

Castle	Hulshof	Portman
Chabot	Hunter	Pryce (OH)
Chambliss	Hutchinson	Quinn
Chenoweth	Hyde	Rahall
Christensen	Inglis	Ramstad
Coble	Istook	Regula
Coburn	Jenkins	Riley
Collins	Johnson (CT)	Rogan
Combest	Johnson, Sam	Rogers
Cook	Jones	Rohrabacher
Cooksey	Kasich	Ros-Lehtinen
Cox	Kelly	Roukema
Crapo	Kim	Royce
Cubin	King (NY)	Ryun
Cunningham	Kingston	Salmon
Davis (VA)	Klecza	Sanford
Deal	Knollenberg	Scarborough
DeLay	Kolbe	Schaefer, Dan
Diaz-Balart	LaHood	Schaffer, Bob
Dickey	Largent	Schiff
Doolittle	Latham	Sensenbrenner
Dreier	LaTourette	Sessions
Duncan	Lazio	Shadegg
Dunn	Leach	Shaw
Ehlers	Lewis (CA)	Shays
Ehrlich	Lewis (KY)	Shimkus
Emerson	Linder	Shuster
English	Livingston	Skeen
Ensign	LoBiondo	Smith (MI)
Everett	Lucas	Smith (NJ)
Ewing	Manzullo	Smith (OR)
Fawell	McCollum	Smith (TX)
Foley	McDade	Smith, Linda
Fowler	McHugh	Snowbarger
Fox	McInnis	Snyder
Frelinghuysen	McKeon	Solomon
Gallely	Metcalfe	Souder
Ganske	Mica	Spence
Gekas	Miller (FL)	Stearns
Gibbons	Molinar	Stump
Gilchrest	Mollohan	Sununu
Gillmor	Moran (KS)	Tauzin
Gilman	Morella	Taylor (MS)
Goodlatte	Myrick	Taylor (NC)
Goodling	Nethercutt	Thomas
Goss	Neumann	Thornberry
Graham	Ney	Thune
Granger	Northup	Tiahrt
Greenwood	Norwood	Trafficant
Gutknecht	Nussle	Upton
Hall (TX)	Oberstar	Walsh
Hansen	Packard	Wamp
Hastert	Pappas	Watkins
Hastings (WA)	Parker	Watts (OK)
Hayworth	Paul	Weldon (FL)
Hefley	Paxon	Weldon (PA)
Hill	Pease	Weller
Hilleary	Peterson (PA)	White
Hobson	Petri	Whitfield
Hoekstra	Pickering	Wicker
Horn	Pitts	Wolf
Hostettler	Pombo	Young (FL)
Houghton	Porter	

NOT VOTING—28

Blagojevich	Herger	Saxton
Clay	Hinchey	Stark
Clement	Kaptur	Stenholm
Cramer	Klug	Stokes
Crane	McCrery	Talent
Davis (IL)	McIntosh	Turner
Fattah	Oxley	Weygand
Flake	Radanovich	Young (AK)
Forbes	Rangel	
Franks (NJ)	Riggs	

□ 1038

Messrs. FAWELL, McDADE, PORTER, GILMAN, BATEMAN, and McCOLLUM changed their vote from "yea" to "nay."

Messrs. GREEN, MURTHA, BALDACCI, GOODE, LIPINSKI, BOSWELL, SCOTT, MCINTYRE and COSTELLO changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARTIAL-BIRTH ABORTION BAN
ACT OF 1997

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 100 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1122) 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) 2 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.

The SPEAKER pro tempore. (Mr. BARTON of Texas). The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. 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.

□ 1045

Mr. Speaker, the resolution provides for consideration of H.R. 1122, the Partial-Birth Abortion Ban Act of 1997, under a closed rule. The rule provides for 2 hours of debate divided equally between the chairman and the ranking minority member of the Committee on the Judiciary. Finally, it provides for one motion to recommit.

In short, H.R. 1122 outlaws the practice of partial-birth abortions. Any physician who performs this inhumane act may receive a fine or receive up to 2 years in prison, or both. The bill explicitly states that if the procedure is necessary to save the life of a mother who is threatened by a physical disorder, illness or injury and no other medical procedure would do, then the physician will not be held liable.

The language in H.R. 1122 is identical to the language in the Partial-Birth Abortion Ban Act of 1995, which was vetoed by the President. Members may hear objections by the other side that this bill has not passed through the committee process, but I would like to point out that this is the same language that 80 percent of the American people supported when it passed through Congress previously. The bottom line is that this is not new language we are trying to sneak past anybody. My colleagues are well aware of what this bill contains and any other assertion would be disingenuous at best.

During debate on the resolution and the bill itself, you may hear some voices of discontent from Members on both sides of the aisle. I urge my colleagues to make sure they do not lose sight of the true focus of this debate, the horrible procedure known as par-

tial-birth abortion. Try not to forget that the reason we are considering this important bill is to preserve the life of these vulnerable and fragile children. We are talking about human life. When this issue was before the subcommittee, they received testimony from Whitney Goin, proud mother of a beautiful young baby that was born with the organs developed outside of the body. The doctors told her to abort the child, but she elected to have her baby. With the help of skilled doctors and extensive surgery, the child was able to survive and is alive today. No one can ever replace the love and affection that she will be able to share with her baby for the rest of her life.

I would encourage all of my colleagues to read the piece by George Will that appeared in yesterday's newspaper. In it, he gives an eloquent argument against this procedure. His son Jon is about to celebrate his 21st birthday. Jon has Down's syndrome, and his parents were asked to decide if they should take him home or not. Jon is leading a productive, happy life despite his mental retardation.

I point out these two cases, and there are countless others, because they are a testament to the fact that life is precious and should not be squandered. The joy that children bring to their parents, regardless of their physical or mental condition, is boundless and must be respected. I cannot help but think of my own two sons and my seven grandchildren and the joy that they bring to us.

Mr. Speaker, I again implore my colleagues to support the ban and allow these children the opportunity to live a happy and productive life.

Abortion has long been an issue that divides our Nation. People on both sides argue with great conviction that they are protecting sacred human rights. However, we are not talking about the general issue of abortion during this debate. Today's debate is about what our society values as right or wrong. We will decide whether our Nation will continue to allow the appalling practice of partial-birth abortion to continue.

I am sure that every one of my colleagues is fully aware of the details of this particularly repugnant form of abortion. Therefore, I am not going to again describe the procedure. But I am going to challenge my colleagues to consider H.R. 1122 on the merits of the legislation and make their decision based on the facts as we know them to be today.

I am sure some of my colleagues made a decision to oppose similar legislation in the past based on false information provided to them by pro-abortion groups and Ron Fitzsimmons, the Executive Director of the National Coalition of Abortion Providers. He said that he lied through his teeth when he said the procedure was rarely used. He now admits that pro-life groups were accurate when they said that the procedure is common. By Mr.

Fitzsimmons' estimate, 3,000 to 5,000 partial-birth abortions are performed every year.

To further underscore the lies and deception, Mr. Fitzsimmons said in the *Medical News*, an American Medical Association journal, that "In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along." He further went on to state that the abortion rights folks know it, the antiabortion folks know it and so probably does everybody else.

In fact, the truth is the vast majority of cases are performed on healthy mothers with healthy babies. Mr. Fitzsimmons intentionally lied about partial-birth abortions to mislead people because he feared the truth would damage the cause of his allies. While explaining his veto, the President echoed the argument of Mr. Fitzsimmons and his colleagues. H.R. 1122 will allow the President the opportunity to reevaluate this issue, this time with accurate information on which to base his decision.

He is not alone. I urge my colleagues who opposed banning partial-birth abortions in the past to reflect on the truth about the misinformation that Mr. Fitzsimmons and the pro-abortion lobby has circulated before making your final decision on this critical issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. I thank the gentleman for yielding me this time. Let me also thank the minority side for their patience with this yield.

