Strickland	Tiahrt	Weldon (FL)
Stump	Towns	Weldon (PA)
Stupak	Traficant	Weller
Sununu	Turner	Wexler
Talent	Upton	Weygand
Tanner	Velazquez	White
Tauscher	Vento	Whitfield
Tauzin	Visclosky	Wicker
Taylor (MS)	Walsh	Wilson
Taylor (NC)	Wamp	Wise
Thomas	Waters	Wolf
Thompson	Watkins	Woolsey
Thornberry	Watt (NC)	Wynn
Thune	Watts (OK)	Yates
Thurman	Waxman	Young (AK)

□ 1335

The SPEAKER pro tempore (Mrs. EMERSON). On this rollcall, 400 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–158)

Mr. SCOTT. Madam Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Speaker, I rise against the bill.

Madam Speaker I rise against this bill.

This is the first time that Congress has attempted to criminalize a medical procedure—a rare procedure used to save a woman's life and save her reproductive future.

That's what it was for Kim Koster, who lives in Iowa. In November 1996, she became pregnant. In February, she faced heartbreaking news: Their baby had anencephaly—no brain. Kim says, ''our world came crashing down around us.'' Thankfully, the D and E procedure was available, and Kim's fertility remained intact.

In March of this year, Kim became pregnant, and just last week, she learned that—again—she has another baby with no brain. Nineteen states, including Iowa, have blocked these state laws, ruling that they are unconstitutional, vague, and overly broad. Thankfully, Kim was able to have the abortion she needed.

Unfortunately, this federal bill prevents women like Kim Koster from receiving necessary, safe medical care in rare cases when a much wanted pregnancy has gone tragically wrong. When a woman seeks medical care, she wants the best care her doctor can provide.

Congress has no place in their decisions. And Congress has no place politicizing family tragedies. Apparently, the supporters of this bill feel it is more important to save a doomed fetus than the life of the mother and her ability to have children in the future.

I urge a ''no'' vote on this override vote.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. LOWEY) has 12 minutes remaining.

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

Mrs. LOWEY. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I rise in strong opposition to this bill. This legislation puts the lives and health of women at risk, and it tramples on the constitutional rights of every woman in this Nation.

The GOP leadership, unfortunately, has been waging war on abortion rights since taking over this House in 1994. This is the 93rd vote on reproductive rights in less than 4 years; 93 times. The goal is clear: ban every abortion procedure by procedure, month by month.

Madam Speaker, we have a different vision. We want to reduce the number of abortions, not by making them illegal, but by empowering women to make healthy choices about their own reproductive health care.

Last week, we had a crucial vote in this House on a measure that will help reduce the number of abortions in the United States. That initiative will ensure that Federal employee health plans cover prescription contraceptives. It passed because the American people are tired of these polarizing debates. They want common sense solutions to preventing unintended pregnancy and reducing the number of abortions. Increased access to contraceptive coverage is one such approach; the bill before us, frankly, is not.

My good friend, the gentleman from Florida (Mr. CANADY), and we have worked together on many issues. However, my contraceptive coverage amendment, in my judgment, will prevent more abortions in a week than this bill ever will. It will do so by improving women's health, not by endangering it.

I am only sorry that the gentleman from Florida could not join us last week in supporting contraceptive coverage because that is the way that we will really reduce unintended pregnancies and prevent abortions.

So let us work together. Let us reduce the number of abortions. But, instead, we are, once again, considering this divisive issue. In fact, this is the sixth time this bill has come before the House. Each of those times, we tried to offer an amendment to the bill to protect the health of the mother, and each time the Republican leadership blocked us. We offered to sit down with the Republican leadership, craft a health exception that we could all accept. The Republican leadership refused.

The President will sign this bill if it protects the health of the mother, but the Republican leadership will not even give us a chance to make this change. Let me repeat, the President will sign this bill if it contains an exception to protect the health of the mother, but the GOP leadership refuses to put one in. So the Republicans, unfortunately, would rather debate this issue again and again and again rather than send the President a bill that he could sign.

Madam Speaker, this bill is not about reducing abortions. It is about defeating Democrats. This is election-year politics, plain and simple. But do not take my word for it. Leading GOP strategist Ralph Reed called this ''a winning gold-plated issue.'' A winning gold-plated issue. Is that not unfortunate that that is why we are here today.

