

parts, then they must fill out very substantial paperwork, and very substantial reporting requirements are implicated in that instance, so that we are causing a great burden to shipping companies that are U.S.-flagged. Obviously, we want shipping to be U.S.-flagged. We know that that is a difficulty.

I have introduced this amendment to try to address that issue. Because I introduced the amendment as a "none of the funds" and it is, therefore, a very blunt instrument, I agree with the gentleman from Illinois (Mr. CRANE) that this amendment should not pass in its present form. Even if it were added to the bill, I would be in favor of dropping it in conference. Its purpose was solely to protect our ability to address this issue.

It is, however, my understanding from the gentleman from Illinois (Mr. CRANE) and his staff that they share the view that this is a problem and that they are going to look at that and look at it closely. I do want to thank the gentleman from Illinois (Mr. CRANE) for his attention to this matter and for his staff working with us to see if we can come to a resolution of this matter.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding and want to reassure him that his concerns are valid, legitimate concerns, and that we on the committee will look into this issue because it is something that needs to be resolved.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the "Treasury and General Government Appropriations Act, 2003".

Mr. BLUMENAUER. Mr. Chairman, today I voted for the fiscal year 2003 Appropriations Bill for Treasury, Postal Service, and General Government. This bill contains key provisions that I have supported in Congress.

The appropriations bill before us contains a measure that prohibits the use of funds in the bill to finalize, implement, administer or enforce the proposed Treasury Department rule declaring that real estate brokerage is "an activity that is financial in nature or incidental to a financial activity." I agree with this prohibition and am a cosponsor of H.R. 3424, which would accomplish the same objective. The banking industry provides an invaluable function in our economy and the integrity of its operations and security of deposits is critical. The Gramm-Leach-Bliley Act is speeding on-

going changes in the United States financial services industry and allows banks flexibility in responding to economic trends. However, I do not believe the benefits of allowing banks to engage in real estate brokerage and property management activities outweigh the risks.

Regarding the Postal Service, the bill specifically requires that six-day delivery of mail be continued. It also requires that mail for overseas voting and for the blind continue to be free. I have always believed post offices play an integral role in the livability of our communities. They serve as business, social and often historical centers in our neighborhoods. It's for these reasons that I am a sponsor of legislation, H.R. 1861, which requires the Postal Service to engage local officials and the public it serves when opening, closing, relocating, or renovating facilities. I hope we continue to work to ensure the Postal Service is a good partner with our communities and follows local laws and regulations.

I am pleased that the final bill, for the second year in a row, ends the travel ban to Cuba and allows for private financing of agricultural sales to Cuba by U.S. farmers. In addition, the House approved an amendment to allow Cuban-Americans to send money to their relatives in Cuba without restrictions. Food and medicine should not be used as weapons. The Cuban people should not have to suffer because the United States does not agree with the Cuban government. These provisions show that there is growing momentum in favor of getting rid of the embargo against Cuba altogether. Only through engagement will we be able to effectively promote the ideals of human rights and democracy.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, pursuant to House Resolution 488, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the 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.

□ 1430

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4775) "An Act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes."

#### PROVIDING FOR CONSIDERATION OF H.R. 4965, PARTIAL-BIRTH ABORTION BAN ACT OF 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 498

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4965) to prohibit the procedure commonly known as partial-birth abortion. 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 on the bill 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. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose 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 purposes of debate only.

Mr. Speaker, on Tuesday the Committee on Rules met and granted a closed rule for the Partial-Birth Abortion Ban of 2002. H.R. 4965 would ban performance of a partial-birth abortion except if it were necessary to save the mother's life. As an original cosponsor of this legislation, I am pleased to see the legislation reach the floor of the House. I also believe that President Bush deserves the opportunity to put an end to this horrific act of human violence by signing this legislation into law.

I must tell my colleagues, as a mother and a grandmother, it is still astonishing to me today that this is even remotely legal in America, but it is, and as we will no doubt hear on the floor today, it is practiced all too often in this country. The vast majority of partial-birth abortions are performed on

healthy babies and healthy mothers. Although language banning this procedure has been struck down in the past by the Supreme Court, this new legislation has been tailored to address the Court's concerns. The five-Justice majority in *Stenberg vs. Carhart* thought that Nebraska's definition of partial-birth abortion was vague and could be construed to cover not only abortions in which the baby is mostly delivered alive before being killed but also the more common dilation and evacuation, D&E, method.

H.R. 4965 defines partial-birth abortion as an abortion in which the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of a breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.

The tighter definition not only clarifies the procedure so that the Court will not reject it, it also draws attention to the violence of partial-birth abortion by describing how far out the baby can be.

I am pleased that we are bringing the Partial-Birth Abortion Ban Act of 2002 to the floor again. We have changed the bill, adding findings of fact to overcome constitutional barriers, and I am confident that it will survive judicial review.

The American people, Mr. Speaker, want this bill in overwhelming numbers, believing in their hearts that we are better than this. We are a better people. To that end, I urge my colleagues to support the rule and the underlying bill.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, we are about to begin our annual debate on a procedure that is not really recognized by the medical profession, which is totally unconstitutional, and would not go anywhere. The Supreme Court just recently said again that all the laws that they have had brought before them, and particularly the one on Nebraska, were unconstitutional. Given that, it is very tempting for us on our side to talk about the things that American people are concerned about. Their pensions, their jobs, corporate responsibility, accounting measures, the regulation that we can try to do to make things better for us, creation of jobs, education, health care, prescription drugs. But, no, we are going to spend 3 hours on this issue right here which will not be taken up by the Sen-

ate and which is unconstitutional and, frankly, we should not be messing with it. It really is a hoax on the public and I am sorry to be a part of it.