Mr. Speaker, this rule makes in order 2 hours of debate on a subject that many of us would rather we did not have to debate in this country. This is a subject that is heartbreaking to all of us. Irrespective of which side of the debate we find ourselves, it breaks one's heart to realize the subject under consideration here.

We are talking about whether or not this Nation can, through its elected representation, tolerate or must it ban a particular procedure by which the life of a child is snuffed out. There are going to be heartfelt differences on this issue, make no mistake about it.

Mr. Speaker, whether you think this is about the child and the Government's obligation to protect life or if you think it is about the mother and her rights to her freedom, her privacy and her control over her own destiny, should we expect any Member of this body to come at this issue casually, or should we not expect us to have in each of the two sides an intensity of conviction and commitment to our point of view?

In this 2 hours of debate, Mr. Speaker, there are going to be a lot of hard facts that are going to be put up before us. There are going to be a lot of things we do not want to hear about and do not want to see. There are going to be

some arguments we are not going to particularly appreciate. But let us ask this of ourselves: Out of respect for the importance of this issue to both sides and the gravity of the issue and the lives of the people who are affected by it across this Nation, even if we are not able to respect the arguments made by one another, can we respect their right to make those arguments? And can we carry on a discourse over this subject that is serious, that is sober and that is, if I may daresay, as reverent as this subject demands. That is the plea I would make for our body today.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong opposition to the rule and the underlying bill, H.R. 1122.

Mr. Speaker, I urge all my colleagues in the strongest possible terms to defeat the previous question on this rule. The process the majority has used to bring this rule and bill before the House of Representatives makes a mockery of our legislative process. The bill that would be made in order by this rule is not the bill reported by the Judiciary Committee. It is not the bill that the Rules Committee heard testimony on yesterday.

Last night in an unprecedented move, the majority members of the Committee on Rules discarded legislation that had been approved by the subcommittee and the full Committee on the Judiciary and replaced it with a bill from the last term.

Several improving amendments that had been accepted by the Committee on the Judiciary were tossed away. In an unusual agreement with the Senate, the majority leadership of this body determined that they wanted to send the President a bill identical to the one he vetoed last year. The President has made it clear that he will veto any bill that does not pass the test of the four women who visited him in his office explaining that the procedure we are discussing today was necessary to preserve their health, their lives, and their reproductive ability.

The minority of the Committee on Rules had no more input than did the Committee on the Judiciary. We were simply confronted with a fait accompli in the form of the already-vetoed and expired bill from the last term. It is obvious that the Committee on Rules chose to invite another veto rather than meeting the President's criteria for signing this bill, and that calls into question their sincerity on this entire issue.

One amendment approved by the Committee on the Judiciary that is not in this bill would have prevented a father who had abandoned or abused the mother of the fetus from suing for damages. I want to make this clear, that anyone who votes for this bill made in order by this rule is voting to allow batterers and abusers to profit from the tragedy that leads to this procedure. Imagine, an abuser, an abandoner, or rapist can sue his victim who is already damaged.

Ironically, providers can be sued for damages resulting from both psychological and physical injuries, and yet the majority refuses to allow the bill to be amended to provide an exception to protect the woman's psychological health. In other words, her's does not matter. The father's does. That amendment would have enhanced the chances of this bill becoming law.

Another amendment passed by the Committee on the Judiciary but deleted in the new version of the bill passed last night clarified that the life exception in the bill includes situations in which the mother's life is endangered by the pregnancy itself. There is no protection for her. Regardless of where one stands on the issue of abortion, I believe all of us would agree that these two amendments are necessary.

All Members know that at the end of a congressional term, all bills previously filed have died and certainly a vetoed bill has died. Bringing back a bill from a previous term has not only rendered useless the work of the committee and those interested enough to produce amendments, but has disenfranchised the new members of the Committee on the Judiciary and their constituents who were not members last term. This means they had no input on the bill whatsoever, they were not privy to any of the discussions on the bill, they never voted for this bill.

I do not believe personally that it is the role of Congress to determine medical procedures. The doctor-patient relationship in this country has been accepted as totally private. My dismay and disbelief at the process in which this bill has been brought to the floor overrides my concern, however, about Congress inserting itself into the most private of decisions because we are saying not only are we competent to make medical judgments but we are saying that the Committee on Rules is the only competent body to make the decision, more competent even than the Committee on the Judiciary, which has jurisdiction over the issues, overstepping the bounds in which we have always operated since the days of Thomas Jefferson.

Does congressional reform mean that from now on there is only going to be a Committee on Rules? Are we going to completely override the product of other committees, taking away the rights and responsibilities that have always been the prerogatives of Members of Congress? Is this the new civility? Does the majority really care about this issue or does their mistaken belief that they will embarrass President Clinton override their judgment?

□ 1100

I urge my colleagues in the strongest possible terms to reject this rule that would permit debate on a bill that is not properly before us and has bypassed every single part of the legislative process, and I urge defeat of the previous question.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise to oppose this rule and to address a concern that is deeply rooted in the conscience of every Member in the House of Representatives and, I think, in the hearts of almost every citizen of this great country.

For many, the debate over abortion is a deeply personal and emotional issue. It is one that commands thoughtful and sincere reflection and frankly ought to be protected from politically charged debate. But there is one area where I hope every person of conscience in this body can agree, and that is that the right to choose must be available when a woman's life is in danger for any reason and that a very personal decision on that issue should be up to the woman, her doctor, her family and her clergy.

This bill does not protect a woman, even when her life is in danger, if her pregnancy goes forward. The changes made in the Committee on Rules last night remove that assurance provided in the Committee on the Judiciary markup. The other side tragically will not even allow a discussion where that life protection can be debated, discussed, and perhaps offered as an alternative.

All of us oppose late term abortions. All of us. But many of us believe that an abortion should be allowed if the woman's life is in danger. The Republican bill says a woman must carry her pregnancy to term even if she could die doing so. We should have been able to consider the bipartisan Hoyer-Greenwood bill that prohibits all late-term abortions unless the life or severe health consequences of the mother is at stake.

By not allowing this bipartisan bill to be offered, the motive of the Republican leadership becomes apparent. They simply want to win. The ability to use this issue politically is at stake. The truth is I believe they have no interest in solving a problem by bringing this country together because we could reach almost complete unanimity on this issue in this body. I think their only motive is the 30-second spots that are running now and will run again in 18 months.

Mr. Speaker, it is a shame and a sham.

Mrs. MYRICK. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I would like to just really respond to the last comment and say that this bill is coming to the floor today because forces on both sides of this issue were pulling so hard in opposite directions that they ultimately could not reach agreement on H.R. 929. It was totally impossible for the Committee on Rules to reach a consensus with all parties involved, so in the interests of fairness we decided to bring up legislation that the House has considered in the past. In fact, this is the same legislation that the President vetoed in the 104th Congress.

Mr. Speaker, it is not a sneak attack by the majority. It is merely an attempt to bring forth legislation that had broad support in the past so we can consider this extremely important bill; Members can cast their votes with a clear conscience without the pressure tactics from powerful groups on both sides of this divisive issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman for yielding me the time to rise in strong support of this rule and this bill. This is a fair rule which will allow the House to present to the President of the United States the exact same bill he vetoed last year for his needed consideration.

But let me speak to something else here because I am really disturbed with the statement by the gentleman from California that just spoke as well as the gentlewoman from New York. I hope she will be listening here. I would like to address her remarks, if I might, and I am trying to be very calm about this because she is a gentlewoman that I deeply respect, but I am concerned with her remarks because, first of all, she questioned the sincerity of Members on the other side of this issue, and we could read back her remarks in which she said, "questions of sincerity."

Mr. Speaker, I think that is beneath all of us. If she had put a name to that statement, naming me or the gentlewoman from North Carolina [Mrs. MYRICK] or anyone else on this side of the aisle or some on their side of the aisle, her words would have been taken down. We should keep this on the highest plane that we can because we all are emotional about this issue. I am, as the father of five children and the grandfather of five, and so are people on their side from their philosophical persuasion as well. So let us keep it elevated, my colleagues. Let us not get into this.

