley  
Forbes  
Fossella  
Fowler  
Franks (NJ)  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Goode  
Goodlatte  
Goodling  
Goss  
Graham  
Granger  
Green (WI)  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill (MT)  
Hilleary  
Hobson  
Hoekstra  
Holden  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Isakson  
Istook  
Jenkins  
John

Johnson, Sam  
Jones (NC)  
Kanjorski  
Kasich  
Kildee  
King (NY)  
Kingston  
Kleczka  
Knollenberg  
Kucinich  
LaFalce  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Manzullo  
Mascara  
McCollum  
McCrery  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McNulty  
Metcalf  
Mica  
Miller (FL)  
Miller, Gary  
Minge  
Mollohan  
Moran (KS)  
Murtha  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oxley  
Packard  
Paul  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Pombo  
Portman  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Regula  
Reynolds  
Riley  
Roemer

Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaffer  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Sisisky  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Spence  
Stearns  
Stenholm  
Stump  
Stupak  
Sununu  
Sweeney  
Talent  
Tancredo  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Toomey  
Traficant  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Weygand  
Whitfield  
Wicker  
Wilson  
Wolf  
Young (AK)  
Young (FL)

NAYS—179

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barrett (WI)  
Becerra  
Bentsen  
Berkley  
Berman  
Billbray  
Blagojevich  
Blumenauer  
Boehlert  
Bonior  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Buyer  
Capps  
Capuano  
Cardin  
Carson  
Castle

Clay  
Clayton  
Clyburn  
Condit  
Conyers  
Coyne  
Cramer  
Cummings  
Davis (IL)  
Davis (FL)  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Deutsch  
Dicks  
Dixon  
Doggett  
Dooley  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)

Frelinghuysen  
Frost  
Gejdenson  
Gephardt  
Gilman  
Gonzalez  
Gordon  
Green (TX)  
Greenwood  
Gutierrez  
Hastings (FL)  
Hill (IN)  
Hilliard  
Hinchee  
Hinojosa  
Hoeffel  
Holt  
Hooley  
Horn  
Hoyer  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (CT)  
Johnson, E. B.  
Jones (OH)  
Kaptur

|                |               |               |
|----------------|---------------|---------------|
| Kelly          | Moran (VA)    | Serrano       |
| Kennedy        | Nadler        | Sherman       |
| Kilpatrick     | Napolitano    | Slaughter     |
| Kind (WI)      | Neal          | Smith (WA)    |
| Kolbe          | Obey          | Snyder        |
| Kuykendall     | Olver         | Spratt        |
| Lampson        | Ortiz         | Stabenow      |
| Lantos         | Ose           | Stark         |
| Larson         | Owens         | Strickland    |
| Lee            | Pallone       | Tanner        |
| Levin          | Pascrell      | Tauscher      |
| Lewis (GA)     | Pastor        | Thompson (CA) |
| Lofgren        | Payne         | Thompson (MS) |
| Lowey          | Pelosi        | Thurman       |
| Luther         | Pickett       | Tierney       |
| Maloney (CT)   | Pomeroy       | Towns         |
| Maloney (NY)   | Porter        | Turner        |
| Matsui         | Price (NC)    | Udall (CO)    |
| McCarthy (MO)  | Rangel        | Udall (NM)    |
| McCarthy (NY)  | Reyes         | Velazquez     |
| McDermott      | Rivers        | Visclosky     |
| McGovern       | Rodriguez     | Waters        |
| McKinney       | Rothman       | Watt (NC)     |
| Meehan         | Roybal-Allard | Waxman        |
| Meeks (NY)     | Rush          | Weiner        |
| Menendez       | Sabo          | Wexler        |
| Millender-     | Sanchez       | Wise          |
| McDonald       | Sanders       | Woolsey       |
| Miller, George | Sandin        | Wu            |
| Mink           | Sawyer        | Wynn          |
| Moakley        | Schakowsky    |               |
| Moore          | Scott         |               |

NOT VOTING—11

|          |           |          |
|----------|-----------|----------|
| Campbell | Markey    | Myrick   |
| Cook     | Martinez  | Oberstar |
| Crane    | Meek (FL) | Vento    |
| Klink    | Morella   |          |

□ 1203

Mr. LIPINSKI changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above record.

The motion to reconsider was laid on the table.

Stated against:

Mrs. MORELLA. Mr. Speaker, on rollcall No. 102, I was at a meeting in the Russell Caucus Room and my beeper didn't go off. Had I been present, I would have voted "no."

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 457, I call up the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 3660 is as follows:

H.R. 3660

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 2000".

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

**"CHAPTER 74—PARTIAL-BIRTH ABORTIONS**

"Sec.

"1531. Partial-birth abortions prohibited.

**"§ 1531. Partial-birth abortions prohibited**

"(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

"(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

"(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

"(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

"(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) statutory damages equal to three times the cost of the partial-birth abortion.

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

"(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

**"74. Partial-birth abortions ..... 1531".**

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 457, the gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, the House once again considers legislation to ban partial-birth abortion. Similar legislation, as every Member is surely aware, has been considered in each of the last two Congresses. And in each Congress, this House not only has passed the legislation, but also overrode a Presidential veto.

The partial-birth abortion act would have become law during the last Congress, if support in the other body had not fallen just short of the two-thirds majority necessary to override the Presidential veto.

Some of us ask why we are considering this measure again. The answer to that question is quite simple. This House has a responsibility to do everything in its power, notwithstanding the President's stubborn support for partial-birth abortion, to put an end to this practice, which has no place in a civilized society.

The House cannot remain silent while a procedure, such as partial-birth abortion is being performed across this land. The debate over this procedure was sparked in 1992 when an abortionist named Dr. Martin Haskell presented a paper in which he described this procedure, which I will now describe to the House.

Mr. Speaker, in the procedure described in the paper by Dr. Martin Haskell, in 1992, the abortionist in the first step of the procedure guided by ultrasound grabs the live baby's leg with forceps, as is depicted in this drawing.

The abortionist then goes to step 2 in which the baby's leg is pulled out into the birth canal. Third, the abortionist delivers the living baby's entire body except for the head, which is deliberately kept lodged just within the woman's cervix. The abortionist then jams scissors into the baby's skull, and the scissors are opened to enlarge the incision. This is in the fourth step, depicted here in this drawing. Finally, the scissors are removed, and a suction catheter is inserted. The child's brains are removed by the suction catheter, causing the skull to collapse, and the delivery of the child is then completed.

Now, I have described this procedure on the floor of this House previously during the consideration of legislation in past Congresses. Every time I describe it, I am moved with the sense of horror at what is actually taking place when this procedure is performed.

I would appeal to all the Members of the House to consider the chilling reality of what actually takes place when a partial-birth abortion is performed. Put aside all the misrepresentations, put aside all the falsehoods that have been brought forward by the supporters of this procedure, and consider the reality that is demonstrated in these simple drawings. I would submit to the House that we cannot in good conscience sit idly by while such deeds are being done in this Nation under the protection of the law.

Now, from the beginning of the debate over this legislation, the supporters of partial-birth abortion have relied on an array of misrepresentation and outright lies to cover up the truth about this odious practice.

For example, the abortion lobby lied and said that the procedure was rarely used, estimating the number performed annually at approximately 500. An investigation by a newspaper in New Jersey revealed, however, that approximately 1,500 partial-birth abortions are performed per year in one clinic alone in the State of New Jersey.

Ron Fitzsimmons, the head of the National Coalition of Abortion Providers, admitted in an interview with the American Medical News that he had lied through his teeth. Those are his words, "lied through his teeth," when he "spouted the party line" as he went on to say to ABC's Nightline news program by claiming that the annual number of partial-birth abortions was only 500, instead of the 3,000 to 5,000 he now admits.

The abortion lobby also claimed that partial-birth abortions are performed only in rare cases involving serious fetal deformities or to preserve the life or health of the mother. Once again, that falsehood is contradicted by the plain evidence.

The American Medical Association has clearly stated that the partial-birth abortion procedure is not good medicine and is not medically indicated in any situation. They may not support the bill for their own internal political reasons, but that statement of theirs that this procedure is never medically indicated still stands.

Similarly, the Physicians' Ad Hoc Coalition for Truth, a group of over 400 physicians who are professors or specialists in obstetrics and related fields, has said, and I quote them, "partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary," they go on to say, "this procedure . . . can pose a significant threat to both her immediate health and future fertility."

H.R. 3660, the bill that is before the House today is similar to the bill that passed the House and Senate during the last Congress. The language of the bill has been modified slightly from the previous version in order to alleviate concerns raised in response to various court decisions striking down State partial-birth abortion bans on the grounds that those bans also reached conventional abortion procedures in which the fetus is dismembered and then removed from the mother. The new language makes clear that, for the bill to apply, partial delivery into the birth canal is not sufficient, but that the partial delivery must be outside, and these are the words of the bill, "outside the body of the mother."

Now, contrary to the claims of the opponents of this legislation, there is no constitutional barrier to banning the partial-birth abortion procedure. In *Roe v. Wade*, the Supreme Court held

that women have a constitutional right to abort unborn children. The baby that is killed during a partial-birth abortion is no longer unborn, however, but is partially born, and the *Roe* court did not hold that partially born children are without protection under the Constitution.

There is an absolutely very clear distinction between what the court was dealing with in the *Roe* case as controversial as that may be and as much as some Members of this Chamber may disagree with it, there is a very clear distinction between that and what we are dealing with in this bill which addresses the procedure of partial-birth abortion.

In fact, in *Roe*, the court specifically noted that a Texas statute prohibiting the killing of a child during childbirth had not been challenged. The partial-birth abortion ban is soundly premised, I would submit to the Members of this House, upon the view that the abortion created in *Roe* does not extend to partially born children.

Now, let me ask every Member of this House to consider the victims of partial-birth abortion, the tiny human beings whose lives are snatched away by this cruel practice. Look at this procedure that is performed. Consider that this is happening to living human beings. Now, most of the victims of this gruesome procedure are killed during the second trimester finishing in the 20th week of gestation.

Now, who are these tiny members of the human family? Are they worthy of the protection against destruction as they are being delivered from their mother's body? Are they worthy of the protection that this bill would provide for them? I ask all of the Members of this House to reflect carefully on the value of the lives of these unique, defenseless human beings as they consider how they will vote today.

Consider, I ask my colleagues, the close connection between the partially born child and the newborn baby. Recognize the undeniable continuity between the developing child in the woman who may be subjected to partial-birth abortion and all other members of the human family.

□ 1215

Now, we all know that sometimes heroic medical efforts are made to protect the well-being or to save the lives of unborn children. We have seen dramatic evidence of that in recent years. There have been marvelous advances in medicine which have made it possible to perform medical procedures on babies in the womb so that their lives can be preserved and their health can be protected. Surgery is performed on children in the womb to correct problems that might otherwise threaten their lives.

Let me cite one example of a real case, the case of Samuel Armas, and we will show you Samuel. This is Samuel Armas. He was born last year after having prenatal surgery to correct a

case of spina bifida. This surgery was performed when he was at 21 weeks gestation. Now, that is the point when the partial-birth abortion procedures start to be used. They begin using that procedure at about 20 weeks. Samuel had the surgery, it was a success, and he is now the joy of his parents' lives.

I want to show my colleagues another photograph. Now, this photograph should vividly convey a message to all the Members of this House. It shows how children in the womb, like Samuel Armas, can reach out to grasp the finger of the physician who is performing the prenatal surgery. We can observe the arm of the child has been extended from the incision made in his mother's womb. He has reached out and grabbed the finger of the physician.

I saw this photograph and similar photographs for the first time quite recently. And when I first saw it, I could only remain silent and in awe for moments after I had seen this image. Let me ask my colleagues, as Members of this House, can we say that a baby at this stage of development, this baby reaching out and grasping for life, should be denied protection against partial-birth abortion? Can we remain blind to the meaning of this tiny grasping human hand? Is there anyone in this House whose finger has been grasped by a newborn baby who can turn away from this image and support a terrible practice such as partial-birth abortion? How can we deny the humanity of this tiny child reaching out of his mother's womb?

I beg of all the Members of this House to once more recognize our common humanity with the victims of partial-birth abortions and pass the legislation that is before the House today to end this shameful, outrageous practice, which is an offense against humanity.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

My colleagues, we should make no mistake, this bill is not about legislating, it is a game designed to thumb Congress' nose at the constitutional bedrock of *Roe vs. Wade*, which gives a woman the right to choose. And so this is a game designed to provoke a veto, which will surely occur.

Now, we would all like to end unnecessary partial-birth abortions. Indeed, had the majority really wanted to do this, we could have started working together to pass legislation some 15 months ago when this session started. Democrats would have worked to pass such legislation. But, instead, we have a charade. We wait 15 months, no hearings, no markup in subcommittee, no markup in full committee, no amendments allowed to be offered on the House floor. Why? Because the sponsors of this legislation do not want us to offer a real proposal that could get signed into law and pass constitutional muster. On their part, this is not a good-faith effort. Instead, they want a

bill that they cannot pass into law or meet the requirements of the Constitution. They do this because they want an issue, not a law that will ban unnecessary late-term procedures.

What does this mean? The majority wants to trample the constitutional rights of a woman to obtain certain procedures when she needs them to protect her health. It wants to force women, like Kim Custis, to carry their pregnancies to term. Ms. Custis wanted to have a baby, but she found out not once but twice that the fetus she was carrying had no brain tissue. The first time this happened, the Nebraska law that has now been enjoined was still in force, and there was no way for her to have a safe, legal abortion. The sponsors of this bill would have Ms. Custis carry this fetus, who had no brain.

If anyone has any doubt about the game that is being so crudely choreographed here today, it will be dispelled if they look across the street at the Supreme Court, which is set to hear arguments on the constitutionality of an earlier version of the same measure. Under normal circumstances, we would be loathe to get out ahead of the Supreme Court in a case concerning virtually identical language. That is because ever since the Supreme Court decision in *Marbury v. Madison*, nearly 200 years ago, we have recognized that the Supreme Court has the last word on the constitutionality of our laws. Not us, but them.

But it is an election year, and the Republican leadership cannot wait for the Supreme Court to fulfill its constitutionally mandated role. The reality is this bill is unconstitutional because it contains no exceptions providing for the physical health of the mother, and that is why we should vote against it. *Roe vs. Wade* clearly holds that a woman's right to protect her life and health in the context of reproductive choice trumps the Government as Big Brother in its desire to regulate.

Medical and legal experts who have viewed the legislation note that it is extremely vague and broad and, as a result, may outlaw abortion procedures at any stage of pregnancy. In fact, in Michigan, on July 31, 1997, Judge Gerald Rosen struck down Michigan's partial-birth abortion ban, in the first case finding the definition of partial birth so vague that doctors lacked notice as to what abortion procedures were banned. Moreover, the court found that the State law unduly burdened women's ability to obtain an abortion.

It is clear that this bill violates that well-established constitutional law long settled by *Roe*. Even one of the most leading conservative jurists in the 7th Circuit, Chief Judge Richard Posner, who was appointed by President Reagan, has himself said of these legislative end runs, "These statutes are concerned with making a statement in the ongoing war for public opinion, though an incidental effect may be to discourage some late-term

abortions, the statement is that fetal life is more valuable than women's health."

So for heaven's sake, let us not force by legislative fiat the Kim Custises of this world to bring to term fetuses that cannot survive. Let us stop trying to usurp the duties of the United States Supreme Court. Let us take the politicians out of the bedrooms.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for bringing this bill to the floor.

Mr. Speaker, once again, I rise to express my support for this lifesaving bill. It is hard to believe that it has not been signed into law already, but we live in very sad times.

Every day, on television, in the papers, on this floor and, in particular, in the White House, I hear over and over again about how much everyone cares about children. Never in the history of man has more lip service been paid to the needs of our children. But, tragically, never in history have children been sacrificed so mercilessly in such high numbers.

Abortion is a stain on our Nation that we must begin to wash away. A ban on partial-birth abortions is the first step.

Bill Clinton even ran for the presidency by saying that he wanted to make abortion rarer; but after 8 years in office, he has done nothing to curtail the number of abortions in this country. In fact, he has twice vetoed the attempts of Congress to eliminate the harshest abortion techniques. And make no mistake about it, that is what this bill does.

We need to be honest about what abortion is. We also need to be honest about what this specific technique is. I have heard some of my colleagues complain about the charts that have been shown here on the floor that explain the process of partial-birth abortion. Well, that is what happens to between 3,000 and 10,000 babies every year. The descriptions of this procedure are reality. Now, most Americans would not want this done to a dog; yet the White House and others turn their heads away as it is done to babies.

The abortion industry has gone too far, and on this issue the conscience of this country has been pricked. A vast majority of Americans now believe that partial-birth abortions should be illegal. Mr. Speaker, the President needs to listen to the conscience of America and sign this ban.

Mr. CONYERS. Mr. Speaker, I yield 4½ minutes to the gentlewoman from New York (Mrs. LOWEY), one of the leaders in our struggle for sensible abortion procedures.

Mrs. LOWEY. Mr. Speaker, we are here today considering this ban for the seventh time in 5 years. Seven times we have stood here and talked about

the need to protect the health of American women, seven times we have asked our colleagues to stop playing politics with women's lives, and seven times we have shown this bill to be an attack on the constitutional right to reproductive choice embodied in the *Roe v. Wade* decision. But we are back, unfortunately, and, sadly, probably not for the last time.

I want to ask my colleagues to think about the nature of this issue for a moment. What we are doing today, if we pass this ban, is inserting ourselves, the Government, into one of the most personal and painful decisions a woman will ever have to make. I know my colleagues do not believe in that principle. I sat here yesterday during the debate on organ transplants as Member after Member came to this floor and expressed shock and outrage that the Government would dare insert itself in the medical decision-making process.

□ 1230

Well, today they are asking us to go even further. Not only are they demanding that we stand between doctor and patient, but also that we place ourselves between husband and wife, mother and daughter, clergy and parishioner. Legally, this is unconstitutional. And morally, it is unconscionable.

Mr. Speaker, *Roe v. Wade* expressed three basic values, values that the American people overwhelmingly support.

First, the decision to terminate a pregnancy is private and personal and should be made by a woman and her family without undo interference from the Government.

Second, a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term.

Third, determinations about viability, health, and risks must be made for each woman by her physician.

This bill, my colleagues, rejects each of these values. It contains no mention of fetal viability, no protection for the health of the woman, and leaves no role for the physician. The Government makes all the decisions. And make no mistake, real families will suffer if this legislation becomes law.

Yesterday, a number of us talked with the Koster family. Kim Koster and her husband Barry have now lost two pregnancies to anencephaly, a condition in which the fetal brain does not develop.