But, Mr. Speaker, I certainly oppose the closed rule. They have shut out all meaningful debate on this. Anybody who had a right to talk about this on the other side was totally ignored, given no opportunity. No amendment will be allowed. You heard me correctly; no amendment to protect the lives of women will be allowed. For a bill that impacts so fundamentally the life of women, this is unconscionable and wholly unsurprising, given the contempt shown in this House for measures that impact our sisters and our daughters.

We have been given 2 hours of general debate on this issue, and I would not be at all surprised if that is more time, given the nature of the rule, than we give to the national security issue this afternoon on homeland security.

Mr. Speaker, election season is upon us. In the face of a crumbling stock market, an exploding deficit, and uncertain war on terrorism at home and around the globe, of this we can be sure: Congress will use the floor of the House of Representatives to push propaganda restricting a woman's right to choose. Direct mail pieces distorting this issue will hit the streets as soon as the vote is completed, just in time for the August recess. This vote before us is pure politics. The measure is cynical, it is unconstitutional, and it demeans this institution and those who serve in it.

On its face, H.R. 4965 suffers from the same two flaws that led the Supreme Court to declare a similar Nebraska law unconstitutional: It fails to include an exception to protect maternal health, and it places an undue burden on a woman's right to obtain an abortion prior to viability by banning the most common second trimester abortion procedure.

Fifteen pages of congressional findings do nothing to remedy this constitutionally flawed bill. In fact, the case law is clear. The Supreme Court articulated the three principles that govern abortion laws: One, a woman has the right to choose to terminate her pregnancy prior to viability. That is the law of the land. Two, the State cannot impose an undue burden on the woman's right to terminate a pregnancy. And, third, after viability, a State may regulate abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

How strange it is that we do not really care about the life or the health of the mother. The measure before us today does not include an exception to protect the health of the woman, and certainly poses an undue burden on her.

Moreover, and very importantly, this bill will turn doctors into criminals and put them in jail for performing a safe medical procedure which, in their

best judgment, is the best way to protect a woman's right to having further children. The civil sanctions and criminal remedies, along with previous references by legislative proponents to medical professionals as assassins, exterminators, and murderers are part of a design to intimidate medical professionals from performing abortions generally.

In the context of abortion clinic demonstrations and bombings, it is clear that many in the movement have an agenda of banning all abortions. The measure before us today is clearly a part of this ongoing effort. Criminal sanctions for doctors would chill any medical professional from performing many of the most common procedures. Given the vague and the overbroad language of the bill, doctors can reasonably fear prosecution for using the safest and most common abortion methods, and they probably will not perform them. Who could blame them?

I assure my colleagues that the primary concern of most physicians will not be protecting the health of the woman, but protecting their own professional life. For this reason, the American Medical Association does not support this bill. Indeed, they are not the only ones. The American Public Health Association, the American Nurses Association, the American Medical Women's Association, Physicians for Reproductive Choice and Health, the American College of Nurse Practitioners, the American Medical School Student Association, the Association of Reproductive Health Professionals, Association of Schools of Public Health, Associations of Women Psychiatrists, National Asian Women's Health Organization, National Association of Nurse Practitioners and Reproductive Health, The National Black Women's Health Project, and the National Latina Institute for Reproductive Health.

But the bill does not stop here. Not content to cause the woman great harm or put the doctor in jail, in one of its most egregious provisions, it allows the woman to be sued by her husband or parents if she receives this procedure. In essence, proponents of this measure want to give a husband the veto power over a woman's decision. The Supreme Court has expressly held this to be unconstitutional.

Think about it for a moment. Are we really prepared to allow an abusive husband, or a husband who has abandoned his wife, to threaten his wife with a lawsuit if she obtained a procedure to protect her health and future fertility? Who do we think we are? The last time you were facing a life-or-death decision, do you want Congress with you in the emergency rooms? If, God forbid, you should find yourself in this terrible position, are you not going to allow the doctors to make a decision until your Member of Congress arrives because he or she will be the last word? Sitting down with your family, do you need Congress there to do it?

Congress does not have the right or the expertise to make these decisions for the American people; and, indeed, in the history of the Congress of the United States, no medical procedure has ever been outlawed. We are literally practicing medicine without a license.

It is unconscionable for this Congress to continually place its political agenda ahead of a woman's ability to have access to safe and appropriate medical care. Just like any other patient, a woman deserves to receive the best care based on the circumstances of her particular situation. As a Member of Congress, a mother of three daughters, and a long-time advocate of women's health, I strongly believe that the health of American women matters, and I urge my colleagues to vote "no" on this rule and no on the underlying bill.

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

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, during the *Stenberg v. Carhart* case, Supreme Court Justice Clarence Thomas accurately described the partial-birth abortion method when he said the following, and I apologize for the graphic nature of the quote, but this is the reality of what a partial-birth abortion act is. He says: "After dilating the cervix, the doctor will grab the fetus by its feet and pull the fetal body out of its uterus into the vaginal cavity. At this stage of development, the head is the largest part of the body. The head will be held inside the uterus by the cervix. While the fetus is stuck in this position, dangling partly out of the woman's body and just a few inches from a completed birth, the doctor uses an instrument, such as a pair of scissors, to tear or perforate the skull. The doctor will then either crush the skull or will use a vacuum to remove the brain and other intracranial contents from the fetal skull, collapse the fetus's head, and pull the fetus from the uterus."