Let me get into one other thing that the gentlewoman brought up because she questioned the hypocrisy of us bringing before the Congress a bill that had not been reported. Well, I would just remind the gentlewoman and everybody on that side of the aisle that on March 19, 1992, when the gentlewoman was a member of the Committee on Rules before she left and subsequently came back this past year, that our Committee on Rules, under the leadership of the gentleman from Massachusetts [Mr. MOAKLEY] and the Democrat leadership, reported special order waving all points of order against an unreported bill under a closed rule. And do my colleagues have any idea what that was? It dealt with the removal of limitations on the availability of funds previously appropriated to the Resolution Trust Corporation when we were arguing over the bailout of these S&L's. That was probably one of the most important bills to come be-

fore the Congress that year, and it came before the Congress as an unreported bill. They did the same thing that I did in taking the bill that was on the President's desk last year and dropping it in the hopper last night and then bringing it to the Committee on Rules. That is exactly what we are doing here today.

And while we are at it, the gentlewoman spoke, and so did the gentleman from California, about the life of the mother and the fact that this was not contained in this bill before us today. Let me read for my colleagues the paragraph on page 2, line 3.

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 2 years or both, and then the next sentence goes on to say, and it is here in plain print for anybody to read: This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, by illness or by injury.

That is in the bill, and true, the bill reported by the committee did have additional language which was put in there just to clarify the obvious that is here.

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

Mr. SOLOMON. I yield to the gentleman from California.

Mr. CUNNINGHAM. I came down because I was upset at the gentlewoman's statement, not against it but what she was saying, because I am 100 percent pro-life; but I also want to support the life endangerment of the mother, and the gentleman from New York [Mr. SOLOMON] is telling me—because I was ready to vote against the bill. He is telling me it is covered in this bill.

Mr. SOLOMON. The gentleman can read it, and the sponsor of the bill can tell the gentleman.

Mr. Speaker, if I could get back now to settle down a little bit and just to talk about the issue before us.

Do we as a body support or oppose a truly unconscionable, a truly immoral procedure called partial-birth abortion?

As my colleagues know, when my wife and I were first married, the husband did not go into the room and watch the birth of the baby. I am sorry I did not back in those days, but my children, all of them, have, and can you just picture this immoral, this inhumane procedure? If my colleagues do, and if they had ever watched the birth of a baby, I am sure that they would be voting for this bill here today. As my colleagues know, for me it is just clear.

As my hero, Ronald Reagan, stated so well:

We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life. There is no cause more important. And, my colleagues, think about that.

In this spirit in the last Congress I joined with two-thirds of this House, and that was a majority of Republicans and Democrats together, two-thirds of this body, in making a clear and unequivocal statement that this inhumane procedure, a partial-birth abortion, should be banned in this country. The U.S. Senate concurred by also voting to ban this same kind of procedure. Nevertheless, when the bill reached the President's desk, it was vetoed. Although it was only one signature away from becoming a law, that bill was rejected because of the President's belief that partial-birth abortions occur only rarely and only when necessary to save the life of the mother. That is what he said in his veto message.

However, the Nation now knows that President Clinton's whole decision was based on erroneous and incorrect information. This information was, in fact, so wrong that one of the strongest supporters of partial-birth abortion admitted publicly that he deliberately misled the American people, Congress, and even the President into believing this was true; and indeed on February 25, 1997, just past, Ron Fitzsimmons, the executive director of the second largest abortion provider in the country, admitted on Nightline, and go back and get it; we have got the videotapes to show our colleagues—and admitted on Nightline, and later to the New York Times, that he lied through his teeth. That is his statement, not mine, that he said I lied through my teeth.

Mr. Speaker, and my colleagues, partial-birth abortions do in fact happen far more often than acknowledged and on healthy mothers bearing healthy babies.

Today Congress is poised at the same moral crossroads where it found itself during the last Congress. While Congress made the right decision last year, the President, standing at those same crossroads, made an immoral decision by vetoing that bill, and in light of these latest revelations of the truth, the broad-based support of the American people, and as Ronald Reagan called it, the most important cause there is, we need to pass this bill again and give it to the President, give him another chance to do the right thing, because the only reason he vetoed it was because of the lies by Ron Fitzsimmons. Now he knows the difference, he has a obligation now to sign this bill, and I would urge everyone to come over here and vote for this rule, vote for the bill, and let us save these decent human beings' lives.

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

Mr. Speaker, I just want to say that on March 7, the President said that he was not persuaded at all by Mr. Fitzsimmons but had made his decision on other matters.

Mr. Speaker, I yield 1 minute 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 rise this morning as a mother of two children age 11 and 17 and hoping that God will bless me to have grandchildren in the future. I also rise this morning as a member of the House Committee on the Judiciary and someone who participated in the Committee on Rules hearing yesterday.

This is an issue of life and death, and I ask my colleagues, Do you know that? It seems to be that even though I respect those who have a difference of opinion, and I am gratified of the previous speaker's acknowledgment that we must be civil, but this is nothing but a game, late into the night another piece of legislation that none of us on the Judiciary Committee got to see appeared, the same legislation that the President had vetoed because it protects the health of the mother. This bill does not care about the health of the mother. It does not care about the opportunity for future fertility so that that family can have another child. This is a wrongheaded bill.

And when we had the opportunity to be bipartisan with the Greenwood-Hoyer bill, what happened to it? It fell by the wayside.

I ask my friends to be bipartisan and allow us to pass out a bill that will speak to the American people and preserve the life of a mother and the health of a mother. Vote down this rule.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I am going to vote for H.R. Bill 1122, and these are the reasons:

At day 22 of a pregnancy a baby's heart begins to beat with blood often a different type than the mother's. At week 5, eyes, hands, and feet begin to develop. At week 6, brain waves are detectable. Week 8, all body systems are present, and bones begin to form. Week 9, the baby is sucking his or her thumb, kicking and bending fingers. Week 11, the baby can smile. And at week 17 the baby can have dream sleep.

Mr. Speaker, we are talking about a procedure that takes place at weeks 20 to 24, a procedure where the child is turned around in the womb and grabbed by the feet and the baby is killed, as has been described before.

There has been another time when babies have been grabbed by the feet and killed, and it happened in Cambodia outside of Phnom Penh, the killing fields. At the edge of the killing fields is a tree that stands there, stained with red right now, because those people, in the midst of the genocide that was taking place there, took the babies by the feet and beat their heads against the tree, and that tree is stained with blood; it is red until its death as a symbol of the genocide and the infanticide that took place in Phnom Penh at the hands of the Khmer Rouge.

We are doing the same thing except just a matter of inches, a matter of difference of time. We are doing the same thing. We are grabbing the feet of the baby, and we are killing them, we are killing these people who are living in the womb and are supposed to be a protected environment.

Our Nation cannot withstand this assault. Our Nation's conscience cannot withstand this assault. We must do something. We will pay for this disobedience to the very reason for our creation.

□ 1115

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague for yielding me this time.

I rise as an original cosponsor of the Partial-Birth Abortion Act. Abortion, except to save the mother's life, is wrong. However, this particular procedure is doubly wrong. It requires a partial delivery, and it involves pain to the baby.

Mr. Chairman, we will hear the medical details of these abortions from others. I just want to lend my support to the bill as one who tries to follow a moral code of common sense. A compassionate society should not promote a procedure that is gruesome and inflicts pain on the victim. We have humane methods of capital punishment, we have humane treatment of prisoners; we even have laws to protect animals. It seems to me we should have some standards for abortions as well.

Many years ago, surgery was performed on newborns with the thought that they did not feel pain, and now we know they do feel pain. According to Dr. Paul Ranalli, a neurologist at the University of Toronto, at 20 weeks a human fetus is covered by pain receptors and has 1 billion nerve cells. Pain is inflicted to the fetus with this procedure.