Kim is young, just 31. She is healthy, with no family history of this devastating condition. Yet, she and her husband have had to terminate two pregnancies. And if they choose to have that baby they have been dreaming about their entire lives, there is a 50/50 chance that they will have a third anencephalic pregnancy.

Kim and Barry want to be parents. They want the opportunity that so many of us have to bring a baby of their own into this world. Yet, the supporters of this bill would deny them access to a decision to terminate the

pregnancy that would protect Kim's well-being.

I want my colleagues to know that I respect them and the oath we have to make decisions based on what we believe is right. I believe, with all my heart, that this bill is wrong and that we must stand against any abortion law that would leave families like Kim and Barry without options when they already have so much at stake.

My colleagues, we believe that women matter. We believe that their lives are irreplaceable and worth protecting. That is why we oppose this ban. Let us reject this assault on our values and our health and stand up for the principles embedded in Roe v. Wade. Vote "no" on this bill.

Mr. VITTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong support of H.R. 3660, the partial-birth abortion ban.

My position on this legislation is based on my concern for the health and safety of both the mother and the preborn child.

The medical value of the procedure in question is often misrepresented. The truth is that this procedure poses a greater risk to the mother's health than a full-term delivery. Studies have only begun to measure the physical, the psychological, and the emotional tolls abortions take on women.

We must not be fooled by the claims that partial-birth abortions are necessary to save lives. The truth is that the members of the American Medical Association have yet to find a single case where this procedure is medically necessary. In the words of former U.S. Surgeon General C. Everett Koop, "In no way can I twist my mind to see that the partial birth, and then destruction, of the unborn child before the head is born is a medical necessity for the mother."

According to the abortion industry itself, the vast majority of partial-birth abortions are performed on completely healthy mothers and healthy babies. In fact, many of the preborn children aborted using this procedure would have a really realistic chance of survival outside of the womb.

Thousands of infants are dying a painful, gruesome death every year. We have a grave responsibility to protect them from this inhumane treatment. I urge my colleagues to join me in eliminating this method of execution.

The President, by his consistent vetoes, has demonstrated that he is out of step with the vast majority of Americans who have stated their opposition to this procedure.

Mr. Speaker, we must demonstrate our commitment to the wishes of the American people by passing this legislation at this time in accordance with the wishes of the American people. I urge the President to sign this particular ban.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New

York (Mr. NADLER) who has worked long and hard on this measure. He is a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, this bill, which would ban legal abortion procedures, is deceptive, extreme, and unconstitutional.

The bill has come before us time and time again with the obvious purpose that has been obscured behind the inaccurate and inflammatory picture. Do not be fooled. This is nothing less than an attempt to outlaw all abortion. The bill is so vague that no one is quite sure exactly what we are banning. The courts have not been able to determine it. Similar State versions of the bill are currently enjoined in 18 States.

Doctors have testified repeatedly and courts across the land have found that similarly worded bans can apply to virtually all procedures used in the second-trimester of pregnancy and each to some first-trimester abortions.

Why do not legislators try to simply ban all abortions, then? Because the American people would not stand for it and the Supreme Court would not stand for it.

The proponents of this bill oppose all abortion. They oppose first-trimester abortion. They oppose pre-viability abortion. They oppose Roe v. Wade. They oppose health exceptions. They oppose simple-life exceptions. Some even oppose contraceptives. Just ask them. They represent extreme forces in this country and most Americans reject their rhetoric and their views.

So what is it we have before us, then? A dead bill, a bill that is not going anywhere, a bill that has been defeated more times than the Washington generals.

Every year we point out its shortcomings and drafting errors and they refuse to fix it. And this bill will die again. Why should it die? Because it is unconstitutional on its face, because it does not provide for health exception, because it does not provide for an adequate life exception, because it is vague, because it limits the ability of doctors to offer medical care, because it allows abusive boyfriends to beat their pregnant girlfriends, abandon them, and sue them if they have an abortion.

Why should this bill be rejected? Because it substitutes for a woman's choice a Government mandate.

This bill is about the right to choose. Should the woman choose, or should the politicians choose for her? During the HMO debate, we all agreed that doctors and patients should make medical decisions, not bureaucrats. The same holds true here. Doctors and patients should decide what is the safest, most medically appropriate procedure for an abortion, not the U.S. Congress.

Most of us are not doctors in this House and we should not place ourselves in the operating room between the women and their doctors. I hope the House rejects this bill.

Mr. VITTER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

(Mr. TERRY asked and was given permission to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 3660.

It is well documented that partial-birth abortions are widely performed on healthy mothers and healthy babies who might be able to live outside of the womb. In this horrific procedure, a baby is partially delivered feet first and stabbed in the back of head by an abortion doctor, who then vacuums out the baby's brains. The baby is killed only three inches away from taking its first breath and being indisputably recognized under the law as a human being with the right to live.

Mr. Speaker, whether it is my first time or this body's seventh time, I urge my colleagues to do the right thing and support H.R. 3660.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Ms. WATERS).

Ms. WATERS. Here we go again, Mr. Speaker. Every election cycle, the Republicans want the House to participate in their ritualistic attack on women and the very difficult choices that they have to make on the issue of choice. The reality of this situation is that this bill would leave the health of women completely unprotected.

In the past 25 years, the Supreme Court has consistently held that a woman's health and life must be protected throughout pregnancy. The court has mandated health and life exceptions to restrictions.

H.R. 3660 flies in the face of the law, the difficult medical decisions that families have to make, and the American people by containing no exception for a woman's health at any point in the pregnancy.

Knowing how extreme their position is on this issue, the Republican leadership allowed no markups in the Committee on the Judiciary, no offer of amendments in the Committee on Rules, and even denied the Hoyer-Greenwood substitute, which would provide for a Federal ban on all post-viability abortions except those needed to preserve the woman's life or to avert serious adverse health consequences.

The Republican leadership says that the Hoyer-Greenwood substitute is too broad. Since when is the preservation of a woman's life too broad? And why would the Federal Government want to impose its will on a family's decision in this very, very difficult situation?

The reality is that H.R. 3660 is too broad. The bill is not about protecting the woman's health. It is about protecting the will of the right wing base of the Republican party.

I would ask my colleagues to vote "no" on this politicizing of this issue in this political year. I would ask them to vote "no" on the rule of H.R. 3660 and please oppose this legislation that seeks to endanger a woman's life.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I thank my friend from Florida (Mr. CANADY) for yielding me the time.

Mr. Speaker, we have heard from a number of my colleagues on the House floor about how difficult this issue is. It is a difficult issue for all involved with very dire consequences.

I join with Democrats, Republicans, Independents, I join with liberals or conservatives that support this legislation to ban partial-birth abortions. I do not think this is a question of *Roe v. Wade*. It is a question of life v. death for scores of children.

Now, I am not a physician. I readily admit that. I am not a physician. And I am not going to describe on the House floor how horrific or brutal this act is. But what do physicians say when we ask the people that are experts on this issue what they think of this partial-birth abortion procedure?

In 1995, the American Medical Association's Legislative Counsel, a panel consisting of 12 doctors, voted unanimously, voted unanimously, to ban partial-birth abortions.

A group of 300 physicians, joined by the former Surgeon General C. Everett Koop, said, "This procedure is never medically necessary to protect a mother's life or her future fertility. On the contrary, this procedure can pose a significant threat to both."

Today, the House of Representatives and the Nation have the opportunity to put value on the sanctity of human life; and I encourage support for this bill.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN) a member of the committee.

Ms. BALDWIN. Mr. Speaker, in 1973, the Supreme Court held that women have a constitutional right to choose an abortion. That decision, *Roe v. Wade*, was carefully written to hold the rights of women in America paramount in reproductive decisions.

This decision and those that followed have held that women have a constitutional right to choose an abortion. But, after fetal viabilities, States could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

□ 1245

In essence, *Roe v. Wade* says that women matter, that women have the right to decide whether and when to have children, and that women shall not be forced to give their lives or sacrifice their health to carry a child. It also says that these choices are private, that they are to be made by a woman in consultation with her physician, her family, and whomever else she chooses to consult for counsel. Government has no place in this most private decision.

The legislation before us today is in direct contravention of the court's rul-

ing. It does not ban post-viability abortions as its sponsors have claimed. It bans abortion procedures regardless of how far along in a woman's pregnancy the decision occurs. This legislation as drafted does not provide an exception to preserve the health of a mother as required by law.

Let there be no doubt about it, this legislation is nothing but a political issue. This legislation does nothing to end post-viability abortions as our alternative would. And it does nothing to prevent unwanted pregnancies and to make abortion rarer in the United States. Voters in Colorado, Washington, and Maine have recognized this and defeated similar bans on the ballot. And of the 30 States that have enacted legislation similar to the one before us today, 21 have been challenged in court and 19 of those challenges have been either partially or fully enjoined while their constitutionality is considered.

While I am not willing to concede that this legislation describes a medical procedure that any doctor in this land would recognize, it is important to note that the graphic images being shown and described do not reflect the real life stories of families who have needed this procedure either to save the life or to preserve the health of the mother. As I hear stories from these women who courageously are willing to speak about this most personal decision, when they are willing to talk about the abortion and the medical care they received during crisis pregnancies, I am struck by a common remark these women have made, that these scenarios being described by proponents of the bill are not about them and their families, that they do not represent their cases. The women I have spoken to wanted nothing more than to have a child and were devastated to learn that their babies could not survive outside the womb. They made difficult decisions with their doctors and families to terminate pregnancies, to preserve their own health and in many cases their ability to try to have a child again.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I just have to take issue with the comments that have been preceding this debate. This is not a political issue. This is a human issue. Let me just say this to all of my colleagues who are about to vote on this issue. On the motion to recommit, the health exception is a loophole wide enough to drive a Mack truck through it. The health exception would render this ban virtually meaningless.

Let us just go over what this procedure does. The abortionist forcibly turns the child into the breech, feet first in that position, then the abortionist pulls the living child out of the mother by the leg until only the head is left inside, stabs the child at the base of the skull and sucks out the brain with a vacuum, pulling the now dead child out of the mother.

Mr. Speaker, C. Everett Koop, hundreds of OB-GYNs have told us that this is not medically necessary. In the words of the former Surgeon General himself, from the evidence that has been presented in standard OB-GYN textbooks as well as in the annals of research in OB-GYN, there is no medical necessity for this abortion procedure.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the majority whip got up just a few minutes ago on this floor and said, "Abortion is a stain on this country. A ban on partial-birth abortion is just the first step."

Make no mistake about it, my friends. This bill is intended, as he said, as just the first step to banning all abortions. That is why the leadership has chosen this issue, this wedge issue, in this election year with complete disregard to whether or not the bill is constitutional or whether or not the bill can be upheld. Nineteen State and Federal courts have already ruled that the definitions in bills like this one are overly broad and as a result would subject physicians to prosecution if they perform any abortion procedures. We would not be surprised if, even if by some slight chance the bill were upheld, it would effectively end most all abortions in this country. Again, make no mistake about it, that is the true intent of the supporters of this bill. This Congress and the American public have got to recognize and understand that.

Nobody in this Congress wants to see abortions. This legislation denigrates the experiences of women like Eileen Sullivan who was anxious to start her family and was eagerly awaiting the arrival of her baby when she received the horrifying news that her baby would not live. Her doctor decided that this procedure was the only one that could be used to preserve her life and her health and help her have babies in the future.

To pass this bill today is to deny women like her a safe and compassionate procedure when deep tragedy strikes the family. To pass this legislation is to allow the Federal Government to grievously interfere with the doctor-patient relationship and slither its way into the most personal decision a family can make. I urge my colleagues to think rationally and compassionately on an issue that is anything but rational and compassionate before they vote today. To assume that it is easy for any woman to choose this or any other procedure is offensive to all women who face such a heart-breaking situation. And it is indeed offensive to all women to think that they would have this procedure just for fun.

Mr. Speaker, I would ask those considering voting yes on this bill to think of the women in your life. What would you do if the doctor asked you to

choose between your wife or your daughter and her pregnancy?

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise today in support of the children who are killed as they leave their mother's womb. There is no legitimate debate about the nature of this procedure. It has been described and the bottom line remains, babies begin to leave the womb with life, they finish leaving the womb without it because of this procedure. Opponents of the bill decry the way this procedure is described.

Their real problem is that the truth hurts, and in this case it horrifies; and they do not want the American people to know the horrible reality of this so-called medical procedure that even the AMA has said is "not good medicine" and "not medically indicated" in any situation. Opponents also label those of us who are for the bill as right-wing extremists. But is the AMA a group of right-wing extremists? Is Everett Koop a right-wing extremist? Are the great majority of the American people who strongly support this ban all right-wing extremists? The debate makes clear that opponents of this bill are the fringe in this debate and the extremists in this debate, and the American people know that.

Mr. Speaker, if this body is to have any credibility at all on addressing the issue of violence in our society, we must outlaw this government-sanctioned violence against the most vulnerable and innocent among us.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we have always heard that there is no rest for the weary. Well, the women in America are weary. They are just plain tired of the constant stream of attacks launched by the Republican leadership against their right, a woman's right to make decisions about their health and their lives. Today marks the seventh time the House will consider this dreadful issue.

Today's assault on women is dangerous. It puts women's health at risk and attacks the core principles of *Roe v. Wade*. *Roe* provides American women a constitutional right to make their own health choices and for women to terminate pregnancy up to fetal viability. *Roe* ensures a life and health exception. But this bill does not. It puts women's lives and health at risk. *Roe* clearly states that our government cannot force a woman to sacrifice her life or health to protect a pregnancy. Yet my Republican colleagues outrageously want the Government to proceed to prevent doctors from providing the best possible medical care to women.

Let us be clear. Women do not choose late-term abortions as a casual form of

contraception. Rather, late-term abortions are a last choice for a woman, when a woman's life or health or the baby's life is terminal or in jeopardy. Further, late-term abortions are the most difficult time and the most difficult decision for a woman and her family to make.

Knowing this, it would appear that the Republicans want to set a precedent before the Supreme Court makes their decision on April 25th on the Nebraska law banning abortions. This law is very similar to this bill. Congress must not legislate on this matter. Congress must uphold the principles of *Roe v. Wade* and vote against this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the authors of this bill claim they want to end abortion of a healthy, viable fetus, one that is developed enough to survive on its own. We could have done so. What is truly disappointing and what should anger American women and their families is that we could have passed a bill today that protects the lives of children and protects the health of women. A bipartisan group of Members put a proposal together. The Republican leadership said no. The Hoyer-Greenwood alternative accurately reflects the view of most Americans. It said it would ban abortions post-viability, that is, after the fetus has developed enough to survive on its own; but it makes two important exceptions, that is, if a mother is going to potentially die or if a mother's ability to have future children is jeopardized. The alternative preserves the doctor's right to determine what is the safest and the most appropriate method of treatment in a woman's given case.

By not allowing the opportunity for compromise, the opportunity to pass a bill that the President would sign, that would become law, the leadership has shown that they are more interested in playing politics than in protecting children as they claim to do.

In 1973, *Roe v. Wade* confirmed one of the most basic rights that we value as Americans, privacy. The case clearly established that women have a constitutional right to choose, to make medical decisions, and that the only point at which a State may enter this equation is after viability. When I listen to our opponents, they would have my colleagues believe that there are women out there who would cavalierly choose an abortion at the very end of her pregnancy, claims that women who have a headache or who want to avoid weight gain would actually choose an abortion at the seventh, the eighth, or the ninth month. To make these claims is to disregard our values as women, our values as child bearers.

□ 1300

How dare you demonize, how dare you trivialize what women in this

country do in giving birth to children. We do bear children, and we are the caregivers of children in this country, and it is offensive, and it is contrary to what lies in our hearts and in our minds as women in this country.

Mr. Speaker, this bill would make women's health irrelevant. Though courts have ruled time and again that women's health must be first and foremost, that she is the patient. American women and their families, what they want is a choice to do what is best for them in some of the most tragic situations that they will, in fact, ever face. As a woman who has faced life and death in a health decision, as a survivor of ovarian cancer, I am offended by the accusation that by defending women who do this, we somehow diminish pregnancy. That is why I stand to oppose this bill today.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of this legislation to ban the partial-birth abortion procedure. I encourage all of my colleagues on both sides of the aisle to do so and to oppose the motion to recommit.

I first learned of this procedure in 1993 when I was still practicing medicine. After a long day of seeing patients in my office, I opened the American medical news and saw this procedure first described, and I was shocked. I was shocked by not only its flagrant violation of the sanctity of human life, but its brutality. I have worked in neonate to intensive care units and I have seen firsthand with my eyes how premature babies respond to pain. When it is necessary to draw blood and needles are placed in their arms, I have seen them draw back, writhe in pain and cry out. Dragging an unborn baby, feet first, partially out of the womb is a brutal violation of the privacy of that child. But to then stab that baby in the back of the skull is, in my medical opinion, not only barbaric, it is excruciatingly painful for these poor, unfortunate souls.

Apologists for this procedure claim that it is necessary in situations to protect the health of the mother or in birth defects. But in the original articles describing this procedure, the developers, McMahon and Haskell admitted that the vast majority of the mothers are healthy and the babies are free of birth defects. Of the small number that did have birth defects, the majority of them were cleft lip and cleft palate, clearly a nonlethal, surgically correctable defect that has no justification for subjecting these babies to a painful and violent execution.

I say to my colleagues, I believe that nations of people are judged not by their economic or military strength, but how they care for the weakest in their culture. Nobody is weaker than an unborn child.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, first, in response to my colleagues' assertions, I must say that a health exemption for women is not a loophole, it is a constitutional right, and it is the right thing to do for America's women. I would argue if a health exemption is such a terrible thing to do, why is Governor Bush in my home State of Texas over the last 5 years while he has been in office not made, to my knowledge, any serious effort to close that so-called loophole in our State.

Mr. Speaker, I am strongly opposed to late-term abortions, but when the health of the mother is at risk, that is a choice that should be made by a woman and her doctor, not by politicians in Washington, D.C.

Coreen Costello was a pro-life Republican and mother of three when her pregnancy turned tragically fatal for her child. Her doctors preserved her fertility with the procedure being outlawed in this bill. She then became pregnant again and gave birth to her fourth child.

Listen to this loving mother's words, and I quote: "Because of this procedure, I now have something my heart ached for, a new baby, a boy named Tucker. He is our family's joy, and I thank God for him."

Mr. Speaker, it is an insult to the women of America to suggest that they want to kill healthy, viable babies just seconds before normal childbirth, and shame on those who would use a deceptive, politically motivated drawing to suggest that American women are monsters that would kill their viable, healthy babies just as they were being born and to do so for frivolous reasons.

The truth is, the truth is they are rare, but tragic cases, cases like Coreen Costello, where their babies had no chance to live, and doctors used abortions to protect the mother's health and her ability to have a child in the future.

