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Debate on Hoyer & Frank Motions to Recommit

March 20, 1997

CONGRESSIONAL RECORD—HOUSE

H1227

□ 1500

procedure is determined by a woman's physician to be medically warranted under the circumstances, then the Congress should respect that judgment not criminalize it. We should not substitute our political judgment for professional medical judgment grounded in the particular circumstances of real cases.

This bill should be defeated.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 100, the bill is considered as having been read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill H.R. 1122 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

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 the 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.

POINT OF ORDER

Mr. CANADY of Florida. Mr. Speaker, I rise to a point of order that the motion to recommit is not germane to the bill.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CANADY of Florida. Mr. Speaker, the fundamental purpose of the underlying bill, H.R. 1122, deals with a very limited class of abortions, specifically partial-birth abortions. This is one specific type of procedure as defined in the bill.

The fundamental purpose of the motion to recommit amendment deals with any abortion procedure done post-viability. It purports to cover a much broader class of procedures than the one procedure specifically prohibited in this bill.

Therefore, since the fundamental purpose of the motion to recommit purports to deal with a class of procedures that is broader than the one pro-

cedure in the underlying bill, a proposition on a subject different from that under consideration, it is not germane to the bill and I insist on the point of order.

The SPEAKER pro tempore. Does the gentleman from Maryland [Mr. HOYER] wish to be heard on the point of order? Mr. HOYER. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the Chair for recognizing me on the point of order.

Mr. Speaker, this amendment is offered for the purpose, as it says, of limiting all late-term abortions, of prohibiting all late-term abortions, including abortions to which the gentleman spoke. We believe it does in fact expand upon but is inclusive of the procedures to which the gentleman's bill speaks. We believe it is an effort and an opportunity for the Congress to say that not only the late-term partial birth to which the bill speaks but that all procedures to effect late-term abortions ought to be prohibited. They ought to be prohibited as the policy of the United States of America.

It does provide, as does the underlying bill, with certain exceptions: The life of the mother, as is consistent with the bill on the floor. It also expands upon that to say serious adverse health consequences as well.

We believe in that context and, frankly, got an initial judgment as it was offered in the Committee on the Judiciary that this amendment was believed initially to be in order.

We believed that initial judgment was in fact correct. We believed this gives an opportunity for Members not only to speak to the instant issue raised by the particular 1122 bill, but also importantly gives to Members the opportunity to express their view that all late-term abortions, not just one procedure, but that procedure and all procedures to effect post-viability abortions be outlawed, be illegal, be against the policy of the United States of America, except in very limited circumstances.

Because of that, Mr. Speaker, Members will have the opportunity to express themselves as being against late-term abortions, which is the context, I suggest to the Speaker, in which this debate has occurred and proceeded.

Because of that, this gives Members the opportunity to particularly but more broadly, as Mr. CANADY did in fact correctly observe, express themselves on limiting all procedures for late-term abortions.

For that reason, we think it expands upon, he is correct, expands upon and makes more broad the prohibition on late-term abortions. It is for that reason that we think it critically important that the Chair rule that this is in fact in order so that Members can appropriately—because we believe it to be in order—express themselves in opposition to late-term abortions.

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman from Florida has made a point of order that the amendment proposed—

Mr. EDWARDS. Mr. Speaker, the gentleman from Florida stated his point of order very rapidly and I want to be clear on this.

Is the parliamentary point of order on the point that the bill before the House only prohibits one type of abortion procedure, but the motion of the gentleman from Maryland [Mr. HOYER] would actually prohibit more types, in fact all types of late-term abortion procedures?

Is that the point of order that the gentleman from Florida is trying to make and objecting to letting the measure of the gentleman from Maryland up on the floor?

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

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

The SPEAKER pro tempore. The gentlemen will suspend. The Chair will recognize Members to argue the point of order. Does the gentleman from Florida seek that recognition?

Mr. CANADY of Florida. Mr. Speaker, I seek the opportunity to respond to the question posed by the gentleman from Texas.

The SPEAKER pro tempore. The Chair will hear argument confined to the point of order. The gentleman may proceed, confined to the point of order.

Mr. CANADY of Florida. Mr. Speaker, the point of order is the fundamental purpose of the underlying bill, H.R. 1122, deals with a very limited class of abortion, specifically partial-birth abortions.

One specific type of procedure in the bill is what is dealt with in H.R. 1122. The fundamental purpose of the motion to recommit, in contrast to that, deals with any abortion procedure done post viability. It, therefore, purports to cover a much broader class of procedures.

I believe that the impact of the motion to recommit would essentially be nil, because although it purports to affect a broader class of procedures, due to the exceptions contained in the motion to recommit, it is essentially meaningless.