Mr. Chairman, I do not want to discuss a bill relating to abortion without saying that we have a deep moral obligation to improving the quality of life for children after they are born. I could not stand here and honestly debate this subject with a clear conscience if I and my colleagues did not spend a good portion of our time on improving hunger conditions and trying to help children and their families achieve a just life after they are born.

On a final note, I want to express my serious concern about the rule. Last night's action by the Committee on Rules on this bill was a travesty of process. If there has ever been an issue that we ought to be knocking out of the ball park, it is this one. To me, there is no gray area on this issue. Enough is enough. If there is one thing this Congress ought to do this year, it is to stop this very reprehensible and gruesome technique of abortion. We treat dogs better than this.

I will vote for the rule. I do so reluctantly because of my strong objections

to the process. However, my determination to ban this gruesome, immoral process is stronger. Vote "yes" on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in opposition to this rule. This is a bill that I supported last year and I will probably support it again this year, but I am deeply troubled by what the Committee on Rules did.

The Committee on Rules said that a woman whose life is threatened by the pregnancy itself should die. The original bill said we are not going to do that; if my wife is going to die because of the pregnancy, we are not going to let that happen. This bill says, let the woman die, and that is wrong.

The Committee on Rules abused this process. We should go back to the original language in this bill that was put in as it was introduced. There is no woman in this country that should die because of the pregnancy itself. This bill should be changed.

Every person in this room knows that there is not a woman in this country that should die because her life is threatened by her pregnancy. That is an outrage, and this bill originally recognized that there was a problem with that. It originally realized that this is a spot where this bill was vulnerable last year, so it corrected it. Now they are back to playing politics.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Speaker, I am outraged that the leadership of this House has once again decided to play politics with women's lives. This bill values abusive fathers more than women's lives. This bill, as reported here, eliminated amendments made by the committee that would have helped save some women.

Let me explain how this bill works. A woman becomes pregnant. While she is pregnant, the father of the fetus rapes her. He then beats her to a pulp. He throws her down the stairs, he batters her. He then disappears from the scene and abandons her.

This woman, who is now severely traumatized, who is physically injured by the battering, whose doctor tells her that because of her injuries, carrying the pregnancy to term will probably result in permanent, severe physical injury, perhaps permanent paralysis, for life, decides to have an abortion. The doctor tells her the safest method of abortion is the so-called, what some people call the partial-birth abortion. It is the safest method. Other methods might kill her, might increase the chance of paralysis, but this, he says, is the safest method.

This bill says, First, she cannot have that abortion that way. If she does, the

doctor is criminally liable. The bill also says that the father of the child, of the fetus, who raped her, who abused her, who abandoned her, now can sue her and her doctor for damages. The abusive father is entitled to damages. In fact, he is even entitled to money for physical and emotional damages that he has suffered.

This is ludicrous. It is an outrage. It is disgusting. Not only does this bill intrude, infringe, and violate the constitutional right to choose, but it rewards abusive fathers. It rewards rapists.

The committee's amendment that would have said that a father who beats the woman, who abuses her, who abandons her, cannot sue her for damages, was eliminated in proceedings by the Committee on Rules. This is shameful. I urge the House to reject this bill.

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

Mr. FRANK of Massachusetts. Mr. Speaker, it seems very clear to me that we have people who would prefer an issue to a bill that could become law. I offered an amendment in committee that would have provided an exception to the ban in cases where it was necessary to use this procedure to avoid serious adverse physical health consequences to the mother.

Now, people on the other side have argued that health is too broad. I do not agree with that. I find the health concept important. But I also understand the health concept, including mental health, is most directly relevant when we are talking about whether or not to have an abortion.

This bill does not say you cannot have an abortion; it says you may not use this particular procedure. Where we are talking about a ban on a specific procedure, then physical issues become more prominent, because the mental question generally is as to whether or not an abortion is permitted.

Here is what the majority is insisting upon. A doctor believes he can show that it is necessary under the wording of this bill to use this procedure for a woman who has established her right to an abortion, because otherwise there would be severe physical adverse health consequences, and the majority says no. The majority says even if avoiding this procedure will subject the woman to severe adverse physical health consequences, as long as she is not going to die, but if she is severely physically damaged, then they cannot use this procedure. And the chairman of the full committee, with the intellectual honesty he brings to the issue, said if it is a choice between the woman incurring serious physical health damage and the life of the fetus, then the woman's health must give way.

The chairman of the committee made that explicit when he opposed the amendment, and that is the choice that

the Members are not being allowed to make. I am not being allowed to offer an amendment that would have provided an exception to severe physical adverse health consequences. I think that bespeaks an interest on the part of some in an issue and not a law.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this closed rule.

Mr. Speaker, this is a difficult issue. That is why I had hoped that we could work with the GOP leadership to reach consensus on this legislation. We have repeatedly tried to compromise with the Republican leadership to write a bill that the President could support. As my colleagues know, the President has said very clearly that he will sign this legislation if it contains a narrow exception to protect those few women who need this procedure to preserve their health. I personally asked the leadership to work with us, to craft a narrow health exception to the bill. They were unwilling.

The GOP leadership was also unwilling to allow a vote on the bipartisan Hoyer-Greenwood substitute. That legislation would have banned all late-term abortions, except those performed to save the life or preserve the health of the pregnant woman.

The President will veto the bill in its current form. He has made that very clear. So rather than work with us to send the President a bill that he will sign, the Republican leadership would rather pass legislation that he will veto.

Let us be clear. This vote today is about the value of women's health. The President said that he will not sign a bill unless it protects women's health, and the GOP leadership will not go along. I am sorry that the leadership chose to turn this sensitive matter into a political issue. Unfortunately, it has become very clear that this leadership does not want to ban this procedure, they want a political issue.

I urge my colleagues to defeat this closed rule so that we can include a health exception to the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I strongly oppose late-term abortions, but I believe that when the mother's life or health are at risk, that choice should be made by a woman and her physician and not by the Federal Government.

Mr. Speaker, what the American people do not know about this bill is this: If we want to save babies, why does this bill just outlaw one abortion procedure? The fact is, this bill still makes it legal to have abortions at the end of the eighth or ninth month of pregnancy. What the American people

do not know is that late last night the Committee on Rules refused to even let this House vote on the bipartisan Greenwood-Hoyer bill that would have outlawed all late-term abortion procedures, not just one procedure.

I can respect those who support this bill, Mr. Speaker, but they should be honest. There is no proof that this bill will save even one baby. By outlawing one procedure and allowing others, you are not saving babies, you are risking the health of mothers.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING].

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

□ 1130

Mr. BUNNING. Mr. Speaker, today I rise as a father of 9 and a grandfather of 30, in strong support of the partial-birth abortion ban and the rule which allows this bill to come to the floor.

Today's debate is different from most abortion debates we see on the floor each year. This debate is not about the viability of the fetus, this debate is not when life begins. This is about the killing of an infant.

The defenders of partial-birth abortion do not even try to deny that we are talking about a viable human being. Instead, the defenders of partial-birth abortion have always tried to defend it by saying it is only used in cases of protecting the health and future fertility of the woman or the mother. This claim is obviously not true. Former Surgeon General C. Everett Koop, along with doctors from all over this country, have stated that partial-birth abortions are never medically necessary to protect the health or future fertility of the mother.

During the last month the truth regarding this procedure has finally come to surface. The pro-abortion movement has developed a serious credibility problem. Mr. Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, admitted that he misled Congress. The pro-abortion movement lied about partial-birth abortion. The truth is that this barbaric procedure is not a rarity. Doctors are performing thousands of partial-birth abortions each year. The majority of them are being performed as elective procedures done on healthy women carrying healthy babies. That is a tragedy.

It is time to put an end to this barbaric procedure. I ask my colleagues to join me in support of H.R. 1122.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I am pleased to follow the gentleman from Kentucky. The Hoyer-Greenwood bill would have prevented any abortion, not just by this procedure but by any procedure, I tell the gentleman from Kentucky, on healthy women with healthy babies. This bill that the gen-

tleman is supporting will prevent not one abortion, not one. Why? Because it deals with only one procedure.