This bill would do great harm to decent, loving women such as Mrs. Costello.

By voting no on this bill, we are saying this to American women: when your health is at risk, you and your doctor should make that choice, not politicians in Washington, D.C.

No Member of this House has the right to substitute his or her judgment for that of a doctor and mother faced with such a rare but tragic situation where a pregnancy is failing and the goal is to save a mother's fertility or health. No Member has that right.

Not one!

It is unfair to the women of America to say, "When your health is at risk, Congress should decide which medical procedure should be used." How many in this Chamber are qualified to make that medical decision for someone else's wife or daughter?

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, some day soon, and I believe this is a matter of when and not if, future generations of Americans will

look back with horror, incredulity, and astonishment that some of the best and brightest of this present age vehemently defended the slaughter of over 40 million babies by abortion.

They will wonder how a seemingly sane, enlightened, and compassionate society led by its President, Congress, the media, academia and the courts could have so aggressively embraced violence against children and the abandonment of their mothers.

With a mix of sadness and disbelief, future generations of Americans will absolutely marvel at our blindness and our insensitivity to the inherent cruelty of stabbing, dismembering, and poisoning little children under the euphemism of choice.

What were they thinking, they will ask. How could they have construed the right to privacy to include injections of poisons or the hacking to death by knife or razor blade-tipped curette, so as to procure the death of a child. How could so many have remained unmoved or silent in the midst of a holocaust that claimed the lives of one out of every three babies in this country, 40 million boys and girls, a number roughly equal to five times the entire population of my home State of New Jersey.

Future generations of Americans, and judging by the polls, super majorities of Americans today are finally, at long last, outraged that thousands of children each year are being butchered by partial-birth abortion. They are beginning to get it. Most people I talk to are outraged that babies who are partially born and fully kicking are legally jabbed in the back of the head with scissors for the purpose of making a hole in their fragile skulls so their brains can be sucked out. Anyone who has ever picked up and held a newborn baby knows how wobbly and fragile that child's head is. You gently cradle the child's neck in your hands to protect the baby from harm. The abortionist, on the other hand, has no such motive. When he grabs the baby's head, it is to stab it and to destroy the child.

Mr. Speaker, partial-birth abortion is a monstrous act of cruelty. Partial-birth abortion is a gross violation of human rights, a barbarous form of torture directed at a defenseless baby girl or boy.

The pending bill of the gentleman from Florida (Mr. CANADY) is a desperately needed human rights initiative designed to offer at least a small measure of protection to some babies in a class of human beings who have, since 1973, been legally disenfranchised because of their age, immaturity, or condition of dependency.

Many of us would surely like to save and protect more babies from the violence of abortion; I wish to God we could save more. But I believe we have a moral duty that is not so easily satisfied to save at least some, as many as we can, at every opportunity.

Mr. Speaker, this bill is a very, very modest step in that direction to save at least some.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, as a woman, a mother and grandmother of girls, I am deeply and personally offended by this legislation. It implies that American women just have to be stopped from frivolously deciding to terminate a pregnancy just days or weeks before delivery. It has been stated on this floor that these pregnant women have not explored all of the medical and surgical options to save their babies or protect their own lives, and it takes politicians to stop them.

Mr. Speaker, the truth is, the women who have late abortions are forced to end wanted pregnancies, either because the baby will surely die, like Kim and Barry Koster's baby that had no brain, or the women will seriously jeopardize their own life and health. Women are portrayed as irresponsible baby killers when in fact it is the sponsors of this bill who show utter disregard for the life and health of women.

President Clinton, in vetoing one of the former versions of this bill said quote, for these women, this was not about choice, not about deciding against having a child, these babies were certain to perish during or shortly after birth, and the only question was how much grave damage was going to be done to the women.

This bill implies that the current law allows women to have abortions up to the last minute before delivery, but that is not true. Despite all of the rhetoric to the contrary, Roe v. Wade strictly limits abortions after viability, and the Hoyer-Greenwood alternative would have made that even clearer.

This is not about one procedure or even late-term abortions. This bill is so broad and so vague that it would ban most abortion procedures including some first, and all second and third trimester abortions, and that is the goal. To reverse Roe v. Wade and take away from women what the Supreme Court calls "The most intimate and personal choice a person may make in a lifetime, choice essential to personal dignity and autonomy and central to the liberty protected by the 14th amendment."

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I am amazed at what I just heard, and I want to tell my colleagues that medically, what we just heard is an incorrect, inaccurate statement.

This procedure is never used in first trimesters, it will have no effect on first trimester abortions whatsoever. That was the implication. The Kansas data for the first 3 months of this year

show that what the gentlewoman from Illinois just stated is not true. The Kansas data shows that, in fact, these were viable infants with no significant medical complication.

So I do not deny that I want every abortion in this country to end, but that is not why I am supporting this. This procedure harms women, and there are several other procedures under which the same end result could be accomplished.

So let us keep clear what the facts are here. Babies without brains can be delivered other ways than this way at a whole lot less risk to the mother. Do not lose sight of that fact. There is no question I am not much of a politician, but I am a physician, and I have delivered 3,500 babies and I have cared for women with complications from this procedure.

Let us stay on what the issue is. The issue is, women who have children that are nonviable can, in fact, have a termination under another method. Number two, under the laws of Kansas, as now is happening, viable fetuses and babies are being terminated with impunity when there is no cause to do so.

The other thing to think about, we are not talking about mature women making these decisions, because most of these are teenagers who end up showing up and telling their parents about a pregnancy when they are 24, 25 weeks along. I heard an earlier speaker say about the 7th month. Well, let me tell my colleagues, by the 6th month, babies are viable. We now say babies at 22 weeks. So let us keep the facts about the procedure in line.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this bill, which is an attack on women's health and the constitutional rights of women.

Let us put this vote in perspective. We have already voted on this 7 times. Since 1994 when the Republican majority took control of Congress, there have been 141 votes on choice; on this floor, 112, 79 percent, resulted in an antichoice loss for women.

□ 1315

Each of these votes that are chipping away, chipping away at a woman's right to choose are detailed on my Choice Report which is located on my web site.

This bill does not take into account women's health exceptions. It has no viability threshold, and does not allow a doctor to recommend the best medical procedure for a patient.

The women who follow their doctor's advice and undergo these rare procedures are women who have had to come to terms with pregnancies that have tragically gone wrong. The new majority likes to talk about getting government off their backs, yet here they want to replace a doctor's expertise with a governmental judgment in the most personal of decisions.

Doctors and their patients should make medical decisions. Congress has no place politicizing family decisions and family tragedies.

As the mother of two children, I would have wanted the choice in the event I learned late in my pregnancy that my fetus was so deformed that it was incompatible with life and that my reproductive health was at risk, and also at risk, my ability to have future children. I would have wanted that choice, and I want that choice for every woman in this country.

Vote no on this bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today as a strong advocate for this bill and a strong advocate for the human rights of all Americans, both born and unborn. This Nation must raise the value of life if we are to survive as a Nation and prosper as a people.

This procedure is so horrible, so inhumane, that there should never be a debate over whether or not to protect the lives of these helpless babies. Can Members imagine that it is legal to partially deliver a fully formed child, a child that can survive outside the mother's womb, lying in the doctor's hand, only to kill it by one of the most brutal methods known to man?

But today I want to stress that in passing the partial-birth abortion ban, we must be wary of the so-called serious health exceptions. These health exceptions become a loophole through which even more partial-birth abortions are performed.

The most dangerous of these exceptions is the mental health exception that can even allow for partial-birth abortions in the third trimester, a time in which even the most avid abortion rights activists agree that a fetus, the baby, can live on its own.

The mental health exception essentially nullifies the ban on partial-birth abortions, as by its very nature the criteria can be so vague.

Mental health excuses in today's society are so notoriously footloose. How many of us have taken a day off of work or school for mental health reasons, usually because it is a good day at the beach or we feel like sleeping in? Unfortunately, in passing a mental health exception, precious life itself is held to the same laissez-faire standards.

I am embarrassed to say that because of the mental health exceptions, my home State of Kansas is on its way to becoming the partial-birth abortion capital of the Nation. In 1998, the Kansas legislature passed a partial-birth abortion ban much like the one we are discussing today. However, there was an exception in the case of mental health concerns.

Since passage of the law, partial-birth abortions have not ceased nor have they been decreased. Instead, par-

tial-birth abortions in the State of Kansas have risen by more than 300 percent, all of them because of the mental health exception.

I urge my colleagues to vote against the exceptions and for the final passage.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to this bill, and I urge my colleagues to stay out of the doctor's office and leave the medical decisions to the medical profession.

This is a bad bill because it is anti-family. This bill ignores the health of the mother, and instead it jeopardizes a woman's chance to have a healthy baby in the future.

Let me be clear, a third trimester abortion is an extremely rare procedure. In the State of Florida, we had 25 of these procedures performed last year. Let me give an example of why.

A 31-year-old pregnant woman discovered at 31 weeks of pregnancy that her fetus' brain had grown outside of his head. The baby would not live outside of the womb, and the enlarged head made a regular delivery a dangerous procedure for the woman. This is a woman who wanted a child and a woman who wanted a family.

I ask my colleagues to allow these women to protect their bodies so they can have healthy babies in the future. Let us leave the medical decisions to the medical professionals. This is a bad bill, and I urge Members to vote against it.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by reacting to something said earlier. I come from a State, Wisconsin, which is one of those States that overwhelmingly passed a ban on partial-birth abortions, a law very similar to the one we are taking up today, although perhaps a bit tougher. It has been upheld twice, so let us be clear on the constitutional arguments. It is not as the opponents portray.

It is interesting, some of the tenor of the debate today. Some people are upset that we are taking this bill up because it is inconvenient. It is perhaps annoying to them. I have heard reference that we should not be taking this up because we voted on it seven times before or eight times before. Of course we should be here. We must be here, and we must be here each and every year until this practice is gone.

As long as two-thirds of Americans, a supermajority, want this horrible practice to end but the administration and the abortion industry will not listen, we should be here. As long as so many States have outlawed this but the administration and the abortion industry will not listen, we should be here. As long as thousands of these horrible procedures are performed each and every

year, we should be here. Absolutely, we should be here.

If we fail to take up this cause today, then the other side might just get comfortable. Maybe they will believe that we have lost our resolve, that this matter does not matter to us anymore. Sure we face a tough road ahead. The abortion industry is strong and the White House is not on our side. But if we do not stand up, who will?

I urge all of my colleagues to oppose the motion to recommit and to vote for this very important bill this year, next year, every year until this procedure is gone.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, it is not inconvenient to take this bill up. I would be happy to take this bill up every day of the week for the rest of the year. What is inconvenient is the procedure with which we are taking this bill up. The procedure finds the democratic process, which is the essence of this House and this Nation, and it finds the Constitution to be inconvenient. That is what is inconvenient about this.

Mr. Speaker, my colleague, the gentleman from Kansas, just wanted to have a debate about the mental health exemption. The way that the Republican majority has drafted the rule and drafted the bill, that is a moot point. There is no debate about mental health because the majority does not want to debate a health exemption.

We in Texas think there ought to be a health exemption. Democrats and Republicans, and 40 States think there ought to be some form of a health exemption. But the Republican Congress, which on some days wants to devolve power from the States and other days wants to take it back, whatever is convenient, does not want to allow the debate. That is what is so dismaying about all of this.

My colleague, the gentleman from Wisconsin, said, we have done it all these years. The problem is it has happened for two cycles, two Congresses, and it has been vetoed. Why not open up the process? I do not think my Republican colleagues are necessary anti-democratic, little "d" democratic. Perhaps they are if it is an issue that is inconvenient to them.

That is the problem with the process in this bill. I find that quite dismaying.

The other problem is the unintended consequence of this bill. It has to do with the health of women. This bill supplants the right of women to choose with their doctor what their health procedure will be, and it only affects one instance.

The gentleman from Kansas and the gentleman from Oklahoma, who is a doctor, who I gather only wants us to take one doctor's opinion, even though I think everybody in this House would

want to have multiple opinions if given the opportunity, is telling us that there is a rampant case of late term abortions.

A majority of us agree, and we asked you to bring a bill to allow an amendment to come to the floor. But the gentleman, the gentleman from Florida, who is smiling at this point, apparently did not want to allow the Hoyer-Greenwood bill to come to the floor. I am not sure why. Maybe it was too democratic of a process. Maybe it might have gotten a majority of votes.

Let us debate it. Let us debate what health really is. We have had that debate with the Patients' Bill of Rights, which of course now is stalled in a conference committee. But this House is not allowed to have that debate. Why is that? Because of politics. This is all about politics.

We are charged with the duties of writing the laws of this Nation. We can have very serious disagreements about it, but each Member, not a handful of Members but each Member, should have the right to do it.

What the Republicans have done today is dismaying and it is inconvenient to the rule of order in this House and to the Constitution. That is what is the problem today.

Mr. Speaker, I rise in opposition to H.R. 3660, the "Partial Birth Abortion Ban Act of 2000", a measure that is probably unconstitutional, certainly bad policy, and will likely do little to end late term abortions.

First and foremost, Mr. Speaker, this legislation represents the triumph of raw, partisan politics over substance and the regular order of this House. If the leadership was serious about limiting late term abortions, not just this one procedure, they would have allowed for amendments to be offered including H.R. 2149, the Hoyer-Greenwood-Taucher-Johnson "Late Term Restriction Act," of which I am a cosponsor. Instead, the Republican leadership brought this twice-failed bill to the floor without consideration by the Judiciary Committee—no amendment, no report, just a meaningless political vote. The Republicans are putting politics over policy.

The unintended consequence of H.R. 3660, if it were to become law, is that it would supplant a doctor's judgment as to the best medical procedure to protect a woman's health or save her life with the judgment of Congress. We in Congress are not medical professionals with the expertise to make these difficult decisions. Moreover, I am also dismayed that the entire debate on this issue appears to have been designed to stifle open discussion and prevent consideration of alternative legislation.

I am deeply troubled by post-viability abortions that are elective and not for health or life of the mother. Accordingly, I am cosponsoring a compromise that is consistent with the Supreme Court's rulings on the difficult issue of abortion. The gentleman from Maryland, Mr. HOYER, and the gentleman from Pennsylvania, Mr. GREENWOOD, have introduced a bipartisan bill, H.R. 2149, that would ban all post-viability abortions, not just one procedure, except those needed to preserve the woman's life or to avert "serious adverse health consequences." Americans want medical decisions to be made by doctors. This legislation

would require the doctor to determine—under the threat of litigation and civil penalties—whether continuing a pregnancy posed a serious threat to the woman's health. H.R. 2149 provides a clear, humane, and necessary exemption when there is a serious threat to a woman's life or health.

This compromise bill is consistent with the Supreme Court's *Roe v. Wade* decision and its progeny. It is consistent with state law in 40 states, including my state of Texas, as well as the District of Columbia. In Texas, as in other states, late-term abortions are banned except when the woman's life or health is threatened. I believe our legislation is consistent with the views of the American people. And I believe it is the right of and humane thing to do.

Unfortunately, the majority has gone to great lengths to block any debate and vote on this compromise. Instead, they want to force a vote only on the extreme measure before us. The timing of this vote is questionable in light of the fact that the Supreme Court is expected to rule before the end of this legislative session on the constitutionality of a similar measure originating from Nebraska. Apparently, my Republican friends are more interested in scoring political points than addressing a genuine concern about late-term abortions.

We will hear a lot of debate about how often this procedure is performed; but this issue isn't about numbers. It is about each individual woman who faces the awful choice when she is told that her life, health, or ability to bear children is endangered by her pregnancy. The decision about what medical treatment and procedures are best for that woman should be made by her and her doctor, not the Congress of the United States.

Four years ago, proponents of this measure opposed providing a health exemption for the life of the mother. Just as then, they today argue that a health exemption for the mother, which forty out of fifty states provide, is too wide a loophole. Moreover, they refuse to debate the issue or even propose a limitation of the definition of "health of the mother." Rather, they are telling American women that their health does not matter because it conflicts with the Republican Party's political goals. How shameful is that?

We can limit the number of abortions while protecting those few women who face both the loss of a child and the ability to bear other children; just as forty states have already done. We can have a compromise that would ban late-term abortions, but show understanding and compassion for women who face these most wrenching decisions. However, the Republicans have blocked us from considering it and today turn their backs on these few women purely for political reasons. That is wrong.

Ultimately, I must vote against H.R. 3660 because it is fundamentally flawed and would put at risk the life, health, and fertility of women facing one of the most difficult, anguished, and personal decisions imaginable.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

To respond briefly to the gentleman's point about the Hoyer-Greenwood bill, let it be understood that the Hoyer-Greenwood proposal is not even germane to the bill under consideration. That was the ruling of the Chair. That was straight from the Parliamentarians in the last Congress.

Let it also be understood that the Hoyer-Greenwood proposal, by its own language, would not prohibit any abortion if, in the judgment of the attending physician, the abortion is necessary to avert serious health consequences to the woman.

The key language there is "in the judgment of the attending physician." That gives the abortionists unfettered discretion to decide whether the procedure would be performed or not.

The proposal that the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD), my good friend, have come forward with is a proposal that is meaningless. I do not question their motives, but I will have to say, the result of their proposal is to ban not a single abortion at any point in pregnancy.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 3660. I have heard some startling debate on this floor delivered by women who believe that the government, the Congress, has absolutely no business in their personal lives. They believe that the government has no business in their doctor's office.

Well, let us talk about where the rubber really meets the road. That is, our first responsibility as lawmakers is to protect life, whether it is to build a strong military defense system to keep us protected from foreign invasion, or whether it is to build a system of laws that keeps that helpless baby from being invaded as it is being born.

I rise in strong support of this bill because I remember that in the Declaration of Independence it clearly states that, we hold these truths to be self-evident, that all men are created equal, and they have been endowed by their Creator with certain inalienable rights: the right to life, liberty, and the pursuit of happiness.

I take that seriously, Mr. Speaker. Yes, our responsibility is to protect life.

I have also heard the debate that there are medical necessities for this procedure. I have to quote former Surgeon General Dr. Everett Koop when he said that "In no way can I twist in my mind to see that the late term abortion as described is a medical necessity for the mother. It certainly can't be a medical necessity for the baby."

However, these are precisely the arguments that we are hearing today. The defenders of this very deplorable act of partial-birth abortion argue that it may be a medical necessity. This is distorted thinking. Let me speak in their words exactly what they say a medical necessity is, by definition.

In 1993, William Hamilton, the vice president of Planned Parenthood, stated that "medical necessity" means "anything a doctor and a woman con-

strue to be in her best interest, whether prenatal care or abortion." And the National Abortion Rights Action League is even more outlandish in their definition of "medical necessity." They say that "it is a term which generally includes the broadest range of situations for which a State will fund an abortion."