Mr. EDWARDS. Mr. Speaker, I guess going back to my original question to the Speaker, the point of order is being made on the basis that the bill before the House simply outlaws one type of abortion procedure, the motion made by the gentleman from Maryland would actually ban many other types of late-term-abortion procedures, and the gentleman from Florida objects to that being voted upon in the House; is that correct, Mr. Speaker?

The SPEAKER pro tempore. The Chair hopes to clarify this point in the Chair's ruling. The Chair is now prepared to rule.

VOTE ON MOTION TO TABLE HOYER APPEAL OF CHAIR

H1228

CONGRESSIONAL RECORD—HOUSE

March 20, 1997

The gentleman from Florida makes a point of order that the amendment proposed in the instructions with the motion to recommit offered by the gentleman from Maryland is not germane.

The pending bill prohibits a certain class of abortion procedures.

The amendment proposed in the motion to recommit prohibits any or all abortion procedures in certain stages of pregnancy. It differentiates between the stages of pregnancy on the basis of fetal viability. In so doing, the amendment arguably addresses a subset of the category of pregnancies addressed by the bill. Still, by addressing any or all abortion procedures, the prohibition in the amendment exceeds the scope of the prohibition in the bill.

The bill confines its sweep to a single, defined class of abortion procedures. Thus, even though the amendment differentiates between pregnancies on narrower bases than does the bill, the amendment also, by addressing any or all abortion procedures, broadens the prohibition in the bill.

One of the basic lines of precedent under clause 7 of rule 16, the germaneness rule, holds that a proposition addressing a specific subject may not be amended by a proposition more general in nature. As noted in section 798f of the House Rules and Manual, this principle applies even when both propositions address a common topic.

Thus, on March 23, 1960, the Chair held that an amendment to criminalize the obstruction of any court order was not germane to a bill to criminalize only the obstruction of court orders relating to the desegregation of public schools.

On the reasoning reflected in this line of precedent, the Chair holds that the amendment proposed in the motion to recommit is not germane to the bill. Accordingly, the point of order is sustained and the motion to recommit is not in order.

Mr. HOYER. Mr. Speaker, it is with great reluctance, because I believe very strongly that the Chair's rulings ought to be upheld, but in this instance, Mr. Speaker, I am compelled, because of the importance of the issue and the closed rule that prevented any amendments, and because I believe, Mr. Speaker, in your ruling you correctly indicated that the Hoyer and Greenwood bill broadens the scope of this bill and broadens the application to procedures beyond what the bill refers to, and for that reason held it not to be germane, I am compelled to appeal the ruling of the Chair.

Mr. CANADY of Florida. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. First of all, the question is, Shall the decision of the Chair stand as the judgment of the House?

Now, the Chair will recognize the gentleman from Florida [Mr. CANADY].

MOTION TO TABLE OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 265, nays 165, not voting 2, as follows:

[Roll No. 63]

YEAS—265

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Billirakis
Billey
Blunt
Boehner
Bonilla
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett

Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Galleghy
Ganske
Gekas
Gibbons
Gillechrist
Gillmor
Gillman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Henger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostetler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Ingalls
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourrette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder

Lipinski
Livingston
LoBlundo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Moakley
Mollinari
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Rus-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob

Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Siskaly
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon

Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traffant
Turner

Upton
Walsh
Wamp
Wackins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—165

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

Frost
Furse
Cejdenson
Cephardt
Gonzalez
Green
Greenwood
Gutierrez
Harnon
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hoolley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennolly
Kilpatrick
Kind (WI)
Kleczka
Lampson
Lantos
Levin
Lewis (CA)
Loftgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markley
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGuvern
McHale
McKinney
Meehan
Meek
Menendez
Mikolander
McDonald
Miller (CA)
Minge
Mink
Moran (VA)

Morella
Nadler
Oliver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabu
Sanchez
Sanders
Santolin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
 Waxman
Wexler
Wynn
Yates

NOT VOTING—2

Kaptur

Oxley

□ 1525

Messrs. BASS, KINGSTON, and RAMSTAD, and Mrs. KELLY changed their vote from "nay" to "yea."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.



□ 1530

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

FRANK MOTION TO RECOMMIT

March 20, 1997

CONGRESSIONAL RECORD—HOUSE

H1229

The SPEAKER pro tempore (Mr. MCINNIS). Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. I am in its form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to recommit the bill H.R. 1122 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 10, insert after the words "or injury" the following:

"Including a life endangering physical condition caused by or arising from the pregnancy itself, or to avert serious adverse long-term physical health consequences to the mother."