There are other procedures, and I presume that the gentleman believes those procedures are equally, in his terms, barbaric. If he does not, I would yield for a question on that issue. But my assumption is he does. So the issue here is whether they are going to allow in order Hoyer-Greenwood.

The Republican Party, when it was in the minority, railed against the Democrats for arbitrarily and arrogantly preventing amendments to reflect different views. They said we wanted to prevent open and fair debate.

Not only did the Committee on Rules last night prevent debate and prevent other amendments, they also prevented even the work of their own committee. They had the temerity to reject out of hand the committee process. This group that came to reform the Congress in 1995 and talk about process, talk about fairness, talk about openness, this rule is outrageous, America, because it does not allow the views of the American public to be reflected on this floor and allow Members the right to say, as I want to tell my constituents, and I presume many do as well, I am against late-term abortion, period. Do I make exceptions? Yes, I do.

I recently lost my wife on February 6. It was a painful experience. We have three children. I could not do anything about the cancer that gripped her body, but if I could have done something had she been pregnant with one of our three girls and saved her life, by God, I would have done it. If the doctor had told me, Judy will not be able to have further children if we do not perform an abortion, I would have said, as much as I love my three daughters, Doctor, save Judy's life and our ability to have more children.

That is what this debate is about. The Committee on Rules has muzzled us. We cannot address that issue. We address only one procedure.

Is it a procedure which we revile? It is. Is there a Member in this House who will come to this floor and tell me there is another procedure they believe is more humane, more fair, more acceptable?

If there is, have them come to the floor. I understand there is an honest difference of opinion. The alternative procedures that can be employed are not supported by many, by most, perhaps by all who will vote for this bill. I understand that. I think that is a fair position.

But what, I say to the gentleman from New York [Mr. SOLOMON] is not fair, what is deeply unfortunate in this Democratic body, is to not give us the opportunity to have Members be able to express their views by voting for or against alternative amendments.

Vote against this unfair, this unfortunate rule that has been presented to us.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, there is nothing more unfair than using this inhumane treatment on an unborn child, a living human being. Let me quote, and I will include the article by Robert Novak in this morning's Washington Post; he says, "Hoyer's bill makes this exception: 'If in the medical judgment of the attending physician the abortion is necessary to avert serious health consequences to the woman,'" and then it goes on to say that when HOYER was asked March 12, what does that mean, and the question said, does it include mental health, Mr. HOYER said, "Yes, it does." HOYER then launched into a discourse that indicated no psychosis is necessary, only what he calls "psychological trauma."

The article goes on to say, in short, any doctor could perform a partial-birth abortion at his own inclination. That means there are no detriments at all. Any partial-birth abortion could be allowed at any time. That is why we want this bill to be only on the issue of partial-birth abortion and not on the issue of abortion itself.

Mr. Speaker, I include for the RECORD the article referred to:

CLINTON'S ABORTION SCAM

(By Robert D. Novak)

Rep. Steny Hoyer, a nine-term Maryland Democrat who is carrying President Clinton's abortion colors, was all too honest in a Capitol Hill press conference March 12. He revealed that his Clinton-blessed bill to supposedly ban "late-term" abortions provides no restriction at all. In fact it is a world-class scam.

Public opinion, for once, is on the pro-life side when it comes to "partial-birth" abortions, which remove the living baby from the mother, as if in a birth, and suck out its brains, often with the help of surgical scissors. The Republican-sponsored Partial-Birth Abortion Act, to be voted on by the House today, permits this only in very rare instances where the life of the mother is endangered. But Bill Clinton has promised to repeat his 1996 veto unless the health of the mother is also protected.

Accordingly, Hoyer's bill makes this exception: "if in the medical judgment of the attending physician, the abortion is necessary . . . to avert serious health consequences to the woman." What, Hoyer was asked March 12, does that mean?

"We're not talking about a hangnail," Hoyer replied. "We're not talking about a headache . . . Does it include mental health? Yes, it does." Hoyer, then launched a discourse that indicated no psychosis is necessary, only what he called "psychological trauma." In short, any doctor could perform a partial-birth abortion at his own inclination.

That's all there is to the "dramatic shift" by Clinton feverishly heralded on the Boston Globe's front page March 7. The newspaper disclosed a Clinton "compromise" would ban late-term abortions, except for the mother's life and health exemptions. That day at his press conference, the president was fuzzy about what he supported. But on March 8, the Globe reported that the White House said, "Clinton's remarks should be interpreted as an endorsement for a bill banning third-trimester abortions," though there would be a "a very narrow exception for health reasons."

But not so narrow, it turned out. Four days later, Hoyer and Republican Rep. James Greenwood of Pennsylvania, ardent abortion rights advocates, introduced the bill the Globe was talking about. It would outlaw any abortion "after the fetus has become viable." The doctor on hand would be the one to define viability (the earliest a baby can survive outside the womb). So, the Hoyer-Greenwood bill really permits any abortion any time an abortionist sees fit.

A formal presidential statement will endorse that bill, Clinton aides say, if a vote on it is permitted today. On Tuesday, Hoyer asked Rep. Henry Hyde, Judiciary Committee chairman, whether the House could vote on his bill. "Over my dead body!" Hyde, long a pro-life stalwart, cheerily replied.

Hyde's obstinacy is justified by last year's comments from pro-abortion activist Susan Cohen, referring to a close Senate vote on a health-of-the-mother exception: "We were almost able to kill the bill." Hoyer-Greenwood is intended to be a killer that would mean no bill at all.

Meanwhile, the president persists in fantasies in the face of collapsing myths. Abortion clinic spokesman Ron Fitzsimmons has admitted that he "lied through my teeth" last year when he "spouted the party line" that partial-birth abortions are not routine. As I wrote last December, the procedure is widespread and elective—used in the fifth and sixth months of pregnancy because it is an easier, though more grisly, way to abort the developed fetus.

In his March 8 press conference, Clinton insisted that, contrary to all medical evidence, there are "a few hundred women" a year who resort to this procedure so "that they could have further children." Why does he persist in this untruth? "Because he believes it," a senior White House aide told me.

During the 1996 campaign, the president wrote leaders of his own denomination, the Southern Baptist Convention, that when partial-birth abortion is used "in situations where a woman's serious health interests are not at risk, I do not support such uses, I do not defend them and I would sign appropriate legislation banning them." But that promise is broken by his support of Steny Hoyer's killer substitute. Clinton would be in political trouble if he violated a gun-control pledge, but not where lives of the unborn are concerned.

Mr. MCINNIS. Mr. Speaker, let me say something to the gentleman from Maryland. My wife faced exactly the same challenge. I want to make it just as clear as he made it up here, there is never, ever the necessity to abort partial-birth. That means the baby is partially born, to abort that baby, to assist the mother in her challenge against cancer. That is out of this class. It never faces them. There is never a medical necessity to abort a baby 9 months after conception as the baby is all but 1 inch of the delivery.

We would not do that to the worst criminal in this country. For Members who support partial-birth abortion, would they tell me that they would take the worst criminal in this country, they would take him down for his execution, they would pierce his brain, skull, and suck out his brains? Tell me you would do that. Tell me that you support this.

In this country we have more regulations on rats and baboons than we do for the protection of a baby that is partially born.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. KILPATRICK].

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

Ms. KILPATRICK. Mr. Speaker, I rise to oppose the closed rule that is before us this afternoon, and amazingly because it does not talk about abortion, it does not stop one abortion, but stops a procedure that trained professionals have been trained to make those decisions. It takes that right away from them.

As a new person in Congress and having served 18 years in the Michigan House of Representatives, I am appalled that such a rule would come before this Congress where we would not be allowed to debate the issue, where we would not be allowed to actually set forth our opinions and then come to a final vote.

The proposed rule that is before us this afternoon is not fair, it is not right, and it does not allow those who have been elected by our constituencies across America to represent our views and to speak for them.