I heard reference in the debate before to liberals. In fact, two of my colleagues, my good friends, refer to people who oppose this ban as liberals. I just want to tell my colleagues, as a woman, that when you are there making this very difficult decision, and we have seen these women come to my offices to discuss the decision that they had to make to preserve their future fertility, they were not making this decision with their family, with their physician, with the member of their clergy, as a Democrat, as a Republican, as a conservative or a liberal. They were making this decision as a woman in distress who had to make a very, very difficult decision.

I think it is time for us to stop playing politics with the lives and health of American women. We must ensure that women have access to abortion if their lives and health are endangered.

So I ask my colleagues on the other side of the aisle, whose health would you sacrifice? Which one of us? Which of our daughters is expendable? The health of every woman in this Nation is precious. Each of us, mothers, wives, daughters, is irreplaceable.

Women like Tammy Watts, Claudia Addes, Maureen Britel, these women testified before Congress that this procedure protected their lives and health. These women desperately wanted to have children. They had purchased baby clothes. They had picked out names. They did not abort because of a headache. How demeaning to a woman to even consider that that is an option. They did not abort because their prom dresses did not fit. They chose to become mothers and only terminated their pregnancies because of tragic circumstances.

So who in this chamber will stand in the operating room and limit their options? Who, at this agonizing moment, will decide? Who will make that difficult decision, the Congress of the United States or the woman, families, physicians, and members of the clergy of America?

□ 1345

The courts have been very clear on this point. Bans like this one have been passed in 28 states. Court challenges have been initiated in 20. In 18 state courts, there have been partially or fully enjoined bans on constitutional grounds. The courts have found that these laws ban most safe and common abortion procedures used throughout pregnancy. Courts have found that the bans are vague, they fail to protect the health of the mother and they are unconstitutional. The legislation before us is also clearly unconstitutional.

I want to conclude by stating that we believe strongly in the right to choose, but we also recognize that rights confer responsibilities as well. No woman

terminates a pregnancy casually. No woman makes this decision lightly.

Madam Speaker, we have to trust the women of America to exercise this right thoughtfully, deliberately, judiciously, and we must empower them to do so responsibly. We must trust the women of America, not the government. We have to trust the women of America to make this very, very personal choice.

Madam Speaker, I urge my colleagues to say no. Put your faith in the women of America, not in this Congress, to make this very, very personal decision.

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

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

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 15 minutes.

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

Mr. HYDE. Madam Speaker, first of all, I want to thank the chairman for allocating so much time to me. I hope and pray I do not use it all. I know I express the feelings of everyone in the chamber that I do not use it all.

I also want to say at the outset that I will not yield, and I would appreciate the courtesy of not being interrupted, because I do not choose to yield.

I also want to briefly respond to my good friend, the gentlewoman from New York (Mrs. LOWEY). I do not know any one I admire more than she. This is a soul-wrenching issue. Your passion, your commitment, is respected on my side, and certainly by me, and all I ask is that you respect our passion and our commitment, because people of goodwill can be on both sides of this issue.

That is the wonder and the beauty of this debate, that we are here today talking about the most fundamental issues, life and death, health versus a life. That is the problem. You are trading apples and oranges, or chickens and horses. A life and health.

To me if you put those on the scale, life weighs heavier. Health has been defined by the Supreme Court almost amorphously. It is a state of well-being. Roe v. Wade and the other case, Doe v. Bolton, they defined health for us in the most poetic way, a state of well-being.

So the problem is, if health is an exception and the abortionist defines what is an impairment of health, I would suggest that the little unborn ought to have an Independent Counsel, because there is a conflict of interest there between the abortionist finding that a woman's health will be impaired. So it is not a simple question.

Demeaning to women? Over half the children that are aborted are women. I do not want to demean women; my God, no. I was married for 45 years. I have had a mother, a sister, a daughter. I never would want to demean women. But I do not want to trivialize the unborn either.

Now, I go through life trying to offend as few people as possible, and I do not always succeed. I may offend some people today, because I want to talk about slavery. I am keenly aware that there are some people who resent bitterly any discussion of slavery or the Holocaust, emphasizing the uniqueness, the singularity of those two realities that are part of our human history, and saying that nothing can compare to them in evil, and I agree.

I think slavery is absolutely unique in its horror and in its evil, and I think the Holocaust similarly is unique. But there are lessons to be learned. History is nothing if it does not teach us something. I analogize, I do not compare; I look for the common thread in slavery, the Holocaust and abortion, and, to me, the common thread is dehumanizing people. I intend to make that point, because I think we have to learn from history, so that at least in this context, past will not be prologue.