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes in support of his motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, after the Committee on Rules tried to keep this from being heard, I appreciate your helping make sure that it is.

This is an amendment that would in its most important form add one more exception. Remember we had the bill that does not prevent the abortions, as the gentleman from Florida acknowledged, but bans a particular procedure.

Mr. Speaker, the bill bans a specific procedure. The sponsors said in opposition to the amendment that we just voted on—that was ruled nongermane when it came up before, well, we do not like health as an exception. I do. I wanted health as an exception. That was voted down, and I regret it. But now I am offering a narrower one that meets some of the arguments we heard.

Health broadly defined by the Supreme Court when there is no other reference, and it is just health when there is no modifier, the Supreme Court has said that includes mental health, et cetera, as I think it should. But in this case where we are talking about one procedure where we have already voted down health, I have a further amendment. This says, "You can have an exception if it is necessary to avert serious adverse long-term physical health consequences." This, Mr. Speaker, is what the House is about to vote on.

I ask my colleagues, "Are you prepared to say to a doctor if you believe in your best medical judgment that it is necessary to avert serious physical long-term adverse health consequences, and the only way to avert them is to use this procedure, this amendment says to a doctor, because it follows the language of the bill, if it is necessary, not if it's in your subjective opinion, but if it's necessary, and you can show in a judicial proceeding that it was necessary to avert serious long-term adverse physical health consequences you can perform the procedure." And the majority is going to say no apparently.

Well, some say it is never possible. If my colleagues really believe that, then

the amendment would do no harm. But is the House ready to tell every doctor in America that never under any circumstances can he or she use a medical judgment to say this procedure? Because again we are not talking about whether or not there can be an abortion. There can be an abortion. It may be on mental health grounds, it may be on physical health grounds. Then the question is what is the procedure. And we are asking for a vote that says if it is necessary so that a woman does not lose her fertility so that there is not permanent damage to her organs, if she is not in horrible pain for a prolonged period.

Is that not likely to happen? I do not know; along with almost everybody in the House, I do not know. And therefore I am not prepared to legislate it. I am prepared to say that the physicians can decide that.

How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY. Mr. Speaker, in all my years in the House I have never been more disturbed by a vote, but yet what happened in the Committee on Rules last night and on the floor here today, my concerns have not been allayed. Mr. Speaker, let me talk about those concerns.

I do not think the State should interject itself before viability and that women should have the right to protect their life and their health as under Roe versus Wade. I am concerned about viability of pregnancies, and I know health has been broadly interpreted, but under Frank it will be interpreted as the serious, serious physical health of the mother.

I am concerned about this, and it is before us, this method. It is brutal, it is inhuman, and it should never be used. However, may I say that is not my decision. Under Roe versus Wade the law of the land aids the decision of the mother and the doctor.

Mr. Speaker, I am so concerned about this body today. We have let political considerations and efforts do away with Roe versus Wade take over this and not let us resolve this situation.

Forty States, Mr. Speaker, have resolved this situation. We can resolve it by putting the serious health of the mother into this mix.

Mr. Speaker, we can do better.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me anticipate. Members on the other side have said, "Well, when you say health, the Supreme Court reads a broader version." Yes, I have that opinion right here. When it only said health, the Supreme Court interpreted a statute referring to health more broadly. The Supreme Court has never said that health al-

ways—that physical health does not just mean physical health. There is no argument for that, and the Supreme Court has never interpreted a statute on physical health. That is the key issue here.

I also add a language point that others have brought up making it clear that, if life is endangered by a condition arising from the pregnancy itself, that is also an exception. And that is not in the bill explicitly, and it ought to be, but this key point is before us now: "Do you believe as the chairman of the committee said, and the chairman of the committee in his intellectual integrity said if the choice is serious long-term physical health damage to the mother or the life of the fetus, apparently even a severely damaged fetus that could not live long, the woman's health must suffer."

I hope the House will not vote that way.

The SPEAKER pro tempore. Is the gentleman from Florida opposed to the motion to recommit?

Mr. CANADY of Florida. I am, Mr. Speaker.

The SPEAKER pro tempore. The chair recognizes the gentleman from Florida (Mr. CANADY) for 5 minutes in opposition to the motion to recommit.

Mr. CANADY of Florida. Mr. Speaker, regarding the life exception language contained in the gentleman's proposal, it is already covered in H.R. 1122. The language in the amendment simply restates what is obvious in the language in the bill. The life exception in H.R. 1122 states, and I will read it; it is on page 2 beginning on line 7:

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 physical disorder, illness, or injury.