I urge my colleagues, vote against this closed proposed rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, 7 days ago this little girl's mother died of cancer. She was diagnosed with cancer 5½ months into the pregnancy, but under this rule and under this bill, she could have chosen to have aborted the baby. She could have chosen to take cancer treatments. But this little girl's mother, Margie Janovich, said no, life is too precious. Life is too important. I am not going to take the life of my unborn child. I am not going to endanger it.

But even under this bill she could have chosen to go the route of an abortion. I think it is wrong, but this bill allows that. This bill is a fair bill. When we are talking about the physical health of the mother, the life of the mother is in danger, this bill allows that.

But little Mary Beth Janovich is 18 months old today. Her mother is in heaven. She made the ultimate sacrifice. She gave her life for her child. Her other eight children besides Mary Beth look at their mother and respect her mother, and know how much she loves them because she gave her life for little Mary Beth.

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

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

Mr. WISE. Mr. Speaker, let me tell the Members what I support. Like most people, I believe that late-term abortions should be outlawed unless the mother's life is in danger or she would suffer serious health problems by continuing the pregnancy. Yet I will not

be permitted today to vote on this. My language would stop far more late-term abortions than what will be voted on today. But the leadership will not let us debate this.

I oppose late-term abortions. I co-sponsored legislation to outlaw them. But most people believe that if a mother's life is in danger or there is a serious health problem for the mother, then there should be an exception. That is only common sense.

This Congress today votes on eliminating only a single medical procedure, and 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 mother's life is in danger or she will suffer serious health consequences.

Abortion is an agonizing decision and an agonizing debate. It requires all views. Yet we are not going to be permitted today to vote and to air these views. We will not be permitted to protect the mother against serious health consequences. I oppose this rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, why does the majority not want open debate on this issue, which is literally a matter of life and death? Why have they produced a rule with no amendments and required us to vote on only the most extreme measure, which they know will not become law, because the President has already said he will veto it? Why will they not let us debate this, like we would in all American systems? That is what this country is about.

But they do not want to do that, because this is not about late-term abortion. This is about politics. This is about creating a political issue that we can use in the next election to beat each other up with. That is wrong. What we should be dealing with here is the issue. There are many of us, a vast majority of the House, that agree with what 40 other States, 40 of the 50 States and the District of Columbia do in limiting late-term abortions, except allowing for both the life of the mother and the health of the mother.

We are not the AMA. We are not physicians. We are politicians. We should rely on their expertise. But let us not play politics here. Let us debate the issue. Let us debate it like America debates it, in open and fair debate.

Ms. SLAUGHTER. Mr. Speaker I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

□ 1145

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

When I was thinking about running for Congress a few years ago, I came to Washington and I met with the leaders

of my party. The leaders of my party said there are many things wrong with the Democrats, but the thing that is perhaps the worst with them is that they have changed the House of Representatives, designed by our Founding Fathers to be the greatest deliberative body on Earth. They have changed it into a place where debate cannot occur. They closed the rules.

I said that I am going to run for Congress, and I am going to come to Washington, and I am going to change that process so we can have real debate in the House of Representatives again. And I did. I got here 4 years ago.

Yesterday I went to my Committee on Rules and I asked permission to bring to this floor an idea. The idea is simple. It says there is another way to look at this issue. The other way to look at this issue is that it is not important, the issue is not how an abortion is performed. The issue is when it is performed. I think there should not be any late-term abortions, any late-term abortions. We do not want abortions in the 7th month or the 8th month or the 9th month. That is wrong. It is too late then. You had your choice. Unless your life is at stake or the woman is seriously at risk of losing her health in a serious way, critical way, and then that is her decision. That is the decision for her and her mate and her priest to make. But I was denied that, and that is wrong and that is why I am against this rule.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, once again this body has been given the opportunity to draw a line against barbarism and brutality by outlawing a form of infanticide known as partial-birth abortion. I will not belabor the gruesome details.

All of us understand the mechanics of this horrendous procedure. Despite the myths that were promulgated by the abortion industry, we know that this procedure is designed to camouflage infanticide as a therapy. We have all heard how Ron Fitzsimmons of the National Coalition of Abortion Providers confessed to having lied to defend the indefensible.

The fact that Fitzsimmons was misleading people was already known last year. In a Wall Street Journal article, a number of doctors had already refuted the myths last year that had been put forward about this procedure. They pointed out that the defenders of this procedure first claimed that the abortion practice did not exist. Then they claimed that the child, yes the child, was already killed by anesthesia. That also turned out to be false. The fact is that this horror is real and that 80 percent of the time this brutal procedure is elective.

While the goal of this legislation is to put an end to this particularly horrifying procedure, I believe that the de-

bate surrounding this legislation has served to remind the American people about the true nature of abortion, that a child is killed. It is the sacred nature of each child's life that compels this legislation. We take this step not only to blot out a particularly blatant horror but to affirm the value of life, however helpless.

As with the case with partial-birth abortion, when the shocking reality of abortion is made clear and the euphemisms are dispelled, the pro-life position prevails. It is time to draw a line against such child abuse and vote in favor of this bill and in favor of life.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I voted for the ban on partial-birth abortions last year. I expect to do it again. But I am against this rule because it prevents me from voting in a way that fully expresses my own conscience.

My conscience tells me that this procedure ought to be prevented. But it also tells me that in cases of serious, long-term physical health damage—not temporary emotional or physical inconvenience—that the choice ought to be made not by politicians but by the woman involved. If there are not any cases where such a drastic choice exists, as is suggested by those on the Republican side of the aisle, then there would be no exceptions. So there would be no harm in allowing the House to vote on the Frank amendment. I believe the problem with this rule is that, among other things, it does not allow for a vote on the Frank amendment and it should.

Some will say it is not right to trade a life for health, that a woman who is in that situation should suffer long-term physical health problems in order to preserve a life. I might very well agree with that. I probably do theologically. But the fact is that what is being missed here is that, even in that case, it is not my choice. Who anointed me or you or any of us to make that choice in those circumstances?

The essence of adulthood is that adults are supposed to be allowed to make their own moral choices. That is what I was taught and that is what I deeply believe. This rule is nothing but a gag rule. It ensures that we will have to choose between the two political extremes on this issue. It does not allow us to search common ground, and that is dead wrong.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time.

Mr. Speaker, I rise in support of the bill to stop partial-birth abortions and thank my colleagues who have worked so hard to bring this measure to the floor to end this gruesome procedure. I am pro-life. But regardless of one's po-

sition on the issue of abortion, whether they are pro-life or otherwise, the partial-birth abortion procedure is too inhuman to be sanctioned by any civilized society. In this procedure, the abortionist reaches into the woman and forcefully turns the baby around and delivers it, delivers the baby all the way to where almost the entire body is delivered except for the head. The baby is then stabbed in the back of the head, the brains are sucked out of the child with a vacuum. The baby of course at this point is dead, and it is then pulled out of the mother.

I have a hard time even saying this, it is one of the most disgusting and stomach-turning things that I have ever heard in my life. But as disgusting as this procedure is, what is perhaps even more disgusting is the extreme position that are taken to defend it. In fact when this issue was debated in the other body, one Senator concluded, when the question was asked, that it would still be the decision of the mother and the doctor to kill the child if the head accidentally slipped out of the mother as the partial-birth abortion procedure was being performed. That is outright killing of a child, and defenders of abortion try to defend it as legal, medical practice.

But that is just one example of the extreme positions that are taken to defend this horrible procedure. I would just say, Mr. Speaker, that I hope this body will come to its senses and put an end to this gruesome procedure known as partial-birth abortions.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule. It is a sad day when on such an important matter, important in conscience, important to women, that the Republican Party would not allow a constructive amendment and open debate on some of the gut-wrenching issues this deceptively simple but dramatic bill raises but fails to address.

I support banning this type of abortion and every other type of abortion after viability, except when the life of the mother is endangered or her health is seriously at risk. Forty States in America have banned all late term abortions, including Connecticut. I support Connecticut's law. No procedure or any other abortion, no procedure at all to abort a viable fetus except to protect the life or health of the mother.