□ 1445

Mr. Speaker, this terrible act, known as partial-birth abortion, is what we are urging our colleagues to ban today.

As noted in H.R. 4965, congressional findings further signal that partial-birth abortion is not medically indicated to preserve the health of the mother; and it is in fact unrecognized as a valid abortion procedure by the mainstream medical community.

To quote the American Medical Association: "The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians."

Furthermore, the AMA could not find any identified circumstance in which the procedure was the only safe and effective abortion method.

Mr. Speaker, contrary to what the deceptive, pro-abortion lobby would like us to believe, partial-birth abortions involve killing almost fully delivered babies from the later stages of pregnancy, and not only in cases of fetal disorders or maternal distress. Contrary to the lies of the pro-abortion campaign, this is not a rare act that is only performed in extraordinary circumstances. In fact, most are performed for strictly elective reasons, and I quote abortionist Martin Haskell, who reported to the American Medical News, "most of my abortions are elective in that 20-24 week range. In my particular case, probably 20 percent are performed for genetic reasons, and the other 80 percent are purely elective."

But the worst tragedy of all is that partial-birth abortions are currently legal. This legislative body has twice approved to ban this atrocious act, only to have it vetoed twice by former President Bill Clinton. Today we have another historic opportunity to help stop this abhorrent act of killing the innocent unborn. I urge Members to take action and vote in favor of H.R. 4965.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, today on this serious and most sensitive issue, the Republican leadership has turned the people's House into nothing more than a poser's House, posing for holy pictures, as the gentleman from Wisconsin (Mr. OBEY) would have us say. The world's greatest deliberative body will not engage in democratic debate today. It will engage in a contrived, cynical charade.

In 1994 after the GOP majority captured the House, Gerald Solomon, the former Republican chairman of the Committee on Rules stated, "The guiding principles will be openness and fairness." He was referring to the guiding principles of the Committee on Rules. He went on to say, "The Rules Committee will no longer rig the procedure to contrive a predetermined outcome." "From now on," Mr. Solomon went on, "the Rules Committee will clear the stage for debate, and let the House work its will."

I do not know how genuine was Mr. Solomon's conviction when he made those comments, but I presume that they were sincere. But the practice has been the opposite. Today's debate will not be open. It will not be fair. And it will not be a serious attempt to legislate. The rule ensures a rigged procedure to contrive a predetermined outcome, the very process the Republican Party derided when it regained the majority.

If the Republican leadership was really committed to fair and open debate, it would permit the Members to vote on the bipartisan Late Term Abortion Restriction Act which I and the gentleman from Pennsylvania (Mr. GREEN-

WOOD), my Republican colleague, introduced last year and a number of years previous to that.

But the Committee on Rules has denied us that opportunity four times since 1995. Let Members be clear, the Partial-Birth Abortion Ban Act will not prevent a single abortion. Let me repeat that. The bill before us and on this floor reported out of the Committee on the Judiciary will not prevent a single abortion. Not one.

And the gentlewoman from Florida (Ms. ROS-LEHTINEN), who just spoke, testified to that fact when she said this procedure was not necessary and medical experts have said there are other methods to terminate the pregnancy. In other words, the issue here in this bill that is proposed by the Republican majority is not about preventing abortion, it is about a procedure.

I have asked those who are for this bill if this procedure were worse than others that are used to terminate a pregnancy. Is there anyone here who doubts the answer to that question is a clear and resounding "no."

The bill that the gentleman from Pennsylvania (Mr. GREENWOOD) and I introduced and which we asked to have made in order would have precluded all post-viability abortions because I believe the majority of us in this House believe that postviability abortion ought not to be by choice, but we do what the Supreme Court mandates we do and in my opinion is appropriate to do, and that is to provide for an exception so that the life of the mother might be saved if in the medical judgment such a procedure is necessary to accomplish that objective.

Furthermore, as the Supreme Court requires, and in my opinion is appropriate, it provides that if the mother's health will be put at risk, the medical procedure can be affected, but only in those instances. Otherwise late-term abortion, postviability abortion, would be precluded. The partial-birth abortion bill is sometimes I think by a sloppy press referred to as a late-term abortion. It has nothing to do with late term because the process can be used at any point in the pregnancy.

In fact, this bill would ban a rare medical procedure reserved for the most tragic of circumstances. In contrast, our bill will preclude all late-term abortions. Members may ask why is this not made in order? Why are they afraid to have us debate it? They can oppose it and say they do not agree with the exceptions. They can say the Supreme Court is wrong. But why preclude the opportunity in the people's House to adopt an amendment which reflects the law in 43 States of the United States of America?

Mr. Speaker, I will vote against this rule. What a shame that the majority fears open debate on this issue.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I rise in support of both this rule and the underlying legislation, H.R. 4965, the Partial-

Birth Abortion Ban Act of 2002. This rule will allow adequate time for debate on this measure in addition to a motion to recommit with or without instructions, which will allow the House to work its will on this bill.