That very statement is made on the floor today that this bill does not provide an exception for the life of the mother. It is clearly right here in the bill. I have asked the Members to read it, look at it with their own eyes.

Regarding the health exception, partial-birth abortion is never necessary for a mother's health or future fertility. Hundreds of obstetricians, gynecologists, and maternal fetal specialists, along with former Surgeon General C. Everett Koop, have come forward to unequivocally state that, quote, "Partial-birth abortion is never medically necessary to protect the mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both," close quote.

Furthermore, in an American Medical News article Dr. Warren Hern, a late-term abortionist, disputed the safety of the partial-birth abortion procedure. I want to quote directly from this article. Now, this is Dr. Hern, M.D., one of the leading experts on abortion procedures in this country. This is what he said:

I have very serious reservations about this procedure, said Dr. Hern, the

VOTE ON FRANK MOTION TO RECOMMIT

H1230

CONGRESSIONAL RECORD—HOUSE

March 20, 1997

author of Abortion Practice, the Nation's most widely used textbook on abortion standards and procedures. He specializes in late-term procedures. He opposes the bill, he said, because he thinks Congress has no business dabbling in the practice of medicine. But of the procedure in question he says this: "You really can't defend it. I'm not going to tell someone else that they should not do this procedure, but I'm not going to do it."

Now, Dr. Hern's concern centers around claims that the procedure in late-term pregnancy can be safest for the pregnant woman and that without this procedure women would have died, and this is what Dr. Hern says: "I would dispute any statement that this is the safest procedure to use," close quote. "Turning the fetus to a breech position is potentially dangerous." He added, "You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that."

Pamela Smith, M.D., director of medical education in the department of obstetrics and gynecology at Mt. Sinai Hospital of Chicago added two more concerns. Cervical incompetence and subsequent pregnancy caused by 3 days of forceful dilation of the cervix and uterine rupture caused by rotating the fetus within the womb. Partial-birth abortion is used by some abortionists for their own convenience. It is never necessary to partially deliver a live child and jam scissors into the back of his or her head to preserve the mother's health. Just consider what is involved in this procedure.

I would ask my colleagues to consider what is involved in this procedure. A living human child is partially delivered. With the child three-fourths out of the mother, with only the head remaining in the mother, the child is stabbed in the back of the head.

I hate describing this, but this is what goes on.

Explain to me how stabbing the child in the back of the head in this gruesome procedure protects the mother's health. It is nonsense; it does not. It is not necessary. What we are seeing here is an effort by people who believe that abortion should be permitted under any circumstance at any time during pregnancy for any reason, an attempt to derail this bill, put in amendments that will create loopholes and will render the bill meaningless.

I urge my colleagues who are serious about addressing this procedure to oppose this motion to recommit and support the bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Speaker, we once again deal with deception. There is no serious adverse long-term physical health consequence to the mother that can be best treated by this procedure. It does not exist, it has never existed, it will never exist. It is a falsehood, it is an untruth. Partial-birth abortion, D&E on the live baby is done for the

convenience of an abortionist. It is never done for any other reason. It is done for the convenience of an abortionist.

This is a deceptive way to confuse the issue. There is no truth that this allowance needs to be there, because it never exists. It is a falsehood. It is something that was set up so that we can create a false climate.

I will repeat. It never happens. It never is indicated.

□ 1545

The SPEAKER pro tempore (Mr. MCINNIS). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, yeas 282, not voting 2, as follows:

(Roll No. 64)

AYES—149

Ackerman	Furse	Minge
Andrews	Geddeson	Moakley
Baldacci	Gephart	Moran (VA)
Burr (WI)	Gilchrist	Morella
Becerra	Gilman	Neal
Bentsen	Gonzalez	Obey
Berman	Green	Oliver
Bishop	Greenwood	Owens
Blagojevich	Hastings (FL)	Pallone
Blumenauer	Hilliard	Pastor
Boehert	Hinchey	Payne
Bonior	Hinojosa	Pomeroy
Boucher	Hookey	Price (NC)
Boyd	Horn	Ramstad
Brown (CA)	Houghton	Rangel
Brown (FL)	Hoyer	Reyes
Brown (OH)	Jackson (IL)	Rivers
Campbell	Jackson-Lee	Rothman
Capps	(TX)	Roybal-Allard
Cardin	Jefferson	Rush
Corson	Johnson (CT)	Sabo
Castle	Johnson (WI)	Sanchez
Clay	Johnson, E. B.	Sanders
Clayton	Kelly	Sandlin
Clyburn	Kennedy (MA)	Sawyer
Conyers	Kennedy (RI)	Scott
Coyne	Kennelly	Serrano
Cummings	Kilpatrick	Shays
Davis (FL)	Kind (WI)	Sherman
Davis (IL)	Kleczka	Skaggs
DeFazio	Klug	Smith, Adam
DeLaHunt	Kolbe	Snyder
DeLauro	Lampson	Spratt
DeLuca	Lantos	Scabenow
Deutsch	Levin	Stark
Dicks	Lewis (GA)	Stokes
Dixon	Luther	Strickland
Doggett	Maloney (CT)	Thompson
Dooley	Markay	Thurman
Edwards	Matsui	Tierney
Engel	McCarthy (MO)	Torres
Eshoo	McCarthy (NY)	Towns
Etheridge	McDermott	Vento
Evans	McGovern	Waters
Fattah	McKinney	Watt (NC)
Fillner	Meehan	Wise
Flake	Meek	Woolsey
Ford	Monendez	Wynn
Frank (MA)	Millender	Yates
Frelinghuysen	McDonald	
Frost	Miller (CA)	