That is the kind of amendment I wanted to propose so we could talk about the real issues here: the rights of the mother, the life of the mother, the health of the mother, not about the rights of the fetus.

No abortions after viability. That is what we should be talking about. I urge opposition to the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if the previous question is defeated, I will offer an amendment making in order the amendments offered by the gentleman from Massachusetts [Mr. FRANK] and the gentleman from New York [Mr. NADLER], which were approved by the Committee on the Judiciary, and also make in order the Hoyer-Greenwood substitute. I strongly urge my colleagues to defeat the previous question so that these worthy amendments can be put in order.

This vote on whether or not to order the previous question is not merely a procedural vote. It is a vote against the agenda and a vote to allow the opposition at least for the moment to offer an alternative plan. It is a vote about what the House should be debating.

I urge, again, all my colleagues who are listening to me to understand that we are not following normal House procedure here, that another bill that had been defeated, that will be vetoed, has been brought up in a new term simply as a matter of embarrassment. I know that it may hurt, but it seems to me, in listening to the debate, that the issue itself on late term abortions has taken second place to the political question.

Mr. Speaker, I include for the RECORD the following:

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling if January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership *Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the

same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

PREVIOUS QUESTION TO H.R. 100

On page 2, line 1, of House Resolution 100, strike "(2)" and insert "(3)"

On page 2, line 1, of House Resolution 100, immediately following "Judiciary;" insert the following:

"Notwithstanding any other provision of this rule, it shall be in order to consider an amendment to be offered by Representative Frank, which shall be debatable for 30 minutes, and shall be considered as read. The text of the amendment is as follows: "in Section 1531 (a) of H.R. 1122 after "or injury" insert "or to avert serious adverse longterm physical health consequences to the mother."

"Notwithstanding any other provision of this rule, it shall be in order to consider an amendment to be offered by Representative Nadler, which shall be debatable for 30 minutes, and shall be considered as read. The text of the amendment is as follows: "in Section 1531(c)(1) of H.R. 1122 at the appropriate place add the following: "A father cannot obtain relief under this subsection if the father abused or abandoned the mother."

"Notwithstanding any other provision of this rule, it shall be in order to consider an amendment in the nature of a substitute to be offered by Representative Hoyer, or Rep. Greenwood which shall be debatable for one hour, which shall in order without intervention of any point of order or a demand for a division of the question and shall be considered as read. The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Late Term Abortion Restriction Act".

SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.

(a) IN GENERAL.—It shall be unlawful, in or affecting interstate or foreign commerce, knowingly to perform an abortion after the fetus has become viable.

(b) EXCEPTION.—This section does not prohibit any abortion if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to woman.

(c) CIVIL PENALTY.—A physician who violates this section shall be subject to a civil penalty not to exceed \$10,000. The civil penalty provided by this subsection is the exclusive remedy for a violation of this section.

Mrs. MYRICK. Mr. Speaker, I yield myself the balance of my time.

A lot of different amendments have been mentioned here today, but I would

like to remind my colleagues that the veto override vote for this text in this bill today was 286 Members in the House and 58 Members in the Senate.

I would also like to remind my colleagues that the life of the mother is protected in this bill. We are bringing this bill forward because it speaks to the partial birth procedure alone. I urge my colleagues to support the rule on H.R. 1122.

Mr. LEWIS of Kentucky. Mr. Speaker, we are set to vote on a rule for a very important piece of legislation.

I urge my colleagues on both sides of the aisle—pro-life and pro-choice—to vote "yes" on the rule.

This rule is more important than most, Mr. Speaker. I'll explain why in a moment.

We have a chance today, in light of new evidence on the subject, to save unborn, late-term babies from a horrible death most people wouldn't wish on an animal.

Let's remember what happens during this procedure: The baby, often as old as 8 or 9 months, is partially delivered. Then killed by the abortionist with surgical scissors.

For years, the proponents of abortion on demand have said that only 500 partial birth abortions were performed each year.

Only 2 weeks ago, the executive director of the National Coalition of Abortion Providers admitted he's "lied through his teeth" when he said the procedure was rarely used. He has admitted that pro-life groups are accurate when saying the procedure is more common, and almost always performed on a healthy mother.

When President Clinton vetoed the partial-birth abortion ban we passed last year, one reason he cited was that we didn't include an exception to protect the health of the mother.

Unfortunately, Mr. Speaker, U.S. abortion law defines health to include emotional, psychological, familial, and even the mother's age as factors.

Indeed, as even the defenders of this practice must admit, these are often the reasons this brutal procedure is used.

That's why I urge members to vote "yes" on the rule.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my opposition to the closed rule on H.R. 1122 that is before us. There is a great deal of emotion surrounding the debate on H.R. 1122. While I may not agree with some of my colleagues views on this issue, I respect that those views are both thoughtful and deeply held. I believe that the strength of our democracy lies in the fact that we open the door to all voices and all opinions—both those that we disagree with and those that we do not.

It is for this reason that I am compelled to speak. I am distressed that this rule does not respect or acknowledge the divergence in our views. I do not ask my colleagues to agree with me on the issue of abortion, or to vote with me, but I do ask that they allow me the opportunity to cast a vote that reflects my views.

In addition, as a member of the Judiciary Committee I am disturbed to see the legislative process so manipulated. At the markup of H.R. 929, the predecessor to today's bill, the

Judiciary Committee engaged in extensive, probing debate on the issue of the partial birth abortion ban. While I was not in support of the committee report that emerged from this markup, I respected the fact that it resulted from the legitimate course of the legislative process. That process has now been subverted.

H.R. 1122, the bill that is before us today, is not the bill that came before the Judiciary Committee last week. It is not the bill that went to the Rules Committee last night. It is an even more narrow and restrictive interference with a mother's privacy, her health, and her life. Further the amendments I proposed to protect the health of the mother and to clarify that a woman would not be civilly liable if she sadly had to have this procedure were rejected. Finally, the Greenwood-Hoyer bipartisan response to protecting the life and health of the mother, although raised in the Rules by myself and others was rejected without reason.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BARTON of Texas). The question is on ordering the previous question.

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

Mrs. MYRICK. 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 5 of rule XV, the Chair announces that he may reduce to not less than 5 minutes the time within which a vote by electronic device, if ordered, may be taken on agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 243, nays 184, not voting 5, as follows:

[Roll No. 61]

YEAS—243

Aderholt	Cannon	Ensign
Archer	Chabot	Everett
Armey	Chambliss	Ewing
Bachus	Chenoweth	Fawell
Baesler	Christensen	Foley
Baker	Clement	Forbes
Ballenger	Coble	Fowler
Barcia	Coburn	Fox
Barr	Collins	Franks (NJ)
Barrett (NE)	Combest	Gallegly
Bartlett	Cook	Ganske
Barton	Cooksey	Gekas
Bass	Costello	Gibbons
Bateman	Cox	Gilchrest
Bereuter	Crane	Gillmor
Bilbray	Crapo	Goode
Bilirakis	Cubin	Goodlatte
Bliley	Cunningham	Goodling
Blunt	Davis (VA)	Goss
Boehner	Deal	Graham
Bonilla	DeLay	Granger
Bono	Diaz-Balart	Gutknecht
Brady	Dickey	Hall (OH)
Bryant	Doolittle	Hall (TX)
Bunning	Doyle	Hamilton
Burr	Dreier	Hansen
Burton	Duncan	Hastert
Buyer	Dunn	Hastings (WA)
Callahan	Ehlers	Hayworth
Calvert	Ehrlich	Hefley
Camp	Emerson	Herger
Canady	English	Hill