Today I will spare the House the horrible details of partial-birth abortion, for I am certain that many of my colleagues are all too familiar with the gruesome reality of this deadly procedure. I am also well aware of the Supreme Court's decision in *Stenberg v. Carhart* and the attempts by opponents of this bill to use that 5-4 decision as a safety net for their pro-abortion agenda.

Opponents of this measure will tell us that H.R. 4965 is unconstitutional because of the Supreme Court's *Carhart* decision. They will tell us we have no right to legislate a ban on this horrible practice because the Supreme Court says we cannot. I find that argument ironic, considering 413 Members of this body voted to pass a child pornography bill last month after the Supreme Court told us in *Ashcroft v. Free Speech Coalition* that we could not. Although I certainly respect the Supreme Court exercising its article III duties, I believe the Congress has its own duty to create and pass laws that protect the people of this country.

Before today, the House of Representatives had passed a ban on this procedure by veto-proof majorities in the last three Congresses. Why? Because an overwhelming bipartisan majority of this body, Members who represent the collective voice of the people of this country, believe that the line differentiating this practice and homicide is gray at best. How can any Member of the House turn to their constituents and tell them yes, I support a practice where the legal definition of murder and abortion are separated by mere inches? I, for one, cannot.

As such, I support both this rule and the underlying measure. It is time we put an end to this procedure which has been historically opposed not only by an overwhelming majority of this body but by an overwhelming majority of the citizens of this country. We will not relent on this issue. We will continue to fight for a ban on partial-birth abortions, and I ask that Members join with us in prohibiting this abhorrent practice.

In closing, let me say that when a Nation puts people in jail and fines them for destroying the potential life of an unborn loggerhead turtle or bald eagle, and then pays people for destroying the potential life of unborn babies, that Nation has lost its way.

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

Mr. Speaker, I would say to the gentleman who just spoke, the Hoyer amendment was not eligible for a motion to recommit because it is out of scope and would require a waiver.

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, this House has had many fine moments where it has stood up to correct the wrongs of this Nation. For me personally, I remember the Civil Rights Act of 1964, as well as the Voter Rights Act of 1965, a life-changing experience for the community from which I come.

Today this House steps away from that fine hour. Not because I do not agree with the underlying principles that we have a responsibility to appreciate and honor life, but I believe that when we engage in frivolous legislation, we have a very large explanation to make.

The *Stenberg* case made a simple principle regarding this procedure, that a medical doctor can make a judgment in order to provide for the health of the mother. This has not been defined as an abortion. It has been defined as helping to save the life or the health of a mother. Over and over again we have said that decisions should be made between that mother's God, family, and physician. Yet this body now brings before us legislation that is denied an amendment that I offered, and many other Members offered, that would at least allow us to put into the bill that a procedure could be done, a medical judgment could be made, in order to save the life of the mother.

We realize that Congress has in its past overriden the United States Supreme Court; but at the same time, the Supreme Court can come back and say it is unconstitutional. It is the highest law of the land, and so we can keep going back and forth and back and forth. Justice Thomas said himself, "We know of no support for the proposition that if the constitutionality of a statute depends in part on the existence of certain facts, a court may not review Congress' judgment that the facts exist." That is the key.

Again they ruled a Nebraska ban on partial-birth abortion, a label that has only been defined by this Congress, unconstitutional because it did not have a provision that allowed that physician to make a determination on the basis of the health of that mother.

□ 1500

We come again to talk about what our doctors do. We are not talking about criminals. We are talking about physicians who are being asked after many, many occasions for that mother to go and find a way to save the life of her unborn child. Yet when the decision has to be made to save her life and/or her health in order to have her procreate again, we put it on the floor of this House and make it a political decision.

I know that many of us can offer our own personal stories. Many women testified and pleaded with us as we listened to their testimony over the years. They did not want to have this

procedure. They tried to go anywhere that they could. But because of the determination, the medical judgment, that decision had to be made. Because of the health of that mother, that medical judgment had to be made.

Can you imagine that this legislation then adds to the provisions, that they would then imprison and fine, make criminal the physician who had to do the decision or make the judgment based upon the Hippocratic oath in order to save the life and/or in this instance, rather, to do this without the governance of this particular legislation. In this instance, it would be if the physician made the judgment on the basis of saving the health of the mother.

We can do better in this body. This is not a question of stopping abortions. It is not judged that. It is a medical procedure. I ask my colleagues to vote "no" on the rule.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Let me thank my colleague from the Committee on Rules for yielding me this time.

Mr. Speaker, first I rise in support of the ban and this rule. As most of you know, I never come to the floor to speak on an abortion-related issue. Under normal circumstances, I do not believe this is an issue or the business of government. It is a woman's business, a medical business, a family business, a moral business. But it is not government's business. And that also means no taxpayer money for abortions. I make an exception to this bill today, because it involves a medical procedure that the American Medical Association itself says is unnecessary and it is unnecessarily cruel.

We just heard from the gentlewoman from Florida (Ms. ROS-LEHTINEN) how cruel and how painful this procedure is. This procedure is used primarily in late-term abortions, when there is absolutely no question about the viability of the fetus. It involves the partial delivery of what clearly is a viable fetus, and that, by any standard, should amount to murder.

Regardless of anyone's position on the general issue of abortion rights, I find it incredible that anyone could condone such an abhorrent procedure, particularly one that is by no means an exclusive medical remedy.