NOES—282

Abercrombie	Archer	Baer
Aderholt	Armey	Baker
Allott	Bachus	Ballenger

Barcelo	Cutknecht	Paxon
Barr	Hall (OH)	Pease
Barrett (NE)	Hall (TX)	Pelosi
Bartlett	Hamilton	Peterson (MN)
Barton	Hansen	Peterson (PA)
Bass	Harman	Petri
Bateman	Hastert	Pickering
Bereuter	Hastings (WA)	Pickert
Berry	Hayworth	Pitts
Billbray	Hefley	Pombo
Billrakis	Hefner	Porter
Bliley	Herger	Portman
Blunt	Hill	Poshard
Boehner	Hilleary	Pryce (OH)
Bonilla	Hobson	Quinn
Bono	Hoeckstra	Radanovich
Borski	Holden	Rahall
Boswell	Hustettler	Regula
Brady	Hulshof	Riggs
Bryant	Hunter	Riley
Bunning	Hutchinson	Roemer
Burr	Hyde	Rugan
Burton	Inglis	Rogers
Buyer	Istook	Rohrabacher
Callahan	Jenkins	Ros-Lehtinen
Calvert	John	Roukema
Camp	Johnson, Sam	Royce
Canady	Jones	Ryun
Cannon	Kanjorski	Salmon
Chabot	Kasich	Sanford
Chambliss	Kildee	Saxton
Chenoweth	Kim	Scarborough
Christensen	King (NY)	Schaefer, Dan
Clement	Kingston	Schaffer, Bub
Coble	Klink	Schiff
Coburn	Knollenberg	Schumer
Collins	Kucinich	Sensenbrenner
Combest	LaFalce	Sessions
Condit	LaHood	Shadegg
Cook	Largent	Shaw
Cooksey	Latham	Shimkus
Costello	LaTourette	Shuster
Cox	Lazio	Siskis
Cramer	Leach	Skeen
Crane	Lewis (CA)	Skelton
Crapo	Lewis (KY)	Slaughter
Cubin	Linder	Smith (MI)
Cunningham	Lipinski	Smith (NJ)
Danner	Livingston	Smith (OR)
Davis (VA)	LoBlond	Smith (TX)
Deal	Lofgren	Smith, Linda
DeGette	Lowey	Snowbarger
DeLay	Lucas	Solomon
Diaz-Balart	Maloney (NY)	Souder
Dickey	Munton	Spence
Dingell	Munzullo	Stearns
Dooley	Martinez	Steinholm
Doyle	Mascara	Stump
Dreier	McCollum	Stupak
Duncan	McCrary	Sununu
Dunn	McDade	Talent
Ehlers	McHale	Tanner
Ehrlich	McHugh	Tauscher
Emerson	McInnis	Tauzin
English	McIntosh	Taylor (MS)
Ensign	McIntyre	Taylor (NC)
Everett	McKeon	Thomas
Ewing	McNulty	Thornberry
Farr	Metcalfe	Thune
Fawell	Mica	Tiahrt
Fazio	Miller (FL)	Trafficant
Foglietta	Mink	Turner
Folcy	Mollinari	Upton
Forbes	Mollohan	Velazquez
Fowler	Moran (KS)	Visclosky
Fox	Murtha	Walsh
Franks (NJ)	Myrick	Wamp
Galeggly	Nadler	Wattkins
Ganske	Nethercutt	Watts (OK)
Gekas	Neumann	Waxman
Gibbons	Ney	Weldon (FL)
Gillmor	Northup	Weldon (PA)
Gingrich	Norwood	Weller
Goode	Nussle	Wexler
Goodlatte	Oberscor	Weygand
Goodling	Ortiz	White
Gordon	Packard	Whitfield
Goss	Pappas	Wicker
Graham	Parker	Wolf
Granger	Pascarella	Young (AK)
Gutierrez	Paul	Young (FL)

NOT VOTING—2

Kaptur Oxley

Mr. FOGLIETTA changed his vote from "aye" to "no."