Hilleary	McNulty	Scarborough
Hobson	Metcalf	Schaefer, Dan
Hoekstra	Mica	Schaffer, Bob
Holden	Miller (FL)	Schiff
Horn	Mollohan	Sensenbrenner
Hostettler	Moran (KS)	Sessions
Houghton	Murtha	Shadegg
Hulshof	Myrick	Shaw
Hunter	Nethercutt	Shimkus
Hutchinson	Neumann	Shuster
Hyde	Ney	Skeen
Inglis	Northup	Skelton
Istook	Norwood	Smith (MI)
Jenkins	Nussle	Smith (NJ)
John	Oberstar	Smith (OR)
Johnson, Sam	Ortiz	Smith (TX)
Jones	Packard	Smith, Linda
Kanjorski	Pappas	Snowbarger
Kasich	Parker	Solomon
Kelly	Paul	Souder
Kildee	Paxon	Spence
Kim	Pease	Stearns
King (NY)	Peterson (MN)	Stenholm
Kingston	Peterson (PA)	Stump
Klink	Petri	Stupak
Knollenberg	Pickering	Sununu
Kolbe	Pitts	Talent
LaHood	Pombo	Tauzin
Largent	Porter	Taylor (MS)
Latham	Portman	Taylor (NC)
LaTourette	Poshard	Thomas
Lazio	Pryce (OH)	Thornberry
Leach	Quinn	Thune
Lewis (KY)	Radanovich	Tiahrt
Linder	Rahall	Trafigant
Lipinski	Regula	Turner
Livingston	Riggs	Upton
LoBiondo	Riley	Walsh
Lucas	Roemer	Wamp
Manzullo	Rogan	Watkins
Mascara	Rogers	Watts (OK)
McCollum	Rohrabacher	Weldon (FL)
McCrery	Ros-Lehtinen	Weldon (PA)
McDade	Roukema	Weller
McHugh	Royce	White
McInnis	Ryun	Whitfield
McIntosh	Salmon	Wicker
McIntyre	Sanford	Wolf
McKeon	Saxton	Young (AK)

NAYS—184

Abercrombie	Edwards	Lampson
Ackerman	Engel	Lantos
Allen	Eshoo	Levin
Andrews	Etheridge	Lewis (GA)
Baldacci	Evans	Lofgren
Barrett (WI)	Farr	Lowe
Becerra	Fattah	Luther
Bentsen	Fazio	Maloney (CT)
Berman	Filner	Maloney (NY)
Berry	Flake	Manton
Bishop	Foglietta	Markey
Blagojevich	Ford	Martinez
Blumenauer	Frank (MA)	Matsui
Boehlert	Frelinghuysen	McCarthy (MO)
Bonior	Frost	McCarthy (NY)
Borski	Furse	McDermott
Boswell	Gejdenson	McGovern
Boucher	Gephardt	McHale
Boyd	Gilman	McKinney
Brown (FL)	Gonzalez	Meehan
Brown (OH)	Gordon	Meek
Campbell	Green	Menendez
Capps	Greenwood	Millender-
Cardin	Gutierrez	McDonald
Carson	Harman	Miller (CA)
Castle	Hastings (FL)	Minge
Clay	Hefner	Mink
Clayton	Hilliard	Moakley
Clyburn	Hinche	Molinari
Condit	Hinojosa	Moran (VA)
Conyers	Hooley	Morella
Coode	Hoyer	Nadler
Cramer	Jackson (IL)	Neal
Cummings	Jackson-Lee	Obey
Danner	(TX)	Olver
Davis (FL)	Jefferson	Owens
Davis (IL)	Johnson (CT)	Pallone
DeFazio	Johnson (WI)	Pascrell
DeGette	Johnson, E. B.	Pastor
Delahunt	Kennedy (MA)	Payne
DeLauro	Kennedy (RI)	Pelosi
Dellums	Kennelly	Pickett
Deutsch	Kilpatrick	Pomeroy
Dicks	Kind (WI)	Price (NC)
Dingell	Klecza	Ramstad
Dixon	Klug	Rangel
Doggett	Kucinich	Reyes
Dooley	LaFalce	Rivers

Rothman	Skaggs	Torres
Roybal-Allard	Slaughter	Towns
Rush	Smith, Adam	Velazquez
Sabo	Snyder	Vento
Sanchez	Spratt	Visclosky
Sanders	Stabenow	Waters
Sandlin	Stark	Watt (NC)
Sawyer	Stokes	Waxman
Schumer	Strickland	Wexler
Scott	Tanner	Weygand
Serrano	Tauscher	Wise
Shays	Thompson	Woolsey
Sherman	Thurman	Wynn
Sisisky	Tierney	Yates

NOT VOTING—5

Brown (CA)	Lewis (CA)	Young (FL)
Kaptur	Oxley	

□ 1214

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

Mr. SKELTON and Mr. EHLERS changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARTON of Texas). The question is on the resolution.

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

RECORDED VOTE

Mrs. MYRICK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 10, as follows:

[Roll No. 62]

AYES—247

Aderholt	Crapo	Hastert
Archer	Cubin	Hastings (WA)
Armey	Cunningham	Hayworth
Bachus	Danner	Hefley
Baesler	Davis (VA)	Hefner
Baker	Deal	Herger
Ballenger	DeLay	Hill
Barcia	Diaz-Balart	Hobson
Barr	Dickey	Hoekstra
Barrett (NE)	Dingell	Holden
Bartlett	Doolittle	Hostettler
Barton	Doyle	Houghton
Bass	Dreier	Hulshof
Bateman	Duncan	Hunter
Bereuter	Dunn	Hutchinson
Bilbray	Ehlers	Hyde
Bilirakis	Ehrlich	Inglis
Bliley	Emerson	Istook
Blunt	English	Jefferson
Boehner	Ensign	Jenkins
Bonilla	Everett	John
Borski	Ewing	Johnson, Sam
Brady	Fawell	Jones
Bryant	Foley	Kanjorski
Bunning	Forbes	Kasich
Burr	Fowler	Kelly
Buyer	Fox	Kildee
Calvert	Franks (NJ)	Kim
Camp	Gallegly	King (NY)
Canady	Ganske	Kingston
Cannon	Gekas	Klecza
Chabot	Gibbons	Klink
Chambliss	Gilchrest	Knollenberg
Chenoweth	Gillmor	Kucinich
Christensen	Goode	LaHood
Clement	Goodlatte	Largent
Coble	Goodling	Latham
Coburn	Gordon	LaTourette
Collins	Goss	Leach
Combest	Graham	Lewis (CA)
Cook	Granger	Lewis (KY)
Cooksey	Gutknecht	Linder
Costello	Hall (OH)	Lipinski
Cox	Hall (TX)	Livingston
Cramer	Hamilton	LoBiondo
Crane	Hansen	Lucas

Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalfe
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts

Pombo
Porter
Portman
Poshards
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)

Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tausin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen

Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Kolbe
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markley
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink

Moakley
Molinari
Moran (VA)
Morella
Nadler
Neal
Obey
Oliver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Bono
Burton
Callahan
Hilleary
Kaptur
McIntosh
Oxley
Smith, Linda
Torres
Waxman

□ 1223

So the resolution was agreed to.
The result of the vote was announced
as above recorded.
a motion to reconsider was laid on
the table.

PERSONAL EXPLANATION

Mr. MCINTOSH. Mr. Speaker, on rollcall No. 62, I was unavoidably detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 100.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCINNIS). The Chair notes that there has been a disturbance in the visitor's gallery in contravention of the law and the rules of the House of Representatives. The doormen and the police will remove from the gallery those persons participating in the disturbance.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 14. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The message also announced that pursuant to Public Law 104-264, the Chair, on behalf of the Democratic leader, appoints the following individuals to the National Civil Aviation Review Commission:

Linda Barker, of South Dakota; and
William Bacon, of South Dakota.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 100, I call up the bill (H.R. 1122) 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. 1122 is as follows:

H.R. 1122

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 1997".

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: *Provided*, That no other medical procedure would suffice for that purpose. 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 partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

"(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) 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 1 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. Pursuant to House Resolution 100, 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].

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

□ 1230

Mr. Speaker, today for the fourth time the House considers an issue