So I would like to tell you about a recent movie I saw called Amistad, named after a Spanish sailing ship used in the African slave trade in 1839, where some 39 survivors of the mutiny find themselves in a legal battle before the United States Supreme Court. It is based on a true story, and they are represented by an elderly, infirm John Quincy Adams, played magnificently by Anthony Hopkins.

Adams' summation to the Supreme Court struck me as remarkably appropriate to the issue before us today. Adams tells the justices that this is the most important case ever to come before the court because it concerns the very nature of man. Of course, that was the central issue in debating the legitimacy, the morality of slavery, namely, the humanity of the slave. Is the slave a chattel, mere property, to be bought and sold? Or is he or she a human being with human rights?

We here today make the same argument, that that little, almost-born baby, whose tiny arms and legs are flailing, whose little chest harbors a beating heart, is a human being, with human rights, even if his or her human life can be snuffed out by the plunge of the abortionist's surgical scissors into the back of her tiny neck.

Yes, partial birth abortion concerns the very nature of man.

Later Adams stands near a framed copy of the Declaration of Independence and he asks the question that we who support preborn life have been asking for years. Looking at the Declaration, he says, ''What of this annoying document? This Declaration of Independence? What of its conceits, all men created equal, inalienable rights, life, liberty and so on. What on earth are we to do with this?''

He then says he has a modest suggestion, and he takes a copy of the Declaration and tears it up.

A tall, impressive man, Cinque, exuding strength, is the leader of the slaves, and he has told John Quincy Adams that in his tribe in Sierra Leone, the Mende, when they encounter a hopeless situation, they call on their ancestors.

Adams tells the court this belief, that if they summon the spirits of their ancestors, their wisdom and strength will come to their aid. He then points to Cinque and speaks of his ancestors, from the beginning of time, and tells the court that this man, Cinque, is the whole reason his ancestors have ever existed at all.

When you think about it, each of us has ancestors that go back to the beginning of time, and we, here now, are the whole reason they ever existed. We are their progeny, we are their culmination. And just think of what our ancestors had to endure through the long and bloody centuries, the Four Horsemen of the Apocalypse, conquest, slaughter, famine and death, wars and plagues, natural disasters. And they survived it all, so that we might be born here and now, to debate the issue of partial-birth abortion.

So we have this little infant, arms flailing, legs squirming, little heart pounding away, and, with the plunge of the abortionist's surgical scissors, in a painful and cruel instant, that ancestral odyssey through the centuries is extinguished.

Think of Whittier's great lines:

Of all the sad words of tongue or pen,
The saddest are these;
''It might have been.''

Loneliness. We all know something about loneliness. It is one of life's most mournful experiences. We have all been lonely, and it teaches us how much we humans need each other.

What a special loneliness it must be for that little almost-born baby to be surrounded by people who want to kill him. I stand in awe of anyone who could perform, much less participate in, such a grisly inhuman act. It must take a heart of stone and a soul of ice.

A vote against this motion to override is to legitimize thousands of acts of appalling cruelty, not to an animal, a creature of the sea or of the forest, but a fellow human being who has the misfortune to be temporarily unwanted. You have this chance today to put an end to the process of unspeakable destructive cruelty, unworthy of a civilized society.

Our beloved America is becoming ''The Killing Fields.'' One state has accepted euthanasia, so the elderly can be killed legally, and the abortion culture has resulted in 35 million abortions since Roe v. Wade in 1973. Kill them in the womb, and now, with partial birth abortion, kill them out of the womb, but keep killing them.

Those whose real agenda is to keep all types of abortion legal, at any stage, for any reason, have built their case on one lie after another. There is no polite way to say this. Deceptive? Misinformation? If one wants to be intellectually honest, you have to call a lie what it is.

First they claim this procedure did not exist. When a paper written by the doctor who invented it surfaced, they changed their story, asserting it was only used when a woman's life was in danger. But then the same doctor admitted that 80 percent of his partial-birth abortions were elective.

Then they lied about anesthesia. Planned Parenthood told us the baby does not feel any pain. The anesthesia given to the mother transfers itself in the womb to the baby, and the baby does not feel any pain.

The anesthesiologists went off the wall, because that frightened women into thinking their babies are at risk if they get anesthesia, and the anesthesiologists came in and testified that was a falsehood, and they shot this down in a hurry.