So the motion to recommit was rejected.

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**HOUSE OF REPRESENTATIVES - 106TH CONGRESS
SO-CALLED "PARTIAL-BIRTH" ABORTION BAN TARGET LIST**

	PRO (137)	LIKELY PRO (8)	UNDECIDED (6)	LIKELY ANTI (18)	ANTI (266)
AL	Hilliard (D-07)				Aderholt (R-04) Cramer (D-05) Bachus (R-06) Callahan (R-01) Everett (R-02) Riley (R-03)
AK					Young (R-AL)
AZ	Pastor (D-02) Kolbe (R-05)				Hayworth (R-06) Salmon (R-01) Shadegg (R-04) Stump (R-03)
AR	Snyder (D-02)				Berry (D-01) Dickey (R-04) Hutchinson (R-03)
CA	Becerra (D-30) Berman (D-26) Campbell (R-15) Capps (D-22) Dixon (D-32) Dooley (D-20) Eshoo (D-14) Farr (D-17) Filner (D-50) Horn (R-38) Lantos (D-12) Lee (D-09) Lofgren (D-16) Matsui (D-05) Millender-McDonald (D-37) Miller (D-07) Pelosi (D-08) Roybal-Allard (D-33) Sanchez (D-46) Sherman (D-24) Stark (D-13) Tauscher (D-10) Thompson (D-01) ** Waters (D-35) Waxman (D-29) Woolsey (D-06)	Baca (D-42) Napolitano (D-34)	Kuykendall (R-36) Ose (R-03)	Miller (R-41)	Bilbray (R-49) Bono (R-44) Calvert (R-43) Condit (D-18) Cox (R-47) Cunningham (R-51) Doolittle (R-04) Dreier (R-28) Gallegly (R-23) Herger (R-02) Hunter (R-52) Lewis (R-40) Martinez (D-31) McKeon (R-25) Packard (R-48) Pombo (R-11) Radanovich (R-19) Rogan (R-27) Rohrabacher (R-45) Royce (R-39) Thomas (R-21)
CO	DeGette (D-01) Udall (D-02) **			Tancredo (R-06)	Hefley (R-05) McInnis (R-03) Schaffer (R-04)
CT	DeLauro (D-03) Gejdenson (D-02) Johnson (R-06)	Larson (D-01)			Maloney (D-05) Shays (R-04)
DE					Castle (R-AL)

** Freshman Member who signed pro-choice amicus brief in Carhart v. Stenberg

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FL	Brown (D-03) Deutsch (D-20) Hastings (D-23) Meek (D-17) Thurman (D-05) Wexler (D-19)				Bilirakis (R-09) Boyd (D-02) Canady (R-12) Davis (D-11) Diaz-Balart (R-21) Foley (R-16) Fowler (R-04) Goss (R-14) McCollum (R-08) Mica (R-07) Miller (R-13) Ros-Lehtinen (R-18) Scarborough (R-01) Shaw (R-22) Stearns (R-06) Weldon (R-15) Young (R-10)
GA	Lewis (D-05) McKinney (D-04)		Isakson (R-06)		Barr (R-07) Bishop (D-02) Chambliss (R-08) Collins (R-03) Deal (R-09) Kingston (R-01) Linder (R-11) Norwood (R-10)
HI	Abercrombie (D-01) Mink (D-02)				
ID				Simpson (R-02)	Chenoweth-Hage (R-01)
IL	Blagojevich (D-05) Davis (D-07) Evans (D-17) Gutierrez (D-04) Jackson (D-02) Schakowsky (D-09)** Rush (D-01)		Biggert (R-13)	Phelps (D-19)	Costello (D-12) Crane (R-08) Ewing (R-15) Hastert (R-14) Hyde (R-06) LaHood (R-18) Lipinski (D-03) Manzullo (R-16) Porter (R-10) Shimkus (R-20) Weller (R-11)
IN	Carson (D-10)			Hill (D-09)	Burton (R-06) Buyer (R-05) Hostettler (R-08) McIntosh (R-02) Pease (R-07) Souder (R-04) Roemer (D-03) Visclosky (D-01)
IA					Boswell (D-03) Ganske (R-04) Latham (R-05) Leach (R-01) Nussle (R-02)