The truth is, Mr. Speaker, the defenders of partial-birth abortion have no interest in seeing the term "medical necessity" defined in a proper context. For them, abortion has become something that must be defended at all costs.

□ 1330

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I regret when we debate serious issues, somebody can stand up and make a comment that clearly is not true, and there is not the opportunity to give and take.

The gentleman from Florida (Mr. CANADY) is a bright man. The gentleman is well educated. To say that my agreement prohibits no abortions is absolutely, on its face, ludicrous; it prevents all late-term abortions.

Does it have any exception? Yes. The gentleman presumably is a well-educated individual that knows the Constitution of the United States and knows the constitutional edicts from the Supreme Court. The gentleman knows his bill is not constitutional; that is the irony of the gentleman's contention.

In fact, the Hoyer-Greenwood alternative is the only alternative that prevents abortions. Joe Scheidler of the Right to Life Committee, I say to the gentleman, says not of myself, not of the gentleman from Pennsylvania (Mr. GREENWOOD), not to any of the other cosponsors, Joe Scheidler says your bill will not stop one abortion.

Why? The gentleman pretends he is not even listening; perhaps this is not important to him.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, if the gentleman would yield himself the time.

Mr. CANADY of Florida. The gentleman wanted to yield to me.

Mr. HOYER. I retain the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I see that the gentleman does not want to yield me the time.

Mr. HOYER. Mr. Speaker, cute debating tricks on the floor will not hack it, I say to my friend. Germaneness will not hack it; hiding behind a parliamentary procedure, which says we are not going to allow the amendment because it is not germane, when the gentleman knows that the Committee on Rules could say it is germane, because we want to debate it.

The gentleman's amendment will not prevent it, and the gentleman from

Oklahoma (Mr. COBURN) said so on the floor today. How did the gentleman from Oklahoma (Mr. COBURN) say it? He said because if you preclude the procedure of the gentleman from Florida (Mr. CANADY), there are three other procedures to accomplish the same objective.

The gentleman from Oklahoma (Mr. COBURN) said it. He said it less than 3 hours ago. The gentleman from Florida (Mr. CANADY) cannot get around that.

If the gentleman from Florida (Mr. CANADY) is going to be intellectually honest, this is a purely political bill. This is a serious issue. We ought to deal with it seriously. We should have had full debate. We should decide between ourselves what the legitimate options are that we can accomplish within the Constitution to protect the health of women and protect the lives of babies.

Your rule did not do that. Your bill does not do that, and the debate undermines the quality of this discussion. It is unfortunate.

My friends, I tell you, that this legislation that we proposed, the gentleman from Pennsylvania (Mr. GREENWOOD) and I, is the only piece of legislation which would have adopted a policy in the United States of America, which 40 States have adopted, which say that we are opposed to late-term abortions, post-viability abortions, the State should make that criminal.

Do we make exceptions? Of course. Why? Because the Constitution and Supreme Court have said we must, and we should.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume to respond to the statements of the gentleman from Maryland (Mr. HOYER).

I would simply point the Members of the House to the language of the gentleman's proposal, which vests the discretion to determine whether the abortion will be performed or not in the hands of the abortionists; that is what the language is. That is undeniable.

It says, it does not prohibit any abortion if in the judgment of the attending physician, the abortion is necessary to avert serious adverse health consequences to the woman. I read that before; that is the language of the bill. It is important to understand, that in putting the gentleman's proposal in context, something that Dr. Warren Hern of Colorado has said, and this is not a leading authority on abortion, a leading abortionist. He has written a textbook on late-term abortions.

And this is what he said, and I quote him, "I will certify," Dr. Hern said, "that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health."

It is clear that when you vest that discretion, as the proposal of the gentleman from Maryland (Mr. HOYER) would in the abortionists, no abortion will be ruled out. It will be up to the abortionist. If the abortionist decides, the abortion will be performed.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, when I scheduled this bill for the floor, I knew that it was going to be a difficult debate. I understood there would be angry words. I knew there would be finger pointing and accusation.

It is not a pleasant debate, Mr. Speaker, because today we are debating a very, very cruel and ugly subject. We are debating whether or not this Nation will tolerate a procedure that takes a baby, forces that baby from the womb, tears the baby's head open, and sucks out its brains.

We are debating whether or not this Nation will tolerate such cruelty, whether there are other procedures or not. Let us keep the focus on this horrible, frightening, cruel, beastly behavior. We have all experienced childbirth. We have all been through it in our own lives, and we have seen our children go through it in their lives, whether it was me with my little baby or my son with his little baby, that exciting moment when we reach over and when we touch our wife's stomach and we feel that movement, when she tells us about the movements that are there; there is a live baby in that womb. When we put our ear down to hear the heartbeat, when we see the sonogram and we see the little arms, the little legs and the little features, and finally in that magic moment find out if our baby is a boy or a girl, that is a live baby in that womb. It has feelings.

We all talk about and we stress with great emphasis the importance of prenatal care in the life cycle of a baby's health, because we know it is alive. We know it needs protection and security. It needs every help it can have. It does not deserve to be treated at the very inception of its life with a cruelty that we would never suffer on to a dumb animal.

If you cannot see the cruelty, the abject, inhuman cruelty of this procedure, then I fear for you. There are others that would say, why subject us to this debate, where Members will come down and show the charts, show the graphs, show the cruelty and describe it in vivid and lurid detail. Why put us through this discomfort? Well, our discomfort here is nothing compared to the discomfort of that baby.

Still they persist. Why make us make this vote, suffer this debate, when we know the President will veto it and there will not be the votes to override the veto?

They are asking us here on this floor today, those of us, myself, the gentleman from Florida (Mr. CANADY), others, who have so much of our heart invested in this and so much of our tears and prayers have been shed for these babies, why do we try when we know we cannot possibly succeed?

Mr. Speaker, that same question was put to Mother Teresa. That same ques-

tion was put to our sainted Mother Teresa. Her response, Mr. Speaker, was, my job and my responsibility is not to succeed. My job and my responsibility is to try.

Bless us, those of us from both sides of the aisle, bless us for having heart enough, passion enough, compassion enough, faith enough, to try our very, very best to end this horrible, cruel, brutal treatment of what must be God's greatest pride, the most innocent beautiful baby.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, the majority leader is correct, this is a very personal, touching matter; but I rise in strong opposition to this bill, this so-called partial-birth abortion ban. This bill continues a troubling tendency that we have seen in this Congress, the tendency for Congress to try to practice medicine. Whether it is legislation prescribing pain management or stonewalling on patients' rights or restrictions on a woman's right to manage her own reproductive health, this Congress has again and again tried to come between patients and their doctors.

Patients make life and death decisions with their doctors every day, with cancer, with renal disease, with neurological disease, and any other number of conditions. Many of these decisions are not easy and not pretty. Surely pregnant women deserve no less protection of their rights than others. In short, this bill is an insult to women, and doctors should not be subjected to additional criminal sanctions in this area.

Now all of us would like to see fewer abortions performed in this country, and that is why I support education and prevention programs to help families avoid unwanted pregnancies; but the question of whether or not to have an abortion is one of the most difficult decisions any woman can face. Reproductive health care is a personal, ethical, and medical matter that should be left to individuals, their doctors, and their families without interference from the Government. This legislation should be rejected.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, when the partial-birth abortion ban was before this Congress last year, the opponents of the act accused the proponents of offensive conduct. What was that offensive conduct? What was that bad taste that they accused the supporters of the bill of being guilty of? It was of describing, of accurately describing, they admitted that the proponents accurately described the procedure, the act, and they said that offended them. They

said it was a sorry spectacle for people to accurately describe what happened to these late-term babies in their mother's womb.

They said it was offensive conduct to describe how these babies' bodies were dismantled, how they were mutilated, how their young lives were ended.

Let me say that is a sorry spectacle to describe such an act. As a civilized society, we should not have to describe such an act because it should never occur. Is it not ironic that the very people who say what a sick thing to do, what an uncivilized thing to do, what outrageous conduct, that they are the very people that rise in this body and defend the very act?

This act has no place in a civilized society. It is a violation of our God-given dignity.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER), a member of the committee.

Mr. WEINER. Mr. Speaker, this is the second time of this debate, and there has been clearly very deep divisions in this House about how to proceed with it; but, in fact, I think that when we get behind some of the details there is an enormous amount of consensus in this Nation on this issue. Despite the previous speaker's contention, there is very little debate about the idea that this procedure is one that we should try to avoid. There is very little debate about the idea that abortions in general happen too frequently and we should try to reduce their numbers any way that we can.

□ 1345

That is a righteous cause. That is something that we should pursue. That is why so many of us support the idea of increasing family planning and education and counseling.

There is no doubt that it is desirable to reduce the number of abortions in this country. But there is also broad consensus in this country that the health and welfare of the woman is also something that needs to be protected.

The Supreme Court spoke to this eloquently in that very difficult decision. *Roe v. Wade* did not set up a perfect system by any ways, but one thing the court did say very clearly was that the woman's right to her health and well-being exists throughout her pregnancy.

When a recent poll was taken of the American people, even people who fervently believe that abortion was something that should be outlawed, they believed by numbers in the neighborhood of 80 percent that the woman's right to health should be included as an exception.

So why is it that the majority in consideration of this bill has, not only said that they oppose that, but they said we will not even allow it to be considered on this House floor. They will not even allow an option to be brought before this House that might close some of these gaps, that might make it easier for those who agree with the gentleman from Texas (Mr. ARMEY) in his

statements about how terrible this procedure is, give us an opportunity to form a bipartisan consensus to perhaps reduce the number of truly unnecessary abortions if they are existing.

The reason was made clear earlier in the comments, eloquent and frank by one of the foremost leaders in this House against a woman's right to choose, the gentleman from New Jersey (Mr. SMITH). He said it, he departed a little bit from the party line on this, but spoke frankly and earnestly. He said this is about getting the camel's nose under the tent. This is about starting the process of chipping away at a woman's right to choose her own health care, a woman's right to choose, a doctor's right to choose. He has been honest and frank about this that he believes there should be no abortions in this country, and this was the first step.

This is why the American people see this effort today as being so pernicious. This is not about trying to find a solution to a difficult problem. This is about chipping away at a woman's right to health care.

If we were truly going to be honest about this, we would say exactly what this is. This is a political exercise for the seventh time. This is not about finding that group that the Majority Leader eloquently spoke about. This is not about truly finding a solution to this problem because we had a vehicle to do that, and the Republicans opposed it.

We should oppose this measure today, but we should make it clear that, if we protect a woman's right to choose, all of our minds are open.

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. WAMP).

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, did my colleagues know that when one puts a frog in a pot of water and sets it on the range and slowly turns up the temperature, the frog will stay in the pot and boil to death without jumping out. But if one puts a frog in a pot of boiling water, it will jump right back out. So it is with our world today.

The self-indulgence of our society causes the stark contrast between right and wrong to be clouded so that we actually, as a society, tolerate these type issues.

Mr. Speaker, few politicians have credibility on the major moral issues of our day. So who does? The Majority Leader mentioned Mother Theresa, probably the most Godly life in the world during the 20th century. She said this, "I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As al-

ways, we must persuade her with love, and we remind ourselves that love means willing to be willing to give until it hurts."

She said, "Many people are also concerned about the violence in this great country of the United States." She said, "These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today: abortion, which brings people to such blindness."

She said, and I continue to quote, "The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things, to love and to be loved."

She closed by saying, "We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. This is what happens when we tell people to practice abortion."

Mr. Speaker, this great Nation finally recognized that slavery was wrong, and we did something about it. This great Nation must now recognize that abortion is wrong and adoption is the option. Let us love our children, and the world will be a better place.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on Judiciary, for yielding me this time.

Mr. Speaker, I rise in opposition to this bill. I am sorry to say that in reviewing it it really adds up to a sound bite, because we are not debating women's health and what can be done. We are not casting a constructive, critical eye at what can be built in terms of a system in this country about this issue of abortion. It is a word that none of us celebrate. We understand that every time an abortion takes place in this country, that it spells failure in some way, shape, or form.

But it is a debate today about women's health. Even the gentleman from Illinois (Mr. HYDE) in his amendment has an exception for rape and incest, an exception, and it deals with an exception to what my colleagues are posing today.

This bill, in order to understand what it does, I think my colleagues have to understand first what it does not do. It does not outlaw a single method of late-term abortion that my colleagues keep repeating over and over again known medically as intact dilation and extraction. It does not distinguish between abortions performed before or after viability. It does not include any exceptions for abortions where the life or the health of the mother is at risk.

Do my colleagues think that life is tidy for women in this country? Have they ever heard of a pregnancy that has gone wrong? Have they ever looked at or read about the cases where the

fetus is growing without any brain tissue? Do they think that mothers just go right down the path of celebrating and saying we are going to abort this pregnancy? That is an insult to women in this country. Have my colleagues ever seen how women's bodies are carved up when it comes to a mastectomy?

What is this Congress doing about women's health? Today's debate, Mr. Speaker, because we are pro-choice some of us does not mean that we are pro-abortion. We understand that the life and the health of the mother needs to be taken into consideration. That is what *Roe v. Wade* says.

It is not a celebration of abortion. We do not like it. We know that education, that family planning, that all of these things, and investment in research in women's health to prevent these things are the most important.

So I rise in opposition to the bill because the bill does not speak to any of these things. It is a political sound bite, and it is a sad day in the House of Representatives.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, today, as we are considering the Partial Birth Abortion Ban Act, I want to commend the gentleman from Florida (Mr. CANADY) for sponsoring this legislation. The time has come for us to take firm and decisive action against this deplorable procedure.

Our last attempt to ban partial-birth abortions failed, but we must continue to do everything in our power to save these innocent lives.

But do not take my word for it alone. Listen to the voice of the medical professionals as has been said in here before today. A number of high ranking members of the medical community have voiced their strong opposition to partial-birth abortions.

As has already been stated that C. Everett Koop, former Surgeon General, "Partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both."

Dr. Pamela Smith at Mount Sinai Hospital in Chicago has stated that the abortion methods used in this procedure are associated with a range of complications, including extensive bleeding, infertility, and even death. The majority of partial-birth abortions are performed on healthy mothers and healthy babies.

The American Medical Association itself has stated that they could not find any identified circumstances in which the procedure was the only safe and effective abortion method.

A "yes" vote is a vote to protect the lives of women and children. It is really that simple. I ask my colleagues to join me today and to send a strong message of protecting the lives of mothers and infants. Because the greatness of this Nation that we live in

is not measured by the Dow Jones Industrial average, it is not measured by the gross national product. The greatness of this country is measured by the character of its people, the integrity of its leaders, and how we as a Nation treat those who are most innocent and who are most vulnerable.

I would say that the unborn fits squarely into the middle of that category.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. CANADY) has 12½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 10½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member, for yielding me this time. I rise in strong opposition to the so-called Partial Birth Abortion Act.

Mr. Speaker, everyone in this room knows that if this Congress succeeds in this misguided attempt to play doctor, not one abortion will be prevented. This is a very sad debate today. Abortion is a failure in every respect. We want to keep them safe, and we want to keep them legal.

But when they are medically necessary to save the life of the mother or to protect her future fertility, would not one want one's daughter to have that option or one's wife?

It is so sad also, because this body has been prevented from debating the Hoyer-Greenwood substitute or amendment which would declare what we all believe, that no one wants late-term abortions, and that we would only agree to this procedure in the case of life of the mother or future fertility of the mother.

So to bring charges against a doctor for saving a mother's life or her future fertility and the family that she would like to have is cruel and unusual punishment. I urge my colleagues to vote against this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I grew up in the age before Roe v. Wade. In those days, the idea of killing a baby in the womb because it was inconvenient would not even occur to the average individual. Elective abortion on demand, taxpayer funded abortions, no way. Certainly never in my wildest dreams would I have thought that one day I would be standing on the floor of the United States House of Representatives arguing against a practice in which a defenseless little baby, partially delivered, and moments before taking its first breath outside the womb, would be stabbed in the skull by an abortionist who would then extract the baby's brains, causing the skull to collapse, killing the powerless child. Sadly, that is how far we have come in the last three decades, or should I say that is how far we have fallen.

The American Medical Association says about partial-birth abortion, it is "not good medicine" and "it is not medically indicated in any situation."

We often hear from Members of this body talking about helping the little guy, looking out for the little guy. Well, I would say to my colleagues on the left, this is their chance to look out for truly the little guy and the, oh, so little girls, the helpless, the defenseless, the powerless, the most vulnerable of all of us. This is their chance to finally put a stop to such senseless assaults on those who cannot defend themselves.

Mr. Speaker, those of us who support this legislation hold little hope that our President will see the light. He has made his pact with the extremists in the abortion industry and their vocal accomplices. But we cannot ever concede this issue. We can never surrender.

Let us have a powerful show of support for this legislation. Let us send a passionate message to the President that there is no place in a civilized society for the barbaric practice of partial-birth abortion. Let us cast an overwhelming vote in favor of innocent human life.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

□ 1400

Mr. GREENWOOD. Mr. Speaker I thank the gentleman for yielding me this time.

Why are we here today? What are we doing here? The advocates of this legislation have said that we are here to save lives, to prevent abortions. But that is not true. It is not what we are doing here. This bill is going to be vetoed, as it has before. And there are not the votes in the United States Senate to override that veto, and there is no one in this Chamber who will honestly argue otherwise. No one will stand up after I do and say, oh, this is going to become law; this will have an effect in America, because they know it is not true.

No, this is all about politics. It is not about saving lives. It is not about winning hearts. It is about saving seats in the Congress. It is about winning seats in the Congress. It is not about making law. It is about making noise.

If the advocates of this bill wanted to make law, they had their chance earlier today. They would have supported the right of the gentleman from Maryland (Mr. HOYER) and myself to offer our amendment. That is how we make law. Our amendment would ban the so-called partial-birth abortion and all form of late-term abortions. But it would have made exceptions, reasonable exceptions that Americans support; exceptions to prevent the loss of life of the mother and exceptions to protect the health of the pregnant woman when it is seriously, seriously, and that was the emphasis of our amendment, seriously at risk.

But the problem that the supporters had with our amendment is it probably would have passed; would have been signed into law. We would have made progress in reducing the number of abortions in this country. We actually would have accomplished something besides a lot of sound and fury. But, instead, once again, we play abortion politics. We confuse the American public, and we prove once again that politics overrides policy.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, an inquiry of the author of this bill.

Many of us have watched the gentleman's presentation on the floor. The term partial-birth abortion, to a layman and to most physicians, would be perceived to be what is called dilation and extraction. Is that the procedure that the gentleman intends to outlaw with this bill?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The gentleman is correct.

Mr. BILBRAY. Reclaiming my time, Mr. Speaker, is there any other procedure related to abortion that it is the gentleman's intention to outlaw with this bill?

Mr. CANADY of Florida. If the gentleman will continue to yield, the answer is no.

Mr. BILBRAY. Mr. Speaker, I appreciate the clarification on this very, very important line of demarcation between the woman's right of choice and the outlawing of this very, very hideous procedure.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise to oppose the bill and to express my grave disappointment that we are having a debate that could have been avoided if only policy had won out over politics.

If my colleagues were truly interested in good public policy that would become law, we would be debating the Hoyer-Greenwood bill, a superior alternative that provides the most broad-based restriction on late-term abortions of any bill being considered in the House; a proposal that ensures that no healthy woman, with a healthy fetus, can terminate her pregnancy in the third trimester regardless of the type of procedure used.

I strongly support these restrictions and always have. But for the life and extreme health threats to the mother, I know of no compelling reason to terminate a pregnancy at this late stage, and the Hoyer-Greenwood alternative would have banned all such procedures. Equally important from a good public policy perspective is that it would have

become law. The President has said that he would sign those tough standards set in Hoyer-Greenwood.

But rather than to work to enact meaningful restrictions on late-term abortions, which we all agree should be limited, we are again engaging in a purely political debate. My Republican colleagues even oppose what Governor Bush, the candidate for President, has governed under in Texas, which has a law that is even broader than Hoyer-Greenwood. It says that no abortion may be performed in the third trimester on a viable fetus unless necessary to preserve the woman's life or prevent a "substantial risk of serious impairment to her physical or mental health, or if the fetus has a severe and irreversible abnormality." That is the law in the State of Texas. That is the law that Governor Bush has been operating under during the last 5 years as governor of the State of Texas.

It is a law similar to the 40 laws that have been passed in the different States that have such meaningful late-term abortion restrictions. It is what Hoyer-Greenwood would have given us the opportunity to do. But my Republican colleagues chose politics over policy, and they are not saving one life with their legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is all about politics. Everyone knows that the President is going to veto this bill, and there are not sufficient votes in the other body to override. So why are we doing this? The Republican leadership has decided this is an election year, let us once again put up this bill and let us try to get emotions flying.

Make no mistake about it, my colleagues, this is the start of attempts to erode *Roe v. Wade*, an attempt to drive women to the back alleys where abortions will not be prevented but will be performed under unsafe conditions resulting in the deaths of many, many women.

I cannot understand my Republican colleagues who profess, on the one hand, to say that the Government should get out of private lives; that the Government should not intrude on personal decisions, but they want the Government to intrude on the most personal decision made between a woman and her doctor, her family and her God. Makes no sense to me whatsoever.

I would like to tell a personal story. Six years ago my wife gave birth to a beautiful boy named Phillip. Many of my colleagues know him. It was a pregnancy that was unplanned; that was not expected. He is 7 years younger than my youngest child. My wife became pregnant at age 40 and gave birth at age 41, and we were concerned about the risks. I am pro-choice; my wife is pro-choice. We are not pro-abortion. There is a difference. We made the choice.

The choice was to have this beautiful child. There was much testing, there was much heartwrenching, and he is the apple of my eye. But every woman, every family, every couple has the right to make that personal choice, particularly if it should involve the health of the mother. And having no exemption in this bill for the health and well-being of the mother, I think is an attempt by this body to impose its will on the most personal decision that a wife or a husband and wife or a family will make.

This bill ought to be defeated.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes to inquire of the distinguished manager of the bill, the gentleman from Florida (Mr. CANADY), if it is not true that he has circulated a letter about the same bill, then numbered 1833, to our colleagues in which he said that "this bill bans any abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery. The ban would have the effect of prohibiting any abortion in which a child was partially delivered and then killed no matter what the," he calls, "abortionist decides to call his particular technique."

In other words, the gentleman is saying that his ban would apply to any abortion method. Does the gentleman recall the letter that was circulated?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The statement in the letter is absolutely accurate.

The terminology that happens to be applied to the procedure is not what is at issue. It is a matter of fact, however, that the procedure which exists, which is used, which would come within the scope of this bill is the dilation and extraction procedure, which we just discussed in the colloquy with the gentleman from California.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, this is a general description that is being used, and the ban would, as the gentleman said, have the effect of prohibiting any abortion in which a child was partially delivered.

Mr. CANADY of Florida. If the gentleman would further yield, the language of the bill has been changed since that letter was circulated to make clear that the child actually has to be partially delivered not just into the birth canal but outside of the mother's body. And the only procedure that does that is the one I have described.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining; and then the gentleman from Florida (Mr. CANADY) will have the closing statement.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise in strong opposition to this bill, and I do so arm in arm with the people of the First District of the State of Washington, who, when presented with an initiative 2 years ago to do what this bill does, rejected it soundly 60 percent to 39 percent.

Now, why did the people of the First District do that? They are uncomfortable with late-term abortions, as we all are. So why did they reject the exact bill so adamantly that the majority now proposes? Two reasons. They have common sense, and they got it.

They understood and understand that this bill and that initiative could ban the woman's right of choice at any time during the pregnancy, at any time taking away that woman's right of choice which has been constitutionally recognized. They got it. Some do not get it here.

Secondly, they had the common sense to understand that a woman's health rights ought to be recognized if we are going to pass statute. It is common sense that a woman's health ought to be taken into consideration, which this bill does not recognize one iota. They rejected that, and America rejects this bill because it is an exercise in politics rather than in policy.

And let me just say one thing personal to my friends across the aisle. We would do much better for American, and we would prevent many more abortions if we spent more time preventing teenage pregnancy than making political statements.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) has 9½ minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I cannot imagine any subject more important than the one we debate today. This debate is not about religious doctrine or even about policy options. It is a debate about our understanding of human dignity, what it means to be a member of the human family, even though tiny, powerless and unwanted.

Yesterday, we discussed organ transplants, another life-and-death issue. But today's debate goes beyond that to the issue of whether one radical medical procedure, called partial-birth abortion, is an acceptable exercise of a woman's right to choose. And by the way, that choice is either a dead baby or a live baby. That is the choice, whether it is a woman's right to choose or whether it is the surgical butchery of what a prominent pro-choice Senator called infanticide.

We are knee deep in a culture of death. The cheapening of life is demonstrated in the high school shootings,

the coarsening of our national conscience by our entertainment industry, the fact that since *Roe v. Wade* in 1973 there have been 35 million abortions. We are knee deep in a culture of death.

I should ask the people who support this procedure to forgive my use of the word abortion. I know they dislike that harsh word. They prefer euphemisms like termination of a pregnancy. Every pregnancy terminates at the end of 9 months. Or "removal of the products of conception." And the word killing is to be avoided like the plague. So the little infant is not killed, but rather "undergoes demise." But as the great heavyweight boxer Joe Louis said about his one-time opponent Billy Conn years ago, "You can run, but you can't hide." And we cannot hide from the ugly reality of partial-birth infanticide.

To those who think that the phrase "sanctity of life" is too theological, although we are kind of comfortable with the sanctity of an oath or the sanctity of a contract, I suggest the notion of human dignity is interchangeable and appropriate.

□ 1415

Now, the Declaration of Independence, an awkward document in this debate, proclaims the right to life is an endowment from the Creator and is an inalienable right.

Have my colleagues ever seen a doctor have a card that says "eyes, ear, nose, throat, and abortionist?" Somehow, there is something bad about that word. So when an abortionist plunges his scissors into the back of the neck of his tiny, squirming, struggling-to-live victim, he has obliterated and utterly irrevocably destroyed that little infant's right to life and his human dignity.

Oh, we posture, we pronounce about human rights, everybody's human rights, whether in China or Serbia or Colombia. Well, not everybody's human rights, because we deny any rights to the target of every abortion.

PETA, People for the Ethical Treatment of Animals, God how I wish we had one for humans, especially the tiny, powerless, defenseless ones who find themselves innocently inconvenient.

We talk about our birthright. By what right do we steal anyone's birthright? But that is what happens in every abortion. We treat the unborn as a thing, desensitized, dehumanized, depersonalized thing, to be discarded with the other junk.

Charles Peguy, a French novelist, once said, "If you possess the truth and remain silent, you become the accomplice of liars and forgers."

So long as we tolerate this dehumanizing procedure, so long as we do not draw a line in the sand, we become guilty accomplices in the slaughter.

Lady Macbeth can speak for us when she says, "all the perfumes of Arabia will not sweeten this little hand."

Everyone in this Chamber, everyone in this Chamber, has ancestors that

reach back in an unbroken chain of humanity through forgotten millennia to the first man and woman. And so, we here and now are alive because our ancestors successfully ran the marathon of life, surviving wars, famines, floods, earthquakes, the four Horsemen of the Apocalypse. But they survived. They endured through it all.

What a cosmic tragedy for this little one four-fifths born to have his life snuffed out as he is about to cross the finish line of that millennia long marathon.

But here at the beginning of the 21st century, have we traveled very far from those societies who behead their criminals? And what crime has this tiny, struggling, four-fifths born infant committed? The crime of being unwanted.

Oh, we have unwanted people, the homeless. But they have eyes to weep with. They have voices to cry out with. And when we do pay attention occasionally, we provide them with shelter. But not the little ones about to "undergo demise."

I recommend my colleagues avert their eyes and take solace in the fact that the torture of partial-birth abortion takes only the time it takes to stab the little baby in the back of the neck and the little flailing arms and legs stiffen at the moment of truth.

Look, in this advanced democracy, in the year 2000, is it our crowning achievement that we have learned to treat people as things? We are not debating policy options. This is a debate about our understanding of human dignity. Our moment in history is marked by a mortal conflict between a culture of life and a culture of death.

God put us in the world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today we must choose sides.

When Napoleon died, somebody said, God finally got bored with him. I really am afraid God is going to be bored with us, especially if we do not put that line in the sand.

Support this excellent bill. Step back from the abyss.

Mr. SCHAFFER. Mr. Speaker, today is a sad day. The Members of the House of Representatives are forced to confront the President and overwhelmingly approve a ban on the abhorrent abortion procedure known as partial-birth abortion. Mr. Speaker, the President has repeatedly vetoed this legislation. Our goal is to unequivocally end this immoral, unhealthy and unnecessary procedure. Congress passed bans on partial-birth abortions in both the 104th and 105th Congresses. And today, in the second session of the 106th Congress, the House will once again express its will—the voice of the American people—that partial birth abortions be stopped.

Since 1995, thirty states have enacted laws banning partial-birth abortions. Although many of these laws have not taken effect because of temporary or permanent injunctions, they clearly indicate the growing national movement against the frivolous waste of human life and the culture of death. Lifestyle should never come at the expense of Life.

Mr. Speaker, one of the reasons Congress must continually defend the lives of unborn children from abortionists is the *Roe v. Wade* decision. This is a subject about which I am particularly concerned. I hereby submit for the RECORD my address delivered to the Pregnancy Resource Center of Northeast Colorado, Fort Morgan, Colorado, on January 22, 2000.

27 YEARS OF ROE V. WADE

JUSTICE TO ALL LIVING HUMANS, BORN AND UNBORN

In just a few hours our planet will have made its 22nd full revolution since that long anticipated night when we ushered in a new millennium, a new century, and a New Year. I'll admit now, I was a bit anxious about the whole "Y2K" thing, although outwardly, I dismissed the predictions of power outages, water shortages, and financial crashes as "silly."

Just before we were to leave for a New Year's Eve party, my wife Maureen returned from the grocery store to find me on the back porch filling up my daughter's swimming pool and some five-gallon cans with water. "What are you doing out here in the cold?" she asked. "Oh!" I said embarrassed. "Checking for leaks."

I turned off the hose and rushed in to help my wife put away the groceries—which included about \$50 worth of batteries! Now, you have to understand, she holds a Ph.D. in Electrical Engineering. When she gets nervous, I get nervous. She said, "Well, we just never seem to have them when we need them, and, by the way, good thinking on the water."

Of course we now reflect on the turn of the millennium with a certain amount of amusement and remember all those TV news anchors grasping for things to say, reaching for laborious words to fill up the air time which might otherwise have been devoted to disaster. It turned out like the opening of Al Capone's safe. Nothing there. Nothing remarkable. Nothing changed. Our lives went on uninterrupted. Our world just kept revolving.

And here in America, our country was still the only country on the planet to recognize abortion as a constitutional right—a right that has been exercised 40 million times since it was first fabricated on this day in 1973. Despite the benevolent advice of our government, which it mandates be printed on every bottle of holiday champagne, the very unborn babies we are urged to protect still face more than a 1 in 4 chance they won't even make it out of the womb.

This 22nd day of the millennium marks the 27th year since *Roe v. Wade*, when our government stripped from the unborn child the fundamental Right to Life. Prior to that, fetuses were still babies, and the Constitution protected them, just like the Declaration of Independence suggests it should.

Somehow, those black-robed despots of the Court presumed to know better than God Himself. For 197 years, America had always accepted as "self evident" and true "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, among them are Life" and all the rest.

Tonight I want to congratulate this Pro-Life Alliance assembled here, because you have not abandoned that opening precept of our American Declaration. Nor have you abandoned the self-evident Truth that, regardless of the opinions of Washington, D.C.'s elite, the natural, God-given Rights of the unborn are still very much in force.

Your very presence here tonight reinforces it. Your money, your time, and most of all, your prayers are all testimony to the unifying force of the Creator and the true benevolence of Divine Providence. Indeed, it

was 2000 years ago that He revealed to the world the way of victory over death, through a Child.

And it is because of the promise of the Christ Child that we know, beyond a shadow of a doubt, that God hears our prayers for all souls. He hears our prayers that His mercy be generously dispensed upon the souls of the unborn, the souls of their mothers, their fathers, and even their executioners and all those who, through their own weakness, have become the counselors of darkness.

Our prayer and our mission here tonight is for life. Friends, the simple fact is, at abortion mills across the country, there is simply too much death, and too much violence. It is wrong, and it must stop. Whether perpetrated against the unborn, or any other human being, violence and premature death is always wrong.

The Greeks used to say "in prosperity it is very easy to find a friend, but in adversity it is the most difficult of all things." I'm most fortunate to have some good friends here tonight who are not afraid of adversity, and I'm honored that they're here, especially, State Senator Marilyn Musgrave. She is one of the true heroines of Colorado politics, and among the strongest voices at the Capitol for those least able to defend themselves.

I'm extremely pleased to see young people who are concerned about human life, because I think the single most important responsibility of any society is the transmission of values from one generation to the next. That is of critical importance in a free society. We understand freedom, and true freedom means making choices that have real impact.

Self-government means that we make decisions that literally shape the future. Imagine that, God the Creator of origin allows us to be the creator of the future. We shape the world. The powerful meaning of that is perhaps articulated best in the Fifth Book of Moses, more commonly called Deuteronomy. Here, God says, "I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore, choose life, that you and your descendants may live."

Now, let me tell you how politicians read this.

Most politicians read Scripture like a set of statutes. There must be some loopholes in here, right? Maybe we can send this to the Rules Committee with a "motion to instruct" that will make it easier to deal with if and when it ever comes time to vote. Perhaps this really doesn't matter as long as a quorum is not present.

Well, as a politician and a Christian, this verse really speaks to me. It reminds me of the media. Let me repeat it. "I call heaven and earth to witness against you this day." I have lots of friends who are reporters. I've developed a certain level of camaraderie with some of them. Eventually you feel comfortable talking off the record about politics, personalities, and ideas—just shooting the breeze.

But when that reporter switches on the tape recorder, or flips open the notebook, it's time to get serious. My actions are now a matter of, well, a matter of record. Deuteronomy tells us the choices we all make are recorded in heaven. I remember quite vividly when my high school religion teacher described this within the context of "free will."

The verse continues, "I've set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live." You see God gives us the widest latitude in deciding. And more often than not the choices He gives us are black and white, polar opposites, sometime diametrically opposed: Life vs. death. Blessing vs. cursing. In these and lesser cases, the

choices we make are important not just for ourselves. No, these choices are eternal and have an impact upon those who follow us.

As a United States Congressman, I'm asked to make lots of these big decisions. The challenge is to make choices that will make the future brighter than today. Those choices are not always easy to make. Being a leader is sometimes unpleasant.

When our leaders are unable to evaluate profound decisions within the proper context of "life or death, blessing or cursing," they are prone to consult their pollsters. In fact, these kinds of policymakers are sometimes pejoratively referred to as "poll vaulters."

Poll vaulting is when you take a public opinion poll, find out where everyone's going, use the poll to vault yourself ahead of the crowd. When the crowd finally arrives at the point you're at, you say, "I was here first. I'm the leader."

If you think I exaggerate let me describe this advertisement from a political trade magazine. Across the top it says, "ABORTION! Right to life? Women's rights? State laws?" The copy says, "As an elected official, do you really know what your constituents think about these issues? Legislators can't afford to be out of step with voters on this emotional issue. Let us design and conduct a survey of voters in your district, to help you develop your position on this most divisive issue of the decade."

Friends, this is what's sick about Washington. This is not leadership. This is poll vaulting, and today we see elected officials in the highest offices in the land conducting polls every day to measure what they think we want to hear, and to carefully calculate the exact language so as to say it precisely right. What America needs are fewer politicians telling us what we want to hear, and more leaders who profess the truth.

It seems so simple, until you realize, our failure to address this phenomenon in our Churches, Synagogues, businesses, in the media, and yes, even our failure at the ballot box, has resulted in 40 million abortions. Friends, this is no small matter. And frankly, we should be winning because all the advantages are on our side.

Since our politicians read the polls, let's see what the polls say. First, let's get beyond the "pro-life, pro-choice" labels. You can give me a parachute and drop me out of a plane anywhere in America. In three of the five places I might land, the first person I see when asked, "are you pro-choice," will answer "yes;" because "choice" is a powerful word, and no one wants to be against choice. That, by the way, goes for me. Yes, I'm pro-choice. The more choices the better as far as I'm concerned. In fact, in order to choose you must first be alive which is another reason I oppose abortion.

Now, The Chronicle of Higher Education recently found that among 250,000 entering college freshmen, support for legal abortion is at its lowest level since 1979. At UCLA, for example, 53.5 percent said they agreed abortion should be legal. That's 3% down from the previous year. I mention UCLA because I thought the number would be much higher there.

A 1998 New York Times/CBS poll found only 15 percent of Americans believe a woman should be permitted to have an abortion during the second trimester of pregnancy. Only 7 percent of women should be permitted to have an abortion during the last three months of pregnancy.

A recent Wirthlin poll found only 21 percent believe that abortion should be legal for any reason during the first three months of pregnancy. Only 9 percent feel abortion should be legal at any time during pregnancy and for any reason.

