

Roemer	Skelton	Upton
Rogers	Slaughter	Velazquez
Ros-Lehtinen	Smith (TX)	Vento
Rose	Spratt	Visclosky
Roukema	Stark	Vucanovich
Roybal-Allard	Stokes	Waldholtz
Rush	Studds	Walsh
Sabo	Stupak	Ward
Sanders	Tanner	Waters
Sawyer	Tauzin	Waxman
Schaefer	Taylor (MS)	Weldon (PA)
Schiff	Taylor (NC)	Wilson
Schroeder	Tejeda	Wise
Schumer	Thomas	Wolf
Scott	Thompson	Woolsey
Serrano	Thornton	Wyden
Shaw	Torkildsen	Wynn
Shays	Torres	Yates
Sisisky	Torricelli	Young (FL)
Skaggs	Traficant	
Skeen	Tucker	

NOT VOTING—12

Ackerman	Moakley	Volkmer
Andrews	Reynolds	Watt (NC)
Bateman	Thurman	Williams
Filner	Towns	Young (AK)

Messrs. CRAPO, FLANAGAN, and PORTMAN changed their vote from "aye" to "no."

Messrs. TIAHRT, HOBSON, COX of California, and GOODLATTE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there amendments to title V?

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment, numbered 28.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: Page 69, strike lines 12 through 17 and insert the following:

SEC. 509. Notwithstanding any other provision of title XIX of the Social Security Act, for quarters beginning on or after October 1, 1993, the Federal medical assistance percentage applicable under such title with respect to medical assistance which consists of abortions furnished where the pregnancy is the result of an act of rape or incest shall be 100 percent.

POINT OF ORDER

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Arizona wish to heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would like to be heard on the point of order. I am prepared to concede the point of order because clearly, under the Rules of the House, this does violate the provision about adding legislative language in an appropriation bill. I ask that the amendment be read and called up and this matter be brought up simply to make the point, as we will on the next amendment, that clearly the language that we are going to be deal-

ing with also was language on an appropriation bill and had it not been protected by the Rules Committee would also have been stricken.

So, Mr. Chairman, I would concede the point of order that this amendment is not in order and would hope that we would be able to have a debate on something that is less than perfect, in my opinion, but will nonetheless serve the purposes of this debate.

The CHAIRMAN. The gentleman from Arizona concedes the point of order. The point of order is sustained.

□ 1730

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: On Page 69, strike lines 12-17.

The CHAIRMAN. Under the order of August 2, 1995, the gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Prior to the beginning of the debate on this amendment, the Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1732

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized in favor of his amendment. Does any Member rise in opposition to the amendment?

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] will be recognized for 20 minutes in opposition to the amendment.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of my time to the gentlewoman from New York [Mrs. LOWEY], and that she be permitted to yield time from that 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of this motion to strike the language which is section 509 in the Labor-HHS-Education bill which allows States to deny Medical funding for abortions for rape and incest. This was language that was added during the full committee consideration of the bill, and it was tagged as a States rights issue.

I had an amendment that was not made in order which would have reinstated the current requirement that makes medicaid abortions available in circumstances involving life of the mother, rape, or incest, but relieves the States of any financial participation in cases of rape or incest if they choose not to fund them.

Mr. Chairman, as I said, last year there were all of two Medicaid-funded abortions in the entire country in cases of rape or incest. The amendment that I offered in the committee I think was a fair compromise for Members who do support States rights, but who recognize that poor women who are pregnant as a result of a heinous crime like rape or incest should not be discriminated against in the process.

Unfortunately, as we have just heard, with it being stricken here, Members of this body will not have the chance to vote on what was to have been the Kolbe-Pryce-Fowler amendment. Therefore, I am cosponsoring with the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Maryland [Mrs. MORELLA], this motion, so we can return to the original Hyde language. And I want to make that clear. We are talking about going back to the Hyde language, which requires States to fund abortion under Medicaid in the cases of life of the mother, rape, and incest.

Mr. Chairman, the 103d Congress passed the Hyde amendment by a large margin, 256 to 171. A majority of the Congress, many of whom are pro-life, agreed that these three exceptions are reasonable and clearly not abortion on demand as now argued by some on the other side. So unless this amendment to strike passes, we will be taking a giant step backward away from the Hyde language.

It is a sad day to see this body divided over an issue as important as providing a legal abortion for a poor woman who is a victim of rape or incest. If any of us in this body had a daughter or sister who became pregnant as a result of one of these heinous crimes, they would certainly want to have the option of being able to seek an abortion. But that would not occur for poor people in our country, at least not if our amendment fails.

Mr. Chairman, I urge our colleagues to vote "yes" on the Kolbe-Lowe-Morella motion to strike.

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

Mr. ISTOOK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to the amendment. Twice this year, Mr.