** Freshman Member who signed pro-choice amicus brief in Carhart v. Stenberg

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KS		Moore (D-03)			Moran (R-01) Ryun (R-02) Tiahrt (R-04)
KY				Lucas (D-04) Fletcher (R-06)	Lewis (R-02) Northup (R-03) Rogers (R-05) Whitfield (R-01)
LA				Vitter (R-01)	Baker (R-06) Cooksey (R-05) Jefferson (D-02) John (D-07) McCrery (R-04) Tauzin (R-03)
ME	Allen (D-01) Baldacci (D-02)				
MD	Cardin (D-03) Cummings (D-07) Hoyer (D-05) Morella (R-08) Wynn (D-04)				Bartlett (R-06) Ehrlich (R-02) Gilchrest (R-01)
MA	Capuano (D-08) ** DeLaHunt (D-10) Frank (D-04) McGovern (D-03) Markey (D-07) Meehan (D-05) Oliver (D-01) Tierney (D-06)				Moakley (D-09) Neal (D-02)
MI	Conyers (D-14) Kilpatrick (D-15) Levin (D-12) Rivers (D-13) Stabenow (D-08)				Barcia (D-05) Bonior (D-10) Camp (R-04) Dingell (D-16) Ehlers (R-03) Hoekstra (R-02) Kildee (D-09) Knollenberg (R-11) Smith (R-07) Stupak (D-01) Upton (R-06)
MN	Luther (D-06) Sabo (D-05) Vento (D-04)				Gutknecht (R-01) Minge (D-02) Oberstar (D-08) Peterson (D-07) Ramstad (R-03)
MS	Thompson (D-02)			Shows (D-04)	Pickering (R-03) Taylor (D-05) Wicker (R-01)

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MO	Clay (D-01) McCarthy (D-05)				Blunt (R-07) Danner (D-06) Emerson (R-08) Gephardt (D-03) Hulshof (R-09) Skelton (D-04) Talent (R-02)
MT					Hill (R-AL)
NE				Terry (R-02)	Barrett (R-03) Bereuter (R-01)
NV	Berkley (D-01) **				Gibbons (R-02)
NH					Bass (R-02) Sununu (R-01)
NJ	Andrews (D-01) Holt (D-12) ** Menendez (D-13) Pallone (D-06) Payne (D-10) Rothman (D-09)				Franks (R-07) Frelinghuysen (R-11) LoBiondo (R-02) Pascrell (D-08) Roukema (R-05) Saxton (R-03) Smith (R-04)
NM		Udall (D-03)			Wilson (R-01) Skeen (R-02)
NY	Ackerman (D-05) Boehler (R-23) Engel (D-17) Gilman (R-20) Hinchey (D-26) Lowey (D-18) McCarthy (D-04) Maloney (D-14) Meeks (D-06) Nadler (D-08) Owens (D-11) Rangel (D-15) Serrano (D-16) Slaughter (D-28) Towns (D-10) Velazquez (D-12) Weiner (D-09) **			Crowley (D-07) Reynolds (R-27) Sweeney (R-22)	Forbes (D-01) Fossella (R-13) Houghton (R-31) Kelly (R-19) King (R-03) LaFalce (D-29) Lazio (R-02) McHugh (R-24) McNulty (D-21) Quinn (R-30) Walsh (R-25)
NC	Clayton (D-01) Price (D-04) Watt (D-12)			Hayes (R-08)	Ballenger (R-10) Burr (R-05) Coble (R-06) Etheridge (D-02) Jones (R-03) McIntyre (D-07) Myrick (R-09) Taylor (R-11)
ND					Pomeroy (D-AL)

** Freshman Member who signed pro-choice amicus brief in Carhart v. Stenberg

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OH	Brown (D-13) Sawyer (D-14)	Tubbs-Jones (D-11)			Boehner (R-08) Chabot (R-01) Gillmor (R-05) Hall (D-03) Hobson (R-07) Kaptur (D-09) Kasich (R-12) Kucinich (D-10) LaTourette (R-19) Ney (R-18) Oxley (R-04) Pryce (R-15) Portman (R-02) Regula (R-16) Strickland (D-06) Traficant (D-17)
OK					Coburn (R-02) Istook (R-05) Largent (R-01) Lucas (R-06) Watts (R-04) Watkins (R-03)
OR	Blumenauer (D-03) DeFazio (D-04) Hooley (D-05)	Wu (D-01)	Walden (R-02)		
PA	Brady (D-01) ¹ Coyne (D-14) Fattah (D-02) Greenwood (R-08) Hoeffel (D-13) **		Toomey (R-15)	Sherwood (R-10)	Borski (D-03) Doyle (D-18) English (R-21) Gekas (R-17) Goodling (R-19) Holden (D-06) Kanjorski (D-11) Klink (D-04) Mascara (D-20) Murtha (D-12) Peterson (R-05) Pitts (R-16) Shuster (R-09) Weldon (R-07)
RI					Kennedy (D-01) Weygand (D-02)
SC	Clyburn (D-06)			DeMint (R-04)	Graham (R-03) Sanford (R-01) Spence (R-02) Spratt (D-05)
SD					Thune (R-AL)

¹Absent for 1998 PBA vote, but announced that he would oppose the ban.