The Executive Director of the National Abortion Federation admitted on Nightline, and these are his words, that he had ''lied through his teeth'' about this procedure, thousands of them are performed on healthy little babies, and he was distressed at the loss of credibility the abortion cause was suffering because of the lies.

Former Surgeon General C. Everett Koop reacted to the President's veto with this statement: ''I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction. Such a procedure can not truthfully be called 'medically necessary' for either mother or the baby.''

Gee, the administration listens to Dr. Koop on tobacco. I wish they would listen to him on partial-birth abortion.

For over two centuries of our national history, we have struggled to create a society of inclusion. We keep widening the circle for those for whom we are responsible, the aged, the infirm, the poor. Slaves were freed, women were enfranchised; civil rights and voting rights acts were passed; our public spaces were made accessible to the handicapped; Social Security for the elderly, all in the name of widening the circle of inclusion and protection.

This great trajectory in our national history has been shattered by Roe v. Wade and its progeny. By denying an entire class of human beings the welcome and the protection of our laws, we have betrayed what is best in our tradition. We have also put at risk every life which some day someone might find inconvenient.

Madam Speaker, we cannot repair the damage to our culture done by Roe v. Wade. We cannot undo the injustice done to 35 million tiny babies who have been exterminated because seven Justices, strip mining the Constitution, found a right to abortion that no one had ever seen for 200 years.

□ 1400

We cannot unring the bell, we cannot undo that injustice, but we can stop the barbaric butchery of partial-birth abortion. We betray our own humanity if we do not.

Matthew 25 is often read at Catholic funeral masses. It is a lovely passage. ''I was hungry and you fed me; I was naked and you clothed me; I was a stranger and you took me in.''

That is what I ask for here today. Welcome the little stranger. Vote to override.

Mr. CONYERS. Madam Speaker, pursuant to general leave I request the following remarks be inserted in the CONGRESSIONAL RECORD during consideration of the bill H.R. 1122.

Imagine that you—or your wife—or your daughter, learned when she is seven months pregnant that the fetus had a lethal neurological disorder and all of its vital organs were atrophying. After consulting with specialists and being told that the pregnancy is seriously jeopardizing the mother's health, and possibly her life, you are told that an intact D&E procedure has the best chance of preserving the mother's health and her ability to become pregnant again.

Or imagine that the mother is 32 weeks pregnant when she learns that the baby has no brain. The fetus has no chance of survival. The mother is diabetic, so a Cesarian section and induced labor are more dangerous to her health and reproductive capacity than an intact D&E procedure.

Would you want 435 politicians to tell you—or your wife—or your daughter, the type of medical procedure she could use in this painful situation? Should Congress be able to determine whether a woman will lose her capacity to reproduce and bear children? Well that is precisely the situation that Coreen Costello and Vicki Stella were in. And if we adopt this bill, we will be telling many, many other women that Washington knows best when it comes to terminating pregnancies that have resulted in tragic circumstances.

Women's lives and health must be protected. This bill is unconstitutional, because it contains no exception providing for the physical health of the mother. And that is why we should vote against it. Roe v. Wade, and its progeny, clearly hold that a woman's right to protect her life and health, in the context of reproductive choice, trumps the government, as big brother, in its desire to regulate.

Courts across the country have continued to reaffirm Roe's holding that, ''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 where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'' Roe, 410 U.S. at 164–65, 93 S. Ct. At 732. Without such an exception, this legislation could jeopardize women's health.

Of course, the Republican leadership has little interest in developing a credible and serious constitutional proposal that could be signed into law. Instead, they prefer a ''wedge'' issue that can divide the American people. That's why they wouldn't make a single amendment concerning health in order.

But H.R. 1122 has no health exception, and we are led to believe that the reason is because its authors have determined that under no possible condition is a mother's health—no matter how serious—to be equated with the potential life of a fetus. To them, the partial birth abortion ban is merely a means of preventing any and all abortions, even where the mother's health is in jeopardy.

We must make abortion less necessary, not more difficult. But the reality is, this bill will do absolutely nothing to reduce the number of abortions performed in this country. Zero. It will only criminalize physicians for pursuing the safest alternative in dealing with a very painful, difficult, and terrifying circumstance when a pregnancy has gone bad, and the mother's physical health is in jeopardy. And it will encourage states to attempt to outlaw abortion at any and every stage.