Most encouraging is that same Wirthlin poll found most Americans believe abortion

should not be permitted after signs of life can be detected. A lopsided 61 percent disagree with the statement "abortion should be permitted after fetal brainwaves are detected." Fifty eight percent agree with the statement, "abortion should not be permitted after the fetal heartbeat has begun."

What that says friends is that most people in America understand that choosing an abortion is a choice of diametrically opposed outcomes—that it should not be taken lightly. And don't think for a minute the value of human life is not considered. And that is an admission that, with rare exception, we all recognize the termination of a human life, and we all know it.

The beating of a heart. I saw that just a month ago. At the Schaffer house, we're all excited. Our fifth baby is due one month from today, on George Washington's birthday.

I went in for the well check with Maureen. I told the doctor I'd never seen an actual ultra sound. I'd only seen the still photos. He wheeled the cart in and said, "what do you want to look at?" I said the whole enchilada, head to toe. That's just what I got to see.

I counted all ten toes, fingers too. In fact I saw a hand opening and closing. I'm no doctor, but it looked to me like little George is a Georgette. Doctor Hoffman pretty much agreed but wouldn't guarantee. The girls seem to be pretty modest even before they're born and this one didn't make it easy to see. At any rate, my wife tells me I better come up with a better name. My apologies to any Georgettes in the audience tonight.

I gazed at that ultrasound screen, and watched in real time, our baby's heart beating, just as it has been beating ever since somewhere between days 18 and 21, which is before most women find out for sure they're pregnant.

And I thought to myself, 40 million tiny beating hearts. How can any sane society tolerate 40 million abortions? Have the people at NARAL, NOW, and Planned Parenthood seen one of these ultrasounds? I'm sure most of them have. All my "proabortion" colleagues in the Congress? Do you suppose they've seen one of these? Surely they must have.

Then why does it seem like there's so many more of them and not enough of us?

I'll tell you why. The pro-abortion movement in America has plotted a campaign-style strategy that assumes we are all idiots. They want us to believe women are somehow degraded when caring, compassionate people talk about the Rights of their offspring.

Unfortunately, it seems the first people to buy all that baloney are politicians. Just yesterday, the Rocky Mountain News ran a story about an abortion rally that took place this week on the Statehouse steps in Denver.

One of the people I serve with in Congress was pictured there and quoted saying, "We can't afford to be complacent." According to the News, "he added he wanted to make sure his 9-year-old daughter would have the same freedom of reproductive choice enjoyed by women today. 'Our daughters are counting on us.'" Well I say, our daughters are indeed counting on us, but not for more abortions.

Well, the first thing we need to do is quit feeling like a minority and start acting like a majority, because we are. We need to stop blaming the media, stop blaming Planned Parenthood, because we know on any given day a strong majority of Americans agree with us. And if we can't convince our neighbors that nothing in our society is more important than human life, then we are simply not trying hard enough.

Our greatest weapon is the truth. Dr. John C. Wilke, who before becoming president of the National Right to Life Committee, was president of the Ohio Right to Life, first impressed this upon me. He came to my high

school in Cincinnati. I was proud to march beside him in Washington, D.C. 20 years ago in the annual pro-life march on the nation's capital.

He taught about the fundamental truths that relate to abortion. No matter what your faith, your culture, or even your opinion about abortion rights, there are certain undeniable truths.

Fact: From the moment of conception, this being is alive. It is not dead. In fact, the more science knows about fetal development, the more science has confirmed that the beginning of any one human life, biologically speaking, begins at the union of his father's sperm and his mother's ovum, a process called "conception."

Fact: This being is distinctly human with 46 human chromosomes, male or female (not an "it") complete, alive, and growing. These live human beings possess the ability to change our lives, change our communities, and to change our world. That's not a condemnation. That's a tribute to human existence, and it is awesome. And since the 1960's we have raised a generation that places less importance upon the awesome responsibility of creating a child. Even in this room, how many of our own children understand this sacred act—a man and woman becoming one in the same flesh, sanctified by God, the result of which is human life?

Oh we might have said the words, and had the discussion with our kids, but look what we're competing against. They're bombarded everywhere they turn with secular messages that promote destruction over life.

It's everywhere, at school, on the internet, on the radio, the TV, it comes in the mail, from the neighborhood. Even my mother, gave my 12 year old twin girls some stupid book about boys as a gift. I had to take it away, but that's a story I don't need to get into. There are even some ministers of the Gospel who will preach that the quality of one's life is of equal or greater concern than life itself. I don't deny that quality is important, but if quality comes first, then we have invented a formula to end world hunger, homelessness, disease and suffering by simply killing all those afflicted. If quality is supreme, then abortion rights activists have invented a doctrine that justifies even the most horrific mass executions throughout the history of human civilization.

Friends, our battle is for the truth. This war will not be won by the Supreme Court. It will not be won in Washington. Yes, there are some battles there to be won or lost but the real contest for the heart must be won in communities like ours all across the country.

Even Jesus Christ Himself said, "render unto Caesar that which belongs to Caesar, and to God what is God's." The souls of the children belong to God. Take it from me, the bureaucracy does not care. The bureaucracy cannot love. I was there at that famous National Prayer Breakfast when Mother Teresa lectured the President and the Congress. There is no such thing as an unwanted child she said. If you don't want your child, "give it to me," she said. True to her word, her Sisters of Charity have never turned away an unwanted child.

Fortunately for us the founders understood this. They even understood Deuteronomy, the concept of free will. They built a government upon the belief that Americans should be trusted while acknowledging there would always be treacherous risk that some Americans would make the wrong choices. But total freedom is also the only way for the people to keep their government honest and frankly, the only chance for true honor, integrity, and virtue to exist—the very kind of qualities heaven and earth have been called to record this day against us.

You know, sometimes doing what's right is just hard work. Actually, it usually is easy if you think about it, but sometimes it's very difficult, inconvenient. God knows this.

If we're going to be concerned about whether a child lives, then we also have to be concerned about the rest of her day when she's 2 years old, 6 years old, 9 years old, and so on. That's what crisis pregnancy centers are all about, and that's why we're here tonight. We know that if any child is misled to believe his life, at any time, didn't matter, or doesn't matter, or might not matter, then we have loosened the ties that all children need to their community, to one another, to their mother, and to God. Abortion dissolves this bond, and without it children will inevitably turn against their parents and other children.

Let me begin to close by bringing us back to what we have failed to communicate to the nation, and where we have failed America in my judgment. We have not had the moral courage to stand up and say that the expense of ignoring the truth is death, misery, human degradation, and the loss of opportunity and dignity for millions of humans.

When people define freedom as an eight-foot bubble on your way to an abortion mill, it trivializes the protective bubble we really ought to be concerned about, which is the womb. What kind of society is it that makes free speech on a public sidewalk a crime, and then dismisses the silent screams of 1.2 million abortions performed this year as matters of privacy?

And I'm sick and tired of the double standard that allows the Clinton administration on one day, to send American soldiers into battle halfway around the globe, because ethnic cleansing is terrible; and then the next day open up the White House to abortion lobbyists. It is their industry that disproportionately preys upon the children of black and Latino mothers, effectively waging a more sinister and more viscous kind of ethnic cleansing right in our own backyard.

When put in that perspective, the people of any country in the world have every right to be as appalled by abortion in America as we are appalled when we see pictures of dead children in the streets of Kosovo. The same people who advocate free needles for heroin addicts, who offer condoms and Depo-Provera to children in Title X clinics behind their parents' backs, who describe "safe sex" as anything outside of marriage, and who gleefully tell about the drugs they "didn't inhale," cause people to die.

They're the same ones who have been willing to embrace moral degradation in our schools, and tolerate this pestilent preoccupation with death, and attack the family. These people are just as guilty as the kid who pulls the trigger on his friends.

And for generations we've lacked the nerve and courage to stand up and say, "I'm not going anywhere until this community is safe for every child!"

This is about our children. It's about human life. Even today, the rest of the world looks to us for security because they've read our Declaration of Independence, and they assume we're serious about it. That's why American troops are deployed to missions all around the planet at this very moment.

And so while our sons and daughters in uniform secure peace and save lives in places like Bosnia, East Timor, Haiti, Kosovo, and Korea, don't you think we owe them the same kind of courage here at home? To show them that what they defend matters? That the truth is for real and it's important?

In 1987 Ted Koppel spoke about truth before the graduating class of Duke University. He explained how "we have spent five thousand years as a race of rational human

beings trying to drag ourselves out of the primeval slime by searching for truth."

Now this is Ted Koppel, the guy on Nightline . . . a journalist. He said, "our society finds truth too strong a medicine to digest undiluted. In its purest form truth is not a polite tap on the shoulder; it is a howling reproach.

"What Moses brought down from Mount Sinai were not the ten suggestions . . . they were Commandments. Are, not were."

Friends, I've spoken tonight for a long time about three things: free will, the ugly truth about abortion, and moral decay.

As a Catholic, I'm a great admirer of the Holy Father Pope John Paul II. Regardless of whether you're a Catholic, his message about the times we are in is one for us all.

This year, the Jubilee Year 2000, is a special moment. For all Christians it is a year of great anticipation, a millennium measured from that first night in Bethlehem that has come to define our very souls. To this day the Nativity shapes our character as God's people on earth.

This is a year for reconciliation within the Church and throughout our society. It is a year for hope and growth. It is a year to emphasize to the world how a Child changed the course of humanity and how 2000 years later He is still the greatest influence on how we live, and how we understand real freedom and real liberty.

Frenchman Alexis de Tocqueville in his great 1835 work Democracy in America observed, "America is great because America is good, and if America ever ceases to be good, America will cease to be great." The British statesman, Edmund Burke wrote his famous quote in 1795, "All that is necessary for evil to triumph is good men to do nothing."

The Jubilee Year is our year to do something good, to do something great, to choose blessing over cursing, to choose life over death. Remember heaven and earth are indeed called to record this day against us. And so I ask you to firmly rely upon the protection of Divine Providence. Pledge your lives, your fortunes, and your sacred honor, just as the founders did in that last beautiful sentence of the Declaration. See to it that this Republic for which we stand is truly one nation under God, and that we do extend the full benefits of Liberty and Justice to all living human beings, born and unborn. Thank you.

Mr. GOODLATTE. Mr. Speaker, every once in a while, we as elected leaders are asked to take a stand on an issue that touches the inner-core of our moral obligation to protect the innocent from violent death. Today I rise in support of a reasonable bill to ban a heinous procedure to partially deliver fully formed babies, and then kill them.

The ongoing debate over the "partial-birth" abortion procedure gives all of us an opportunity to join together in protecting innocent children from a horrific and gruesome procedure. Only the most calloused among us can hear the description of this procedure and not react with disgust. The overwhelming majority of the American people want to ban partial-birth abortions and no matter what your position is on abortion, this grisly procedure is indefensible in a civilized society.

According to Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, the occurrences of partial-birth abortions is much more frequent than was once admitted, further calling into question the defensibility of this procedure. Clearly, a pattern of deception has emerged regarding how and when this procedure is performed. We do now know that thousands of partial-birth abortions are performed annually, the vast majority

of which are performed in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers.

We must put an end to this barbaric procedure where the difference between abortion and murder is literally a few inches, and the moral implications for our society of allowing such a procedure are profound. This is effective legislation to ban an unbelievably gruesome act. I urge my colleagues to support this legislation to protect those who cannot protect themselves.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to express my support for H.R. 3660, the Partial Birth Abortion Ban Act, as I have done a number of times since 1995. Despite the failure of this Administration to sign this legislation into law on previous occasions, I am pleased this Congress continues to send, by an overwhelming majority, the message that partial birth abortion is wrong.

We continue to debate this issue, even though the facts are quite clear. Partial birth abortion is not a medical procedure. Doctor after doctor has testified that partial birth abortion procedure is never medically necessary. Our former Surgeon General, C. Everett Koop, has gone on to conclude that the procedure poses a significant threat to the mother's health and future fertility. However, giving the benefit of the doubt, this legislation does provide an exception should a case arise when a doctor performs the procedure to save the life of the mother.

Overwhelming support exists to ban partial birth abortions. Since Congress began voting to ban partial birth abortions, numerous state legislatures have voted to end them. The House of Representatives has consistently overridden President Clinton's veto of this legislation, and I am confident we will do so again. However, before President Clinton follows through on his veto threat, I would like him to take another look at the support that exists to ban this abortion procedure, the opinions of doctors and his conscience.

I understand the issue of abortion is difficult for many. Well-intentioned people will continue to disagree. How long, though, can our society continue to justify its denial of the right to life to the defenseless unborn? The value of life has been consistently cheapened. Partial birth abortion is a graphic example of the worst of abortion, in which a child is killed after being partly delivered. Congress must continue to take a stand to uphold the value of life, especially in these instances in which life is so blatantly being destroyed.

I urge President Clinton to take a courageous stand and support this legislation when it is sent to him. I urge my colleagues to continue their support for human life and for a ban on partial birth abortions.

Mr. WU. Mr. Speaker, I rise today to express my opposition to H.R. 3660, the so-called Partial Birth Abortion Ban. This legislation is a direct attack on a woman's right to choose and an effort to undermine support for reproductive choice.

H.R. 3660 endangers women's health by failing to include a constitutionally mandated exception to protect the health of women. The Supreme Court requires that a woman's life and health be protected throughout pregnancy and at no point can a state compel a woman to sacrifice herself. I believe that a woman's health—including her future fertility and mental health—should be protected.

H.R. 3660 is vague, broadly written and will not restrict just one method of abortion but rather, it prohibits procedures which are used in first and second trimester abortions. This is a blatant attempt to legislate health care procedures. This bill restricts a woman's right to choose and lets politicians rather than women and their families make health decisions.

Restricting options for women makes a tragic situation even worse for a woman and her family. Women and their doctors, not state legislators or Members of Congress, should be deciding the best medical procedure.

I urge my colleagues to oppose H.R. 2660 and vote "no."

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 3660, a bill to ban a late-term abortion procedure known as partial birth abortion.

I will vote in favor of this legislation, in favor of banning the partial birth abortion procedure, as I have done in the both 104th and 105th Congress. I will, however, vote against the rule, which denies members of both parties the opportunity to offer amendments. This legislation should have been considered under a fair and open rule.

Mr. Speaker, in the end, I believe that the partial birth abortion procedure is a cruel and unnecessary procedure that should be outlawed. Congress must act accordingly and pass legislation to achieve that end.

Mr. KUYKENDALL. Mr. Speaker, in the last few days, my office has been flooded with calls asking me to support the ban on partial birth abortions. If all we were doing today was prohibiting late term abortions, I could support that vote, even as a strongly pro-choice Representative.

The calls have prompted me to evaluate my own history with this issue and to carefully review the language of the legislation before us. Although I have voted against similar legislation in the past, I stated during my 1998 campaign that I would support a ban on late-term abortions except in instances in which the life of the mother was endangered by continuing the pregnancy. This position represents a departure from my previous voting history, but a conscious change that I can accept.

The authors of H.R. 3660 would have all of us believe that that is exactly what we are voting on today. However, after reading the language of the bill, I find that I cannot support this bill. Unlike any other legislation that I have been asked to consider, this legislation permits doctors to be sent to jail for up to 2 years, simply for making a medical decision. There are other enforcement tools available to discourage the use of this procedure without authorizing imprisonment. Those tools include substantial civil fines and the permanent suspension of a physician's medical license. Both of these are strong incentives; we do not need to criminalize medical judgements. With this legislation today, we have guaranteed that medical decisions are not independently made on the basis of the patient's unique health needs, but include a consideration of the criminal consequences.

The legislation under consideration today could have been drafted in a manner that prohibits the procedure, without having to rely on imprisonment as the enforcement mechanism. During my time in the California State Assembly, for example, we considered legislation to ban partial birth abortions. The tool to enforce the prohibition was a stiff monetary fine, fol-

lowed by the temporary suspension of the physician's medical license. We also could have employed the "Sense of Congress" mechanism to express our strong distaste for late term abortions. Or, we could have actually produced a piece of legislation that prohibits the specific, medically recognized late term medical procedure called an "intact dilation and extraction." Any of these legislative vehicles could have been used, and I would have supported any of those efforts, including permanent suspension of a physician's medical license, provided they incorporated an exception where the life of the mother was in jeopardy. Because of the addition of criminal penalties for doctors, we failed to have a meaningful debate to restrict the use of late term abortion procedures. For this reason, I cast a "no" vote today and will cast a "no" vote to override the certain veto of H.R. 3660.

Mr. BARR of Georgia. Mr. Speaker, I applaud you for ensuring H.R. 3660, the "Partial Birth Abortion Ban Act of 1999," was placed on this session's calendar. It is an extremely important issue we continue to address, yet can't seem to get signed into law; this is unacceptable. Banning the horrendous, barbaric process known as "partial-birth abortion," should be an issue every civilized person should support; whether pro-life or pro-abortion.

Partial-birth abortions are performed very late in pregnancy and involve the forced partial birth of the child, who is then killed by the doctors before completing delivery. H.R. 3660 addresses this practice, by prohibiting medical doctors who perform abortions from using such "partial birth" procedures; it also imposes fines or potential imprisonment of up to two years. It includes an exception to prosecution for doctors who can show the procedure was necessary in order to preserve the life of the mother.

H.R. 3660 protects the unborn from the most grotesque form of death imaginable. Passage of this measure would be a major step forward in protecting the lives of those who are most vulnerable. This is limited, but good, decent and necessary legislation; and protects children against a horrible form of death.

I urge you to preserve human life and vote "yes" for passage of H.R. 3660.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to ask my colleagues on both sides of the aisle to join me in supporting the partial-birth abortion ban act.

We have a great economy, Mr. Speaker. Everybody's driving around in fancy cars, living in fancy houses, and unemployment is lower than most economists ever dreamed. Yet our culture is in shambles. Kids are killing other kids. Schools are not longer considered safe havens. And we wonder, why.

Mr. Speaker, legalized partial-abortion represents a total breakdown in our society. It says to our children—don't worry, if you don't want to take responsibility for your actions, it's okay to do whatever it takes for the sake of convenience. Right now, it's okay to kill a baby boy or girl as the poor, defenseless child is a third of the way from being completely delivered into this world.

Do we wonder why teens are throwing their babies in dumpsters and in public restroom toilets? Do we need more of a wake-up call than this culture of death?

This is yet another time when I am thankful that I am a Republican, as we are a party

united against the evils of partial-birth abortion. I commend the 70 or so Democrats, including the entire minority leadership, who will stand against the President and the Vice President in defense of innocent human life.

But I challenge my friends and colleagues who are not yet with the nearly 300 Members of the House who support this legislation to have a change of heart. Whether you are for or against abortion—we're talking about infanticide here.