** Freshman Member who signed pro-choice amicus brief in Carhart v. Stenberg

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TN	Ford (D-09)				Bryant (R-07) Clement (D-05) Duncan (R-02) Gordon (D-06) Hilleary (R-04) Jenkins (R-01) Tanner (D-08) Wamp (R-03)
TX	Bentsen (D-25) Doggett (D-10) Edwards (D-11) Frost (D-24) Gonzalez (D-20) ** Green (D-29) Jackson Lee (D-18) EB Johnson (D-30) Rodriguez (D-28)				Archer (R-07) Armey (R-26) Barton (R-06) Bonilla (R-23) Brady (R-08) Combest (R-19) DeLay (R-22) Granger (R-12) Hall (D-04) Hinojosa (D-15) S. Johnson (R-03) Lampson (D-09) Ortiz (D-27) Paul (R-14) Reyes (D-16) Sandlin (D-01) Sessions (R-05) Smith (R-21) Stenholm (D-17) Thornberry (R-13) Turner (D-02)
UT					Hansen (R-01) Cannon (R-03) Cook (R-02)
VT	Sanders (I-AL)				
VA	Boucher (D-09) Pickett (D-02) Scott (D-03)				Bateman (R-01) Bliley (R-07) Davis (R-11) Goode (I-05) Goodlatte (R-06) Moran (D-08) Sisisky (D-04) Wolf (R-10)
WA	Baird (D-03)** Dicks (D-06) McDermott (D-07) Smith (D-09)	Inslee (D-01)			Dunn (R-08) Hastings (R-04) Metcalf (R-02) Nethercutt (R-05)
WV	Wise (D-02)				Mollohan (D-01) Rahall (D-03)
WI	Baldwin (D-02) **			Green (R-08) Ryan (R-01)	Barrett (D-05) Kind (D-03) Klecza (D-04) Obey (D-07) Petri (R-06) Sensenbrenner (R-09)
WY					Cubin (R-AL)

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NARAL-3/28/00

**** Freshman Member who signed pro-choice amicus brief in Carhart v. Stenberg**

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Late Term Abortion Restriction Act (Introduced in the House)

HR 2149 IH

106th CONGRESS

1st Session

H. R. 2149

To prohibit certain abortions.

IN THE HOUSE OF REPRESENTATIVES**June 10, 1999**

Mr. HOYER (for himself, Mr. GREENWOOD, Mrs. TAUSCHER, Mr. BOUCHER, Mr. KIND, Mrs. MORELLA, Mr. VENTO, Mr. BALDACCI, Mrs. THURMAN, Mr. HINCHEY, Mr. WYNN, Mr. SMITH of Washington, Mr. LUTHER, Ms. SANCHEZ, Ms. MCCARTHY of Missouri, Mr. MALONEY of Connecticut, Ms. STABENOW, Mr. KOLBE, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Ms. KILPATRICK, Mr. ABERCROMBIE, Mr. BENTSEN, and Mr. MENENDEZ) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

serious physical, igneous - front
Be - better but not genuine
(Hatch)

A BILL

To prohibit certain abortions.

*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 'Late Term Abortion Restriction Act'.

THE WHITE HOUSE

WASHINGTON

April 3, 2000

The Honorable Steny H. Hoyer
House of Representatives
Washington, D.C. 20515

Dear Steny:

I am writing to express support for the Hoyer-Greenwood bill to prohibit late-term abortions. I would sign this bill if Congress were to pass it in its current form.

As you know, I have long opposed late-term abortions, and I continue to do so except in those instances necessary to save the life of a woman or prevent serious harm to her health. When I was Governor of Arkansas, I signed a bill into law that barred third-trimester abortions, with an appropriate exception for life or health.

Your bill contains an exception that will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy. At the same time, your bill prohibits any late-term abortions performed for reasons not related to the health or the life of the mother. This balance is an appropriate one which I -- and, I believe, most Americans -- would gladly make the nation's law.

Sincerely,

Bill Clinton

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 the 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.

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