I urge my colleagues to support this rule, and I urge them to support the ban as most Americans do. There is no reason for this procedure, there are other options than this procedure, and I think we need to stand up and recognize the life of the unborn deserves merit and consideration on this floor today.

Ms. SLAUGHTER. Mr. Speaker, I think Congress should also stand up for the rights of women and their right to live.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I strongly oppose late-term abortions, but I believe, like many Americans, that when the health of the mother is at risk, that is a decision that should be made by a woman and her doctor and not by a bunch of politicians in Washington, D.C.

Mr. Speaker, I am sad to say that this rule is shameful and this bill is a false promise. I do find it interesting that those supporting this rule and this bill keep quoting the American Medical Association. I do not know if they just did not want to hear it or if they refuse to accept it. The organization they are quoting opposes this legislation.

Why do I say this rule is shameful? First, it ensures that when this bill passes today, were it then to become law, no bill will ever have the impact of law or save one baby because the Supreme Court has made it absolutely clear, not just once but on five different occasions in their 2000 decision, that you must have a health exemption when the mother's health is at risk.

So maybe Ralph Reed was right when he said this is the political silver bullet, the partial-birth abortion bill, but what a tragedy.

The proponents of this bill and this rule are forcing a false promise upon the American people, a promise that will not help one child. This rule is shameful because it denies Members of this House a vote of conscience. I respect your conscience. I respect your right to express your conscience. You have no right on an issue of this magnitude, of such deep conscience for so many Members, no one in this House has that right to deny us the right to a vote, to a vote for an amendment that the Supreme Court would then interpret is making this bill constitutional.

I tried to offer an amendment to the Committee on Rules, it was not really radical, it was a bill I helped pass in 1987 in Texas to outlaw not one late-term abortion procedure which is not going to save a single baby, it would outlaw all late-term abortion procedures but with a health exception. For 15 years, the constitutionality of that Texas law has not been challenged. I would note that during the time that President Bush was then Governor of Texas, there was no effective effort or to my knowledge even serious effort made to change that bill. It was constitutional and it worked.

Supreme Court Justice O'Connor has made it very clear, in case anybody does not understand English, that if you do not have a health exemption in this bill, it will not ever have the impact of being law. Let me quote her from the court case of June 28 of 2000: "First, the Nebraska statute is inconsistent because it lacks an exception for those instances when the banned procedure is necessary to preserve the health of the mother."

In case that is not clear enough for the supporters of this rule and this un-

constitutional bill, she then goes on to outline all that a legislative body has to do to make such a bill constitutional. Just add the words "where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." That would be the circumstance for an exception.

The people who should be upset at this bill should be pro-life Americans all across this country who have been deluded by this unconstitutional bill into thinking it is going to save one child. Had this rule allowed us to vote on a constitutionally acceptable amendment for a health exception, we actually could do some good. What a shame.

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

I would just like to remind the House that the minority does have a motion to recommit on every bill that we do. Mr. Solomon had said that he wanted to be sure that the minority always had a motion to recommit. I say that just for the record.

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of H.R. 4965, the partial-birth abortion ban, and its rule as well. Partial-birth abortion is a cruel and painful procedure. In this method the child is partially delivered. Only the baby's head is inside the mother's body. At this point the doctor inserts scissors into the baby's skull and removes the baby's brains with suction.

It is a medical fact that unborn infants can feel the pain of scissors puncturing their skull. In fact, the baby's perception of pain is even more intense at this early stage of life. A practice such as this has no place in the medical field. Even the physician credited with developing this procedure agrees that no medical situation exists to warrant the use of partial-birth abortion.

Aside from being cruel to the infant, it poses a serious health risk for the mother, including complications with future pregnancies and even death. We must protect these precious lives, these precious infants, who are only moments away from their first breath.

I urge my colleagues in joining me in voting to ban partial-birth abortion and to support the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill before us will not prohibit any abortions. It prohibits a procedure. The abortion will still take place using another procedure, and I will not inflame the debate by describing in detail the alternative procedures that may be used. But I will point out that Nebraska had a law banning this procedure, the so-called partial-birth abortion. Nearly 2 years ago, the United States Supreme Court held in *Stenberg v. Carhart* that the law was unconstitutional.

The Supreme Court said many times in its majority opinion and other times in concurring opinions that in order to make the partial-birth abortion ban constitutional, the law must contain a health exception to allow the procedure when it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. That is what five Supreme Court justices said is necessary to make the bill constitutional. All five of those justices are still on the Supreme Court.

In the *Stenberg* case, the court said, "The question before us is whether Nebraska's statute making criminal the performance of a partial-birth abortion violates the Constitution as interpreted by *Planned Parenthood v. Casey* and *Roe v. Wade*. We conclude that it does for at least two independent reasons." They said the first reason was that the law lacks an exception for the preservation of the health of the mother. The *Stenberg* court reminded us what a long line of cases has held, that, quote, subsequent to viability, the State in promoting its interest in the potentiality of human life may if it chooses regulate, and even proscribe abortion, except, and they put this in italics, when it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother, unquote.

It goes on to say in quotes, in case we did not understand it in italics, that the governing standard requires an exception—listen up—where it is necessary in the appropriate medical judgment for the preservation of the life or health of the mother.

The court continues talking about the health exception by saying, quote, Justice Thomas said that the cases just cited limit the principle to situations where the pregnancy itself creates a threat to health. The court says, "He is wrong. The cases cited, reaffirmed in *Casey*, recognize that a State cannot subject women's health to significant health risks both in that context, and also where State regulations force women to use riskier methods of abortion. Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, imposed significant health risks."