I especially would like to challenge my colleagues on the other side of the aisle who insisted on labeling the Republican Party as somehow "anti-Catholic." If there is one, single bill the Roman Catholic Church has supported with all her might and glory—it is the partial-birth abortion ban act. My party supports it. Join us.

If we are to turn around this culture, we need to change hearts—and laws. What we permit, we condone. What we ban, we condemn.

A clear majority—and in some instances, a supermajority—of Americans condemn partial-birth abortion. Partial-birth abortion is never necessary. Partial-birth abortion is not rare. Partial-birth abortion is not right.

We have a lot of work to do to teach our children on morality and virtues, from infidelity, to divorce, to abortion. All of these things are connected. But we must first start with ourselves. Let's take the first step to turning the culture of this great Nation around. Let us vote—clear and unambiguously—to eliminate the infanticide known as partial-birth abortion.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3660, the Partial-Birth Abortion Ban Act.

Make no mistake about it, this is a political vote and a political debate—a debate fraught with inflammatory rhetoric and distorted facts. The majority knows that the President will veto this bill and are using it as a political football to score points with certain segments of society.

Since we are here, I would like to get the facts straight about this issue. There is no medical procedure called a "partial birth abortion"—that is a political term made by opponents of choice to distort the issue. There is a procedure called "intact D&E" that is used in cases of terrible family tragedy. These are catastrophic pregnancies, when the fetus has a horrible abnormality, or the pregnancy seriously threatens the mother's life or health.

This bill threatens doctors with fines and imprisonment, and prevents not a single teen pregnancy. The vote to pass this bill is a blatant attempt to shelter the hypocrisy of the abortion debate—that the strongest opponents of the right to choose also oppose programs promoting comprehensive sex education and birth control, which actually reduce unintended pregnancies. If they want to prevent abortion, they should improve access to contraception by increasing funding for title X and contraceptive research, and improving access to insurance coverage of contraception. Research shows that these policies have proven the most effective in preventing unwanted pregnancies. Instead, anti-choice Members of Congress would make access to family planning options more difficult, more dangerous, more expensive, and more humiliating.

A decision concerning a woman's pregnancy can't get more private or more personal. Women in conference with their Doc-

tors, not politicians, must decide what medical treatments are the best for them. Doctors decide to carry out the "intact D&E procedure" as a last resort. Doctors use the "intact D&E procedure" when they believe it is the safest way to end a pregnancy and leave the woman with the best chance to have a healthy baby in the future. Congress should not second-guess their medical judgment.

I ask my colleagues in the majority, who often express their disdain at the Federal Government's involvement in their personal lives, to oppose this bill. I would hope that the majority could get as impassioned about protecting the right of a woman to make a personal choice about her body as they do about a person owning and buying a gun.

Mr. GILMAN. Mr. Speaker, I am disappointed that we have this legislation before us again today. This is the third time this bill has been brought before the House despite previous vetoes and failures to override these vetoes.

This legislation is not an appropriate way in which to address the late-term abortion issue. Abortion is a very serious and personal issue and prior to viability, should be a decision made by the prospective mother, her family, religious counselor, and her doctor. By pursuing restrictive legislation such as H.R. 3660, we are destroying the Roe v. Wade balance between a woman's right to choose and the State's interest in protecting potential life after viability. After fetal viability, States may ban abortion so long as a woman's life and health are protected. Currently some 41 States have laws in place that address abortion after viability.

It is for these reasons, that I have supported H.R. 2149, The Proposed Late-Term Abortion Restriction Act. This legislation provides a Federal ban on all post-viability abortions, with the narrow exception of those needed to preserve the woman's life or to avoid serious adverse health consequences. This bill would ensure that no woman could pursue a legal abortion during the final trimester of her pregnancy if she is carrying a healthy fetus. This legislation leaves the decision in the hands of the doctors, not lawmakers. Americans want medical decisions made by their doctors, as evidenced by their support for health insurance reform legislation that allows doctors final say in the decisionmaking process. In fact, 88 percent of all Americans support a health exception for the mother. The Supreme Court requires that a woman's life and health must be protected throughout her pregnancy; at no point can the State compel a woman to sacrifice her life in exchange for the life of the fetus. The bill gives doctors the ability to make this determination, with the knowledge that if they perform an abortion after fetus viability and without a situation threatening the mother's life, they will be held responsible in criminal and civil court.

Mr. Speaker, I oppose later-term, post-viability abortions, except those necessary to protect a woman's life and her health. And I oppose the manner in which this Congress continues to bring up this issue each year with the knowledge that this bill will be vetoed while there is strong bipartisan support in the Congress and by the President for H.R. 2149, the Late-Term Abortion Restriction Act. Accordingly, I strongly urge my colleagues to oppose H.R. 3660.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 3660, the Partial-Birth

Abortion Ban Act. This important legislation reaffirms this Chamber's commitment to the preservation of life—and the rights of unborn babies to be protected from a procedure that is morally unconscionable.

Mr. Speaker, it is time to put an end to this inhumane and cruel procedure that ends the life of a fetus while it is partially outside the body of the mother. Our colleagues who are medical doctors have stated their belief—and others in the medical community have testified—that this procedure is never needed to protect a woman's health and some say it is needed in only rare cases to protect a woman's life. The Partial-Birth Abortion Ban Act makes it a federal crime to perform this particular form of abortion, but it does not prevent other procedures that are considered necessary to protect the life and health of the mother.

The President has vetoed this legislation twice. Twice the House has voted to override the veto, but unfortunately the Senate has been unable to achieve the two-thirds vote necessary to override the veto. Since 1995 we have had fifteen votes in the House on this issue—votes on the rule, votes on amendments, votes on final passage—and fifteen times I have voted in support of banning this procedure. Those of us who support this ban will not give up until this fight has been won.

Mr. Speaker, my record has always been pro-life. I have listened to considerable debate and discussion from the experts on this issue over the years. I have personally talked to many constituents about abortion and pro-life issues, and I have consistently come down on the side of life. Today I will once again come down on the side of life and vote for the Partial-Birth Abortion Ban Act, and I urge my colleagues' support.

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to H.R. 3660, the so-called Partial Birth Abortion ban.

First, we should not be considering a ban on a medical procedure. Doctors are licensed to practice medicine, and they swear to do what is in the best interest of their patients. Members of Congress have no place in this decision, and we should not for the first time in our nation's history outlaw a medical procedure.

Secondly, the bill is much too broadly drafted and would likely violate a woman's constitutionally protected right to choose. The bill is not limited to late term abortions, and the wording of the bill is so loosely written that it could be construed to ban abortions that are currently protected by the Constitution.

Thirdly and most importantly, I oppose this legislation because it does not include an exception for the health of the mother. I am opposed to post-viability abortions. But if a pregnant woman's life is at stake or her health is at serious risk, doctors and patients deserve to have access to a full range of medical procedures to prevent the harm. This legislation does not afford women the protection they need to prevent serious injury, and I therefore will oppose the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you Chairman HYDE for the opportunity to address H.R. 3660, the Partial-Birth Abortion Ban Act of 2000. This act, despite its title is nothing more than an attempt to inhibit a woman's constitutional right to choose.

Although the majority conveniently skirts the issue of the 1973 Supreme Court decision of

Roe v. Wade, this law is still in effect and we must recognize a woman's right to have an abortion especially her life is threatened.

Yes, it is true that technological advancement in the medical field has enabled women to better monitor their pregnancies so that they may bring healthy children into this world. However, some pregnancies may involve problems that may threaten the life and/or health of the mother.

For example, continuing the pregnancy may result in severe heart disease, malignancies and kidney failure. In these situations, when a woman is faced with a life or death decision, she must have the right to make a choice whether to continue her pregnancy.

The procedure referred to in H.R. 3660 has been used to protect the mother's life but many times these late term abortions are primarily done when the abnormalities of the fetus are so extreme that independent life is not possible.

Many times in the issue of abortion we tend to glorify a potential life but refuse to acknowledge the actual living human being that has conceived that life.

This actual living human being has rights enumerated in the Constitution that can not be infringed upon regardless of what type of abortion is being performed especially if it is to save the life of the mother.

If society picks and chooses which type of abortion one should have than once again we are taking away the right of a woman to choose.

I would be amiss I did not highlight the fact that the terminology being employed by proponent of this bill is a term with absolutely no medical or scientific meaning.

On the contrary, this term is a being used solely to enrage and misguide the public. In fact, this term was actually adopted from a speech given by an anti-abortion advocate. Hence, the attempt to assuage our concerns that this legislation is not an attempt to circumvent a woman's constitutional right is simply untrue.

Therefore, I will not use this non-medical term "partial birth" abortion, but instead give this bill the title it deserves, the "Abortion Ban of 2000."

H.R. 3660 is another attempt to put politics before women's health. The overwhelming majority of courts have to have ruled on challenges to state so-called "partial-birth abortion" bans have declared that bans unconstitutional.

Furthermore, six federal district courts have issued permanent injunctions against statutes virtually identical to H.R. 3660 and the Supreme Court is about to review this same issue in April.

Thus, I agree with my Democratic colleagues that any action by Congress would be premature and even mooted by the Court's decision.

Notwithstanding the potentially mootness of this discussion, proponents of this legislation not only mischaracterize the reasons underlying the use of late term abortions, but they failed to even recognize the constitutional rights espoused by the Supreme Court in Roe and reaffirmed in Casey.

The ambiguity of this legislation further frustrates the rights of women in the nation and chills legitimately protected rights.

Consequently, this legislation could essentially ban more one type of procedure because

it fails to distinguish between abortions before and after viability.

These are just some of the many problems with H.R. 3660 and these alone should make anyone question the appropriateness of such legislation.

We cannot straddle the fence on this issue. It is either protect the rights of women or take them away completely.

Women have fought hard and long to have autonomy over their bodies and by putting restrictions on what type of abortions she is allowed to receive would put women back in the era of Pre-Roe v. Wade.

By banning partial birth abortions not only are we taking the right of women to have autonomy over their bodies but we are also taking the right of women to live their lives as healthy American citizens and sentencing them to death.

Mr. GREEN of Texas. Mr. Speaker, I appreciate the opportunity to speak in opposition of H.R. 3660. More importantly, on a very difficult decision for women and their families.

The subject of abortion has always been very controversial. The choice of whether or not to have an abortion is difficult and highly personal.

Although I do not personally support abortion, I do not feel that Congress should interfere in this extremely private decision and force its views on women through legislative means.

I can only hope that women faced with this decision would consult with their doctors, families, and religious counselors. This is especially true in the tragic instance where an abortion may become necessary late in a pregnancy.

This ban would leave the life and health of women unprotected. These exemptions have been consistently protected by the U.S. Supreme Court. There is no exception under this ban to protect the mother or her health at any point during her pregnancy.

In fact, Texas law bans all third-trimester abortions, except for those involving the health and life of the mother. I voted for this law when I was in the Texas legislature and would support it now if those exceptions were included.

This bill is nothing but a political maneuver. If the majority was interested in banning late-term abortions, they would allow us to vote on language that is identical to the Texas law. Until then, I cannot support this bill.

Mr. Speaker, I urge a "no" vote on final passage of H.R. 3660.

Mr. RILEY. Mr. Speaker, I rise today in total support of H.R. 3660, the Partial-Birth Abortion Ban Act of 2000. This legislation puts an end to this horrific and unnecessary procedure that results in the useless deaths of several thousand children every year.

Mr. Speaker, very little has changed regarding partial birth abortion since we last had the opportunity to take action against it. It is still opposed by nearly seventy percent (70) Americans. Hundreds of medical doctors, including former Surgeon General C. Everett Koop, still claim that the procedure is "never medically necessary to protect the mother's health or future fertility." It is still performed ninety percent (90) of the time after the fifth month of pregnancy. Thirty (30) states still have banned the procedure since 1995. Two-thirds of the House still supports the ban, while the President still opposes the sanctity of human life.

As you can see, Mr. Speaker, the facts are clear. Partial-birth abortion is a brutal and needless procedure that it seems no one besides those in the White House think ought to be legal. I urge my colleagues to recognize our moral obligation to protect the unborn by supporting this legislation before us this morning.

Mr. LEVIN. Mr. Speaker, I oppose all late term abortions with exceptions only when the mother's own life is at risk or to prevent serious consequences to her health.

Unfortunately, we are again considering legislation which fails to provide these vital protections for the mother, a bill which will again be vetoed by the President. In addition, federal courts have blocked fifteen different state laws with similar or identical language because they do not contain health exceptions as required by the Supreme Court and because the term "partial birth abortion" has no medical meaning.

I would urge the Majority to allow this House to consider legislation—the Greenwood-Hoyer bill, of which I am a co-sponsor—that bans all late term abortions while offering the necessary and appropriate protections for the mother and that could become law.

Mr. STEARNS. Mr. Speaker, I rise in support of this bill. The rule and bill are fair and allows for an honest vote on the Partial Birth Abortion bill. H.R. 3660 allows for a clear vote in support of ending this heinous practice or a vote against life by opposing this legislation.

It breaks my heart that we have to debate this bill. It pains me that this procedure is being allowed to take place in our nation. I find it hard to believe that my esteemed colleagues can with good conscience oppose this rule or bill.

This bill is not about a medically necessary procedure, it is about abortion extremists pushing our country's moral limits over the edge. When I think of this procedure, I am reminded of the Nazi regime and their depraved view of the sanctity of life and I dread what the future holds for a generation that allows this procedure to occur.

Recently, I heard a compelling argument for banning partial-birth abortion. The question was asked, "So would you accept the fact that once the baby is separated from the mother, that baby cannot be killed."

The answer was dodged and was never answered other than, "A baby is born when the baby is born."

The discussion continued without ever receiving a clear answer from the advocate of this procedure. Why? Because when pressed, an abortionist can not clearly answer that question and at the same time defend partial-birth abortion. It is a terrible practice that kills a baby, a living breathing human life. If we began doing this to cattle or dogs, imagine the outcry we would hear from PETA and from the same members who defend this practice.

Obviously, the real question is when is a baby born? Is it when a foot is out? Is it when a hand reaches out of the womb? Is a child born only when their head has been delivered? I ask my colleagues that support this procedure to answer that question during general debate—if they can.

Pro-abortionist have no legitimate arguments to stand upon. They want to paint a picture that women are at risk so therefore they should be able to take the life of the child. Let's face it, every pregnancy poses a risk to

the life of a mother. Women by the very act of becoming a mother are unselfishly putting themselves at risk.

We should embrace all life as precious—the old, the young, the disabled, the unattractive and the unborn. How the Clinton-Gore Administration can with a clear conscience veto this legislation is beyond me.

Let's not repeat history and continue this Holocaust. I encourage my colleagues to support H.R. 3660.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Pursuant to House Resolution 457, the bill is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to recommit the bill H.R. 3660 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 18, after "injury" insert ", or to avert serious adverse longterm physical health consequences to the mother".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes in support of his motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I regret very much that this has come to a motion to recommit. That is a consequence of the very lamentable refusal of the majority to allow any amendments to this bill.

Indeed, if I had my preference, this would not be a motion to recommit. There was a consensus measure worked out in a bipartisan fashion by the gentleman from Maryland (Mr. HOYER), the gentleman from Pennsylvania (Mr. GREENWOOD), and others; but it is not germane to the bill.

When the Committee on Rules would not allow that as an amendment, this became our only choice for recommitment. But I offer it, anyway, even though in the eyes of many, even if it passed, it would not make the bill fully acceptable. But it would clearly make it less damaging. Because here is what the bill does in the form in which it was presented.

It says that even if in the opinion of the physician a failure to use this procedure in these circumstances could result in severe physical harm to the mother, he could perform it only at risk of going to prison. It shows how extreme the bill is.

And I stress that because there are many who believe that this is a right a

woman should have untrammelled legislatively who think this is too much, this amendment that I offer, of an impingement and would not support the bill. But others would feel differently.

The fact, however, is that the majority is so intent, I believe, unfortunately, on an issue that they will not allow even this amendment. Because I must tell my colleagues that while again this might be to the distress of many, an amendment like this would probably change enough votes so that a veto could be overridden.

If the intention was in fact to minimize this procedure to have it occur only when it was medically necessary, indeed the amendment offered by the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD), the Hoyer-Greenwood amendment, would have been made in order and would have passed. And if it had passed, this amendment would not have been offered.

Failing that, this amendment at least reduces the harm. It is a restriction because it rules out mental health. I believe myself that there are often very good mental health reasons for allowing a woman to undergo this anguishing procedure. But this amendment concedes even that. It says, okay, they believe mental health cannot be trusted. I disagree.

But in the interest of, at least, trying to diminish the harm and draw some lines, we said, okay, can we at least get an acknowledgment that physical health, severe, long-lasting physical health can be a reason for this. And the majority says no.

That is a sign of a lack of willingness to be reasonable. It is a willingness to insist, I believe, on both a procedure, no committee, no amendment, and a bill that is so extreme that even adverse physical consequences to the health of the mother cannot be a reason. So that what we are talking about, as I said, is an issue and not a bill.

There could be a consensus in this House on trying to reduce the procedure and reducing late-term abortions. That is not what the bill does. The bill is a continuation in an ongoing political activity.

I will predict what will happen. The bill will pass. It will be vetoed. The veto override will be held. The veto override will be held so that it can be brought forward at a politically propitious time. And people will then be accused if they vote to uphold a veto of a bill that is very possibly unconstitutional, according to many circuits, they will be accused of a callousness, they will be accused of a disregard.

Well, the fact is that two separate amendments had been offered, which, if either had been adopted, would have led many people to have voted for a bill which would have substantially reduced the procedure either in terms of the physical health or, better yet, in terms of the lateness. Neither amendment was allowed.

If, in fact, people were trying genuinely to minimize this issue, one or

both of those amendments would have been voted on and we could have gotten a law. But it is easy to predict what will happen. We will get no law. We will get a veto. We will get an override vote on a veto held late in the Congress.

This is a bill, I said it before and I am going to repeat it, with no committee hearing or markup, a bill which is the subject of severe debate in the courts, where the Federal circuit courts have divided and many have held this sort of legislation unconstitutional, does not even go to committee for the kind of constitutional examination that might help.

Then amendments are rejected, a bipartisan amendment widely supported. I noticed 14 Republicans voted against the rule. By Republican standards, they are a very disciplined lot. That is a great cataclysm, 14 Republicans voting against the rule, in protest against the arbitrary procedure.

So late in the congressional term, we will have a vote on an abortion veto override on a very rigid bill that makes no allowance even for the fiscal health of the mother after a procedure in which there was no committee and no amendment. That is a late-term abortion. It will come late in the term and aborts the legislative process.

Mr. CANADY of Florida. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, let me begin by making the observation that this motion is part of a long line of efforts to divert attention from the reality of what takes place when a partial-birth abortion is performed.

In the course of this debate, which has gone on not only in this Congress but in the two previous Congresses, we have seen attempt after attempt to change the subject, to cloud the issue, to confuse the American people, to mislead the Members of this House.

Now, while I certainly respect the intentions of the gentleman from Massachusetts (Mr. FRANK), I must humbly submit that this amendment is another measure which would simply divert us from what we should be focusing on, and that is the horror of partial-birth abortion.

Now let me point out a couple of things. First of all, the Members of the House should be well aware that H.R. 3660 already contains an exception for partial-birth abortions that are necessary to save the life of the mother. During the course of this debate, it has been suggested otherwise. But for any Members who have any doubt about that, let me simply refer them to page 2 of the bill beginning at line 15, where the exception is stated with great clarity.

Now, second, Members should know that the health exception proposed by the gentleman from Massachusetts (Mr. FRANK) rests on a premise that has absolutely no basis in fact. And that is the premise that partial-birth

abortion is necessary to avert any adverse physical health consequences to the mother.

The truth is that the partial-birth abortion procedure is a rogue medical procedure that is not recognized by the medical profession, was created and is used by a few fringe abortionists, and is never medically indicated to avert any health consequences to the mother.

My colleagues do not have to take my word for it. I would not ask my colleagues to take my word for that. Let us hear what the American Medical Association has to say about the procedure.

In a 1997 letter to Senator RICK SANTORUM, the AMA stated that the partial-birth abortion procedure is "not good medicine and is not medically indicated in any situation."

We have heard from other physicians who have made the same point time and time again. Former Surgeon General C. Everett Koop has stated that "partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility."

□ 1430

If you do not find those statements by physicians and representatives of the medical profession persuasive, listen to what the abortionists themselves have to say about this procedure. Dr. Warren Hern, one of the Nation's leading experts on abortion who authored a textbook, indeed it is the textbook on late-term abortion procedures, has stated, and I quote him, you really can't defend, those are his words, partial-birth abortion. He went on to say that he "would dispute any statement that this is the safest procedure to use." According to Dr. Hern, turning the fetus to a breech position is potentially dangerous and, again quoting him, you have to be concerned about causing amniotic fluid embolism or placental abruption if you do that. That is what one of the leading abortionists in the country had to say about this procedure which he said he could not defend. So the argument that this procedure could ever be necessary to protect the health of the mother simply does not stand up to analysis.

I would urge the Members of the House to oppose this. Let me bring the attention of the Members of the House back to the reality of what we are talking about in this bill, the reality of what takes place when a partial-birth abortion is performed. Earlier in the debate, I mentioned that at the same stage of pregnancy when most of these procedures are performed, we see heroic efforts undertaken to save the life of the child in the womb. Here we have an example of surgery that is being performed to correct a condition that had been detected in a child in the womb. This was at around 21 weeks. The incision was made in the mother's

womb, and the child voluntarily, an action, reaches out and grasps the finger of the physician who is performing the surgery. I ask you, as you consider your vote on this measure, to consider this image. Contemplate the meaning of this child's hand at 21 weeks' gestation reaching out of its mother's womb to grasp the hand of the physician. Consider our common humanity. Reject this motion and pass this bill.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 140, nays 289, not voting 5, as follows:

[Roll No. 103]

YEAS—140

|              |               |                |                |                |               |
|--------------|---------------|----------------|----------------|----------------|---------------|
| Abercrombie  | Filner        | Menendez       | Waxman         | Wise           | Wu            |
| Ackerman     | Frank (MA)    | Millender-     | Wexler         | Woolsey        | Wynn          |
| Andrews      | Frelinghuysen | McDonald       |                |                |               |
| Baca         | Frost         | Miller, George |                | NAYS—289       |               |
| Baird        | Gejdenson     | Mink           | Aderholt       | Gutknecht      | Paul          |
| Baldacci     | Gephardt      | Moran (VA)     | Allen          | Hall (OH)      | Pease         |
| Barrett (WI) | Gilman        | Morella        | Archer         | Hall (TX)      | Peterson (MN) |
| Bass         | Gonzalez      | Napolitano     | Armey          | Hansen         | Peterson (PA) |
| Becerra      | Gordon        | Obey           | Bachus         | Hastings (FL)  | Petri         |
| Bentsen      | Green (TX)    | Olver          | Baker          | Hastings (WA)  | Phelps        |
| Berkley      | Greenwood     | Ose            | Baldwin        | Hayes          | Pickering     |
| Berman       | Gutierrez     | Owens          | Ballenger      | Hayworth       | Pickett       |
| Bilbray      | Hill (IN)     | Pallone        | Barcia         | Hefley         | Pitts         |
| Blagojevich  | Hilliard      | Pastor         | Barr           | Herger         | Pombo         |
| Blumenauer   | Hinojosa      | Payne          | Barrett (NE)   | Hill (MT)      | Pomeroy       |
| Boehlert     | Hoefel        | Pelosi         | Bartlett       | Hilleary       | Portman       |
| Bonior       | Holt          | Porter         | Barton         | Hinchev        | Quinn         |
| Boucher      | Hooley        | Price (NC)     | Bateman        | Hobson         | Radanovich    |
| Boyd         | Horn          | Pryce (OH)     | Bereuter       | Hoekstra       | Rahall        |
| Brady (PA)   | Hoyer         | Rangel         | Berry          | Holden         | Ramstad       |
| Brown (OH)   | Inslee        | Reyes          | Biggert        | Hostettler     | Regula        |
| Capps        | Jackson (IL)  | Rivers         | Billirakis     | Houghton       | Reynolds      |
| Capuano      | Jackson-Lee   | Rodriguez      | Bishop         | Hulshof        | Riley         |
| Cardin       | (TX)          | Rothman        | Bliley         | Hunter         | Roemer        |
| Carson       | Johnson (CT)  | Roybal-Allard  | Blunt          | Hutchinson     | Rogan         |
| Castle       | Jones (OH)    | Rush           | Boehner        | Hyde           | Rogers        |
| Clay         | Kelly         | Sabo           | Bonilla        | Isakson        | Rohrabacher   |
| Clyburn      | Kennedy       | Sandlin        | Bono           | Istook         | Ros-Lehtinen  |
| Coburn       | Kind (WI)     | Sawyer         | Borski         | Jefferson      | Roukema       |
| Conyers      | Kolbe         | Scott          | Boswell        | Jenkins        | Royce         |
| Coyne        | Lantos        | Serrano        | Brady (TX)     | John           | Ryan (WI)     |
| Cummings     | Larson        | Shays          | Brown (FL)     | Johnson, E. B. | Ryun (KS)     |
| Davis (FL)   | Levin         | Sherman        | Bryant         | Johnson, Sam   | Salmon        |
| Davis (IL)   | Lewis (GA)    | Smith (WA)     | Burr           | Jones (NC)     | Sanchez       |
| Delahunt     | Luther        | Snyder         | Burton         | Kanjorski      | Sanders       |
| Dicks        | Maloney (CT)  | Spratt         | Buyer          | Kaptur         | Sanford       |
| DeLauro      | Maloney (NY)  | Stabenow       | Callahan       | Kasich         | Saxton        |
| Dixon        | Markey        | Tauscher       | Calvert        | Kildee         | Scarborough   |
| Dooley       | Matsui        | Thompson (MS)  | Camp           | Kilpatrick     | Schaffer      |
| Edwards      | McCarthy (MO) | Thurman        | Canady         | King (NY)      | Schakowsky    |
| Engel        | McCarthy (NY) | Tierney        | Cannon         | Kingston       | Sensenbrenner |
| Eshoo        | McDermott     | Towns          | Chabot         | Kleczka        | Sessions      |
| Etheridge    | McGovern      | Waters         | Chambliss      | Klink          | Shadegg       |
| Evans        | McKinney      | Watt (NC)      | Chenoweth-Hage | Knollenberg    | Shaw          |
| Farr         | Meehan        |                | Clayton        | Kucinich       | Sherwood      |
| Fattah       | Meeks (NY)    |                | Clement        | Kuykendall     | Shimkus       |
|              |               |                | Coble          | LaFalce        | Shows         |
|              |               |                | Collins        | LaHood         | Shuster       |
|              |               |                | Combest        | Lampson        | Simpson       |
|              |               |                | Condit         | Largent        | Sisisky       |
|              |               |                | Cooksey        | Latham         | Skeen         |
|              |               |                | Costello       | LaTourette     | Skelton       |
|              |               |                | Cramer         | Lazio          | Slaughter     |
|              |               |                | Crowley        | Leach          | Smith (MI)    |
|              |               |                | Cubin          | Lee            | Smith (NJ)    |
|              |               |                | Cunningham     | Lewis (CA)     | Smith (TX)    |
|              |               |                | Danner         | Lewis (KY)     | Souder        |
|              |               |                | Davis (VA)     | Linder         | Spence        |
|              |               |                | Deal           | Lipinski       | Stark         |
|              |               |                | DeFazio        | LoBiondo       | Stearns       |
|              |               |                | DeGette        | Lofgren        | Stenholm      |
|              |               |                | DeLay          | Lowey          | Strickland    |
|              |               |                | DeMint         | Lucas (KY)     | Stump         |
|              |               |                | Deutsch        | Lucas (OK)     | Stupak        |
|              |               |                | Diaz-Balart    | Manzullo       | Sununu        |
|              |               |                | Dickey         | Martinez       | Sweeney       |
|              |               |                | Dingell        | Mascara        | Talent        |
|              |               |                | Doggett        | McCollum       | Tancredo      |
|              |               |                | Doolittle      | McCrery        | Tanner        |
|              |               |                | Doyle          | McHugh         | Tauzin        |
|              |               |                | Dreier         | McInnis        | Taylor (MS)   |
|              |               |                | Duncan         | McIntosh       | Taylor (NC)   |
|              |               |                | Dunn           | McIntyre       | Terry         |
|              |               |                | Ehlers         | McKeon         | Thomas        |
|              |               |                | Ehrlich        | McNulty        | Thompson (CA) |
|              |               |                | Emerson        | Meek (FL)      | Thornberry    |
|              |               |                | English        | Metcalf        | Thune         |
|              |               |                | Everett        | Mica           | Tiahrt        |
|              |               |                | Ewing          | Miller (FL)    | Toomey        |
|              |               |                | Fletcher       | Miller, Gary   | Traficant     |
|              |               |                | Foley          | Minge          | Turner        |
|              |               |                | Forbes         | Moakley        | Udall (CO)    |
|              |               |                | Ford           | Mollohan       | Udall (NM)    |
|              |               |                | Fossella       | Moore          | Upton         |
|              |               |                | Fowler         | Moran (KS)     | Velazquez     |
|              |               |                | Franks (NJ)    | Murtha         | Visclosky     |
|              |               |                | Galleghy       | Myrick         | Vitter        |
|              |               |                | Ganske         | Nadler         | Walden        |
|              |               |                | Gekas          | Neal           | Walsh         |
|              |               |                | Gibbons        | Nethercutt     | Wamp          |
|              |               |                | Gilchrest      | Ney            | Watkins       |
|              |               |                | Gillmor        | Northup        | Watts (OK)    |
|              |               |                | Goode          | Norwood        | Weiner        |
|              |               |                | Goodlatte      | Nussle         | Weldon (FL)   |
|              |               |                | Goodling       | Oberstar       | Weldon (PA)   |
|              |               |                | Goss           | Ortiz          | Weller        |
|              |               |                | Graham         | Oxley          | Weygand       |
|              |               |                | Granger        | Packard        |               |
|              |               |                | Green (WI)     | Pascrell       |               |

Whitfield Wilson Young (AK)  
Wicker Wolf Young (FL)

NOT VOTING—5

Campbell Cox Vento  
Cook Crane

□ 1456

Messrs. HUTCHINSON, DEUTSCH, Ms. BROWN of Florida, Messrs. FORD, WEINER, SWEENEY, HASTINGS of Florida, and THOMPSON of California, and Ms. KILPATRICK, Ms. VELAZQUEZ, Mrs. MEEK of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from “yea” to “nay.”

Messrs. SPRATT, BAIRD, FRELINGHUYSEN, and BILBRAY, and Ms. PRYCE of Ohio, Mrs. MCCARTHY of New York, Ms. PELOSI and Mrs. KELLY changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 141, not voting 7, as follows:

[Roll No. 104]

YEAS—287

Aderholt Coble Gibbons  
Archer Coburn Gilchrist  
Armey Collins Gillmor  
Baca Combest Goode  
Bachus Condit Goodlatte  
Baker Cooksey Goodling  
Ballenger Costello Gordon  
Barcia Cox Goss  
Barr Cramer Graham  
Barrett (NE) Crowley Green (WI)  
Barrett (WI) Cubin Gutknecht  
Bartlett Cunningham Hall (OH)  
Barton Danner Hall (TX)  
Bass Davis (FL) Hansen  
Bateman Davis (VA) Hastert  
Bereuter Deal Hastings (WA)  
Berry DeLay Hayes  
Biggart DeMint Hayworth  
Billray Diaz-Balart Hefley  
Bilirakis Dickey Herger  
Bishop Dingell Hill (IN)  
Bliley Doolittle Hill (MT)  
Blunt Doyle Hilleary  
Boehner Dreier Hinojosa  
Bonilla Duncan Hobson  
Bonior Dunn Hoekstra  
Bono Ehlers Holden  
Borski Ehrlich Hostettler  
Boswell Emerson Houghton  
Boyd English Hulshof  
Brady (TX) Etheridge Hunter  
Bryant Everett Hutchinson  
Burr Ewing Hyde  
Burton Fletcher Isakson  
Buyer Foley Istook  
Callahan Forbes Jefferson  
Calvert Ford Jenkins  
Camp Fossella John  
Canady Fowler Johnson, Sam  
Cannon Franks (NJ) Jones (NC)  
Castle Frelinghuysen Kanjorski  
Chabot Gallegly Kaptur  
Chambliss Ganske Kasich  
Chenoweth-Hage Gekas Kelly  
Clement Gephardt Kennedy

Kildee Nussle Shuster  
Kind (WI) Oberstar Simpson  
King (NY) Obey Sisisky  
Kingston Ortiz Skeen  
Kleczka Ose Skelton  
Klink Oxley Smith (MI)  
Knollenberg Packard Smith (NJ)  
Kucinich Pascrell Smith (TX)  
LaFalce Paul Souder  
LaHood Pease Spence  
Lampson Peterson (MN) Spratt  
Largent Peterson (PA) Stearns  
Latham Petri Stenholm  
LaTourette Phelps Strickland  
Lazio Pickering Stump  
Leach Pitts Stupak  
Lewis (CA) Pombo Sununu  
Lewis (KY) Pomeroy Sweeney  
Linder Porter Talent  
Lipinski Pryce (OH) Tancredo  
LoBiondo Quinn Tanner  
Lucas (KY) Radanovich Tausin  
Lucas (OK) Rahall Taylor (MS)  
Maloney (CT) Ramstad Taylor (NC)  
Manzullo Regula Terry  
Martinez Reyes Thomas  
Mascara Reynolds Thornberry  
McCollum Riley Thune  
McCrery Roemer Tiahrt  
McHugh Rogan Toomey  
McInnis Rogers Traficant  
McIntosh Rohrabacher Turner  
McIntyre Ros-Lehtinen Upton  
McKeon Roukema Visclosky  
McNulty Royce Vitter  
Metcalf Ryan (WI) Walden  
Mica Ryun (KS) Walsh  
Miller (FL) Salmon Wamp  
Miller, Gary Sandlin Watkins  
Minge Sanford Watts (OK)  
Moakley Saxton Weldon (FL)  
Mollohan Scarborough Weldon (PA)  
Moran (KS) Schaffer Weller  
Moran (VA) Sensenbrenner Weygand  
Murtha Sessions Whitfield  
Myrick Shadegg Wicker  
Neal Shaw Wilson  
Nethercutt Shays Wolf  
Ney Sherwood Young (AK)  
Northup Shimkus Young (FL)  
Norwood Shows

NAYS—141

Abercrombie Frost Millender-  
Ackerman Gejdenson McDonald  
Allen Gilman Miller, George  
Andrews Gonzalez Mink  
Baird Green (TX) Moore  
Baldacci Greenwood Morella  
Baldwin Gutierrez Nadler  
Becerra Hastings (FL) Napolitano  
Bentsen Hilliard Olver  
Berkley Hinchey Owens  
Berman Hoeffel Pallone  
Blagojevich Holt Pastor  
Blumenauer Hooley Payne  
Boehlert Boucher Pelosi  
Boucher Hoyer Pickett  
Brady (PA) Hoyer Price (NC)  
Brown (FL) Inslee Rangel  
Brown (OH) Jackson (IL) Rivers  
Capps Jackson-Lee Rodriguez  
Capuano (TX) Johnson (CT) Rothman  
Cardin Johnson, E. B. Roybal-Allard  
Carson Jones (OH) Rush  
Clay Kilpatrick Sabo  
Clayton Kolbe Sanchez  
Clyburn Kolbe Sanders  
Conyers Kuykendall Sawyer  
Coyne Lantos Schakowsky  
Cummings Larson Scott  
Davis (IL) Lee Serrano  
DeFazio DeFazio Sherman  
DeGette DeGette Slaughter  
Delahunt Lofgren Smith (WA)  
DeLauro Lowey Snyder  
Deutsch Luther Stabenow  
Dicks Maloney (NY) Stark  
Dixon Markey Tauscher  
Doggett Matsui Thompson (CA)  
Dooley McCarthy (MO) Thompson (MS)  
Edwards McCarthy (NY) Thurman  
Engel McDermott Tierney  
Eshoo McGovern Towns  
Evans McKinney Udall (CO)  
Farr Meehan Udall (NM)  
Fattah Meek (FL) Waters  
Filner Meeks (NY) Watt (NC)  
Frank (MA) Menendez Waxman

Weiner Wise Wu  
Wexler Woolsey Wynn

NOT VOTING—7

Campbell Granger Vento  
Cook Portman  
Crane Velazquez

□ 1505

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, I have been informed that my voting card did not register during final passage of H.R. 3660, rollcall vote 104. I intended to vote “yea” on passage of the “Partial Birth Abortion Ban Act.”

Mr. PORTMAN. Mr. Speaker, because of a prior commitment, I was unavoidably detained and missed rollcall vote No. 104 today on passage of H.R. 3660, the Partial Birth Abortion Ban Act.

I am an original cosponsor of this legislation. Had I been present, I would have voted “yea.”

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be permitted to file a supplemental report on the bill (H.R. 1776) to expand homeownership in the United States.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Iowa?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the