It is this effort that is becoming a trend among anti-choice proponents across the country. One need only look to the case of Wisconsin, where for a few days no woman was able to obtain an abortion, in order to see the true breadth of this ban. In mid-May, an anti-choice judge refused to grant a temporary injunction against the state's ''Partial Birth Abortion Ban.'' Upon learning of this decision, abortion providers in Wisconsin refused to provide any abortion for fear of prosecution under this broad ban. Fortunately, the Seventh Circuit Court overruled the judge and the health of Wisconsin women is once again protected.

It is clear that H.R. 1122 is unconstitutional. State versions of partial birth abortion bans, have been blocked or limited by eighteen federal and state courts. Many of these cases involve laws modeled after H.R. 1122. Based on these decisions, it is clear that H.R. 1122 is unconstitutional.

As of July 9, 1998, 28 states have enacted legislation banning so-called ''partial birth abortion'' or other abortion procedures. Court challenges regarding these laws have been initiated thus far in 20 states. In 18 of those, courts have partially or fully enjoined the laws. In 7 of those 18, courts have permanently enjoined the laws.

Only three courts have not enjoined state ''partial birth abortion bans'' when they have looked at the statutes. However, in Alabama, which is one of the three states, the court has not ruled on the merits, but the Alabama Attorney General has directed the state's district attorneys to enforce the statute only after viability. The Alabama court did not rule on the merits of the case at this time, because the court was very unclear about the meaning of various terms in the statute, such as the meaning of a ''partial birth abortion.'' As a result, the court will not issue a final ruling, pending further explanation about the meaning of the statute from the Alabama Supreme Court *Summit Medical Associates* v. *James*, 984 F. Supp. 1404 (M.D. Ala. 1998). This decision is further evidence that courts are having a hard time interpreting the unconstitutionally vague language of so called ''partial birth abortion bans.''

And in Virginia, a single Circuit Judge for the U.S. Court of Appeals for the Fourth Circuit granted a stay of a preliminary injunction issued by the district court, allowing the law to go into effect. (Richmond Medical Center for *Women* v. *Gilmore*, No. 98–1930 (4th Cir. June 30, 1998) (Luttig, Cir. Judge). This makes Virginia the only state where a Court has gone against the grain and overturned a preliminary injunction against a ban.

But in the majority of cases, there is no question that courts have overwhelmingly come to the conclusion that so called ''partial-birth abortion'' statutes are patently unconstitutional. Some of the language from these cases is especially illustrative. For instance, a federal district judge in Arizona held that Arizona's statute, which was modeled on H.R. 1122, ''unconstitutionally burdens a woman's right to

terminate a nonviable fetus, and that the Act is void for vagueness in that it does not sufficiently define the conduct which is attempts to proscribe.'' *Planned Parenthood of Southern Arizona* v. Woods, 982. F. Supp. 1396 (D. Ariz. 1997).

In Iowa, a court held that the statute that was modeled after H.R. 1122 was unconstitutional because it ''likely infringes on the constitutional rights of women . . . the protection of constitutional rights clearly outweighs any interest the state may have in promoting the interests of the fetus with a statute that is unconstitutional.'' *Planned Parenthood* v. *Miller* and *Niebyl* v. *Miller*, Civ. No. 4–98–CV–90149, 1998 U.S. Dist. LEXIS 9851 (D.S.D. Iowa, June 26, 1998).

In addition, most of the medical and legal experts who have reviewed the legislation note that it is extremely vague and broad and as a result, may outlaw abortion procedures at ANY stage of pregnancy. In fact, in my home state of Michigan, on July 31, 1997, federal District Court Judge Gerald Rosen struck down Michigan's ''partial-birth'' abortion ban, finding that the definition of ''partial-birth'' was so vague that doctors lacked notice as to what abortion procedures were banned. *Evans* v. *Kelley*, 977 F. Supp. 1282 (E.D. Mich. July 31, 1997). Moreover, the court found that the state law unduly burdened women's ability to obtain an abortion, in violation of the undue burden analysis established in the Supreme Court's landmark case of *Casey* v. *Planned Parenthood,* where the Court held that at least pre-viability, states may not place an undue burden on the right of women to choose to end a pregnancy. *Planned Parenthood* v. *Casey*, 50 U.S. 833 (1992). The judge noted that ''the Michigan Legislature rejected every attempt to narrow and more specifically define the sweep of its statute, and as a result, produced a law clearly violative of Supreme Court precedent.'' It is clear that this bill violates that well established constitutional law long-settled by Roe. An Arizona court also found the same thing.

This purposeful vagueness can only be interpreted as an effort to outlaw other abortion and obstetric techniques as well. As recently as February 12, 1998, a District Court in Illinois found, ''The Partial Birth Abortion Ban Act is unconstitutionally vague in that it fails to give fair notice of the conduct that is prohibited.'' *Hope Clinic et al.* v. *Ryan*, No. 97C8702 (N.D. Ill. 1998).

Let's take the politicians out of this intensely personal issue. When it comes to a women's life or health, Washington doesn't always know best.

Mr. LEVIN. Madam Speaker, I do not favor late term abortions. I believe they should only be permitted to preserve the life of the mother or to prevent serious consequences to her health. Unfortunately, the bill we are considering today, like the similar bill I opposed last year, does not protect a woman's life or serious risk to her health.

I support legislation, H.R. 1032, the Late Term Abortion Restriction Act, which would ban all late term abortions, whether ''partial birth'' or by other procedures, except in cases where 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.

I believe such a prohibition on late term abortion would pass scrutiny by the courts and be held constitutional by the Supreme Court which has ruled that during the period known as ''post viability'' states may limit abortions, except in cases where the mother's life or health are at serious risk.

The positive solution to this very difficult issue is not to continue considering the same legislation, but to allow the Late Term Abortion Restriction Act to be considered on the floor of the House.

Mr. PACKARD. Madam Speaker, I rise today in support of efforts to overturn the President's veto of H.R. 1122, the Partial Birth Abortion Ban, which the President vetoed last October.

Madam Speaker, I have always believed that any abortion is a tragedy. The fact that abortions are so prevalent in America today is a clear indication of how poor a job we are doing at teaching the importance and value of human life. It's hard for me to comprehend how a person could come to such a decision, given the thousands of parents who are desperate to adopt healthy babies.

While I understand that there are those with differing opinions on this sensitive issue, it remains impossible for me to understand how anyone can defend the practice known as partial birth abortion. Partial birth abortion is one of the most abhorrent procedures I have ever heard of. It is barbaric and has absolutely no place in a civilized society.

Most Americans agree that partial birth abortions are unjustified. In fact, several of our pro-choice colleagues have even drawn the line when it comes to allowing this to continue. Even the American Medical Association has endorsed our efforts to ban partial birth abortions. Madam Speaker, the President is simply out of touch with the great majority of Americans on this issue. I am hopeful that my colleagues will join me in overriding the President's veto of H.R. 1122, and end this horrible practice forever.

Mr. LEWIS of Kentucky. Madam Speaker, my colleagues and I come to this floor everyday to debate a wide range of legislation in anticipation that what we do will indeed help to improve the lives of our fellow citizens and hopefully strengthen this great democracy of ours. While we will always face tremendous social and economic challenges, there is no greater threat to our nation than the disregard we hold for our unborn children. Sadly, our President and many members of this body continue to defend the indefensible practice of partial birth abortion. Abortion at all stages is indeed a tragedy and has served to cheapen the value of life in this country and throughout the world. As long as this nation condones the legalized killing of millions of preborn babies, we will continue to struggle with its consequences, including the senseless acts of violence committed by our youth. The defenders of partial-birth abortions wish to perpetuate the evil myth that this procedure must be available to protect the health of a mother in rare occasions.

Fortunately, the truth now shines on this dreadful practice. The President and his advisors can choose to rationalize their defense of partial birth abortions, but we need to look no further than to our medical professionals who have spoken out against this outrageous procedure. To quote our former Surgeon General C. Everett Koop and the Physicians' Ad Hoc Coalition for Truth, ''partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

Madam Speaker, I am heartened by the House's action today to stand firm for the sanctity of life in its decision to override the President's veto of the Partial-Birth Abortion Ban Act. It is my fervent hope that the Senate will respond in kind and support this noble effort.

Mr. KOLBE. Madam Speaker, over the past several months, Congress and the American people have endured a wrenching debate concerning the issue of ''partial-birth'' abortions. Like most Americans, I do not support abortion on demand. In fact, I am opposed to any late term abortion by whatever method, unless it is performed to save the life of the woman or to avert serious adverse consequences to her health.

The Congressional debate has centered, thus far, around legislation introduced by Congressman CHARLES CANADY, H.R. 1122, the Partial Birth