They make clear that a risk to a woman's health is the same whether it happens to arise from regulating a particular method of abortion or from barring abortion entirely."

Finally, the court says, "Nebraska has not convinced us that a health exception is never medically necessary to preserve the health of the mother." It continues by saying, "A statute that altogether forbids the partial-birth abortion creates a significant health risk. The statute consequently must contain a health exception."

And in case we did not get it, the court said again, "By no means must a State grant physicians unfettered discretion in their selection of a method of abortion but where substantial medical authority supports the proposition

that banning a particular abortion procedure could endanger the woman's health, Casey requires the statute to include a health exception when the procedure is"—listen up—"necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. Requiring such an exception in this case is no departure from Casey, but simply a straightforward application of its holding."

Mr. Speaker, whatever our views are on the underlying issue of abortion, we ought to read the decision and apply the law. The Supreme Court, in one decision, said at least five times that a health exception must be included for the statute to be constitutional. Furthermore, they put "necessary, in appropriate medical judgment, for the preservation of the life or health of the mother" in italics and quotation marks.

This rule that we are considering proposes a bill without a health exception. It prohibits amendments that would create a health exception. The court has made it clear that the health exception is required and, therefore, any bill that passes without the health exception will be found unconstitutional. Thus, this rule which does not allow the required health exception should be defeated.

□ 1515

Mrs. MYRICK. Mr. Speaker, I reserve my time.

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

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me time and for her tremendous leadership on this issue and so many others.

Mr. Speaker, this bill is nothing more than a cruel ploy to prevent women from obtaining the safest and best medical care from their doctors. What is more, it is unconstitutional.

This bill is no different from the Nebraska law struck down by the Supreme Court 2 years ago in *Stenberg v. Carhart*. It has the same flaws and the same dangers. Like the Nebraska law, this bill's broad language bans the safest and most common form of abortion used in second trimester, posing an undue burden on a woman's right to choose. It has no exception for preserving a woman's health. It ties the hands of medical practitioners, condemning women to less safe procedures that may put their lives at risk.

Sandra Day O'Connor's opinion was very clear that government "may promote, but not endanger, a woman's health when it regulates the methods of abortion." The decision went on to say, "Where a significant body of medical opinion believes a procedure may bring with it greater safety for some patients and explains the medical reasons supporting that view, neither Congress nor the States may ban the procedure."

The Supreme Court has said neither Congress nor the States may ban the

procedure, so if we already know that this bill is unconstitutional, then why are we here? I believe it is to give the anti-choice forces one more chance to spread the lie that this is about a particular procedure at a particular phase of pregnancy.

So let us set the record straight. This ban covers many procedures and all phases of pregnancy. This is not about late-term abortions, this is not about the D&E procedure, this is about outlawing choice, pure and simple. It is an extreme measure that sacrifices women's health to further an ideological agenda that opposes choice.

Mr. Speaker, I ask my colleagues to join me in voting against this deceptive attempt to deny women access to choice. I urge a no vote on this rule and the underlying bill, and I urge this body to follow the words of Sandra Day O'Connor and the majority of the members of the Supreme Court that have already ruled that the bill before us is unconstitutional.

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

Mr. Speaker, I just want to comment that, once again, an unconstitutional measure which we recently did, too, that was passed by this House was to prohibit young women from crossing State lines in the United States. I have no idea who is going to police that or whether we are going to put borders up at every State to make sure people do not cross it "illegally," according to the Congress. Obviously that is not going to ever become law. There is no way we can keep American citizens from going from one State to another.

Once again we try this, which is not a serious attempt to do much except make points. I urge a no vote on this rule.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. 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 (Mr. SIMPSON). 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 on this rule will be followed by a 5-minute vote on H.R. 5120 and a 5-minute vote on House Concurrent Resolution 188.

The vote was taken by electronic device, and there were—yeas 248, nays 177, not voting 9, as follows:

[Roll No. 340]

YEAS—248

Aderholt	Green (WI)	Phelps
Akin	Grucci	Pickering
Bachus	Gutknecht	Pitts
Baker	Hall (OH)	Platts
Ballenger	Hall (TX)	Pombo
Barcia	Hansen	Pomeroy
Barr	Hart	Portman
Bartlett	Hastings (WA)	Putnam
Barton	Hayes	Quinn
Bass	Hayworth	Radanovich
Bereuter	Hefley	Rahall
Berry	Herger	Ramstad
Biggert	Hilleary	Regula
Bilirakis	Hobson	Rehberg
Blunt	Hoekstra	Reyes
Boehner	Holden	Reynolds
Bonilla	Hostettler	Riley
Bono	Houghton	Roemer
Boozman	Hulshof	Rogers (KY)
Borski	Hunter	Rogers (MI)
Brady (TX)	Hyde	Rohrabacher
Brown (SC)	Isakson	Ros-Lehtinen
Bryant	Issa	Ross
Burr	Istook	Roukema
Burton	Jenkins	Royce
Buyer	John	Ryan (WI)
Callahan	Johnson (IL)	Ryan (KS)
Calvert	Johnson, Sam	Sandlin
Camp	Jones (NC)	Saxton
Cannon	Kanjorski	Schaffer
Cantor	Keller	Schrock
Capito	Kelly	Sensenbrenner
Castle	Kennedy (MN)	Sessions
Chabot	Kerns	Shadegg
Chambliss	Kildee	Shaw
Clement	King (NY)	Shays
Coble	Kingston	Sherwood
Collins	Kirk	Shimkus
Combest	Kolbe	Shows
Cooksey	LaFalce	Shuster
Costello	LaHood	Simpson
Cox	Langevin	Skeen
Cramer	Latham	Skelton
Crane	LaTourette	Smith (MI)
Crenshaw	Leach	Smith (NJ)
Cubin	Lewis (CA)	Smith (TX)
Culberson	Lewis (KY)	Souder
Cunningham	Linder	Stenholm
Davis, Jo Ann	Lipinski	Stump
Davis, Tom	LoBiondo	Stupak
Deal	Lucas (KY)	Sullivan
DeLay	Lucas (OK)	Sununu
DeMint	Lynch	Sweeney
Diaz-Balart	Manzullo	Tancred
Doolittle	Mascara	Tanner
Doyle	McCrery	Tauzin
Dreier	McHugh	Taylor (MS)
Duncan	McInnis	Taylor (NC)
Dunn	McIntyre	Terry
Ehlers	McKeon	Thomas
Ehrlich	McNulty	Thornberry
Emerson	Mica	Thune
English	Miller, Dan	Tiahrt
Everett	Miller, Gary	Tiberi
Ferguson	Miller, Jeff	Toomey
Flake	Mollohan	Turner
Fletcher	Moran (KS)	Upton
Foley	Murtha	Vitter
Forbes	Myrick	Walden
Fossella	Nethercutt	Walsh
Frelinghuysen	Ney	Wamp
Gallegly	Norwood	Watkins (OK)
Ganske	Nussle	Watts (OK)
Gekas	Oberstar	Weldon (FL)
Gibbons	Ortiz	Weldon (PA)
Gilchrest	Osborne	Weller
Gillmor	Otter	Wicker
Goode	Oxley	Wilson (NM)
Goodlatte	Paul	Wilson (SC)
Goss	Pence	Wolf
Graham	Peterson (MN)	Young (AK)
Granger	Peterson (PA)	Young (FL)
Graves	Petri	

NAYS—177

Abercrombie	Berkley	Brown (OH)
Ackerman	Berman	Capps
Allen	Bishop	Capuano
Andrews	Blagojevich	Cardin
Baca	Blumenauer	Carson (IN)
Baird	Boehert	Carson (OK)
Baldacci	Boswell	Clay
Baldwin	Boucher	Clayton
Barrett	Boyd	Clyburn
Becerra	Brady (PA)	Conyers
Bentsen	Brown (FL)	Coyne

Crowley	Jefferson	Pallone
Cummings	Johnson (CT)	Pascarell
Davis (CA)	Johnson, E. B.	Pastor
Davis (FL)	Jones (OH)	Payne
Davis (IL)	Kaptur	Pelosi
DeFazio	Kennedy (RI)	Price (NC)
DeGette	Kilpatrick	Rangel
Delahunt	Kind (WI)	Rivers
DeLauro	Klecicka	Rodriguez
Deutsch	Kucinich	Rothman
Dicks	Lampson	Roybal-Allard
Dingell	Lantos	Rush
Doggett	Larsen (WA)	Sabo
Dooley	Larson (CT)	Sanchez
Edwards	Lee	Sanders
Engel	Levin	Sawyer
Eshoo	Lewis (GA)	Schakowsky
Etheridge	Lofgren	Schiff
Evans	Lowe	Scott
Farr	Luther	Serrano
Fattah	Maloney (CT)	Sherman
Filner	Maloney (NY)	Simmons
Ford	Markey	Slaughter
Frank	Matheson	Smith (WA)
Frost	Matsui	Snyder
Gephardt	McCarthy (MO)	Solis
Gilman	McCarthy (NY)	Spratt
Gonzalez	McCollum	Stark
Gordon	McDermott	Strickland
Green (TX)	McGovern	Tauscher
Greenwood	McKinney	Thompson (CA)
Gutierrez	Meehan	Thompson (MS)
Harman	Meek (FL)	Thurman
Hastings (FL)	Meeks (NY)	Tierney
Hill	Menendez	Towns
Hilliard	Millender-	Udall (CO)
Hinche	McDonald	Udall (NM)
Hinojosa	Miller, George	Velazquez
Hoefel	Mink	Visclosky
Holt	Moore	Waters
Honda	Moran (VA)	Berkley
Hooley	Morella	Berman
Horn	Nadler	Biggert
Hoyer	Napolitano	Bilirakis
Inslee	Neal	Bishop
Israel	Obey	Blagojevich
Jackson (IL)	Oliver	Blumenauer
Jackson-Lee	Ose	Blunt
(TX)	Owens	Boehlert

## NOT VOTING—9

Army	Knollenberg	Stearns
Bonior	Northup	Trafficant
Condit	Pryce (OH)	Whitfield

□ 1542

Messrs. LARSON of Connecticut, DEFazio, KLECZKA, GILMAN, and SIMMONS, and Ms. PELOSI changed their vote from “yea” to “nay.”

Mr. PAUL and Mr. CRAMER changed their vote from “nay” to “yea.”

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.

# MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB B. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all present, both in the gallery and on the floor, please rise for a moment of silence.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the vote on House Concurrent Resolution 188 will be postponed until later today.

# TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore. The pending business is the question on the passage of the bill (H.R. 5120) on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 121, not voting 5, as follows:

[Roll No. 341]

YEAS—308

Abercrombie	Edwards	King (NY)
Ackerman	Ehlers	Kingston
Aderholt	Ehrlich	Kirk
Allen	Emerson	Kolbe
Andrews	Engel	LaFalce
Armey	English	LaHood
Baca	Eshoo	Lampson
Baird	Evans	Langevin
Baldacci	Farr	Lantos
Ballenger	Fattah	Larsen (WA)
Bartlett	Ferguson	Larson (CT)
Bass	Filner	Latham
Becerra	Fletcher	LaTourette
Bentsen	Frank	Leach
Bereuter	Frelinghuysen	Lee
Berkley	Frost	Levin
Berman	Gallegly	Lewis (CA)
Biggert	Ganske	Lewis (GA)
Bilirakis	Gekas	Lewis (KY)
Bishop	Gephardt	Linder
Blagojevich	Gibbons	Lipinski
Blumenauer	Gilchrest	LoBiondo
Blunt	Gillmor	Lofgren
Boehlert	Gilman	Lowe
Boehner	Gonzalez	Lucas (OK)
Bonilla	Gordon	Lynch
Bono	Goss	Manzullo
Boozman	Granger	Markey
Borski	Green (WI)	Mascara
Boucher	Greenwood	Matsui
Boyd	Grucci	McCarthy (MO)
Brady (PA)	Gutierrez	McCarthy (NY)
Brown (FL)	Hall (OH)	McCollum
Brown (OH)	Hansen	McCrery
Brown (SC)	Harman	McDermott
Burr	Hart	McGovern
Burton	Hastings (FL)	McHugh
Buyer	Hastings (WA)	McIntyre
Callahan	Hayes	McKeon
Calvert	Hilliard	McNulty
Camp	Hinche	Meehan
Cannon	Hinojosa	Meek (FL)
Cantor	Hobson	Meeks (NY)
Capps	Hoefel	Millender-
Cardin	Holden	McDonald
Castle	Holt	Miller, Dan
Chambliss	Honda	Miller, Gary
Clay	Hooley	Miller, George
Clayton	Horn	Mink
Clyburn	Houghton	Mollohan
Combest	Hoyer	Moran (VA)
Cooksey	Hulshof	Morella
Cox	Hunter	Murtha
Coyne	Hyde	Myrick
Cramer	Isakson	Nadler
Crenshaw	Issa	Neal
Crowley	Istook	Nethercutt
Cummings	Jackson (IL)	Ney
Cunningham	Jackson-Lee	Northup
Davis (FL)	(TX)	Nussle
Davis (IL)	Jefferson	Oberstar
Davis, Tom	John	Obey
DeFazio	Johnson (CT)	Oliver
DeGette	Johnson, E. B.	Ortiz
Delahunt	Johnson, Sam	Osborne
DeLauro	Jones (OH)	Ose
DeLay	Kanjorski	Owens
Dicks	Kaptur	Pallone
Dingell	Keller	Pascarell
Dooley	Kelly	Pastor
Doolittle	Kennedy (MN)	Payne
Doyle	Kennedy (RI)	Pelosi
Dreier	Kildee	Peterson (PA)
Dunn	Kilpatrick	Pickering

Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano

Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Sununu
Sweeney
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns

NAYS—121

Akin	Goodlatte	Petri
Bachus	Graham	Phelps
Baker	Graves	Pitts
Baldwin	Green (TX)	Platts
Barcia	Gutknecht	Pomeroy
Barr	Hall (TX)	Ramstad
Barrett	Hayworth	Riley
Barton	Hefley	Roemer
Berry	Herger	Ros-Lehtinen
Boswell	Hill	Ross
Brady (TX)	Hilleary	Royce
Bryant	Hoekstra	Ryan (WI)
Capito	Hostettler	Ryun (KS)
Capuano	Inslee	Sandlin
Carson (IN)	Israel	Schaffer
Carson (OK)	Jenkins	Schiff
Chabot	Johnson (IL)	Schrock
Clement	Jones (NC)	Sensenbrenner
Coble	Kerns	Sessions
Collins	Kind (WI)	Shadegg
Conyers	Klecicka	Shimkus
Costello	Kucinich	Shows
Crane	Lucas (KY)	Slaughter
Cubin	Luther	Smith (WA)
Culberson	Maloney (CT)	Strickland
Davis (CA)	Maloney (NY)	Stump
Davis, Jo Ann	Matheson	Stupak
Deal	McInnis	Sullivan
DeMint	McKinney	Tancredo
Deutsch	Menendez	Tanner
Diaz-Balart	Mica	Taylor (MS)
Doggett	Miller, Jeff	Terry
Duncan	Moore	Thune
Etheridge	Moran (KS)	Thurman
Everett	Napolitano	Tiberi
Flake	Norwood	Toomey
Foley	Otter	Turner
Forbes	Oxley	Weldon (FL)
Ford	Paul	Wilson (SC)
Fossella	Pence	
Goode	Peterson (MN)	

NOT VOTING—5

Bonior	Knollenberg	Trafficant
Condit	Stearns	

□ 1601

Mr. GRAVES changed his vote from “yea” to “nay.”

Mr. LAMPSON and Mr. RUSH changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PARTIAL-BIRTH ABORTION BAN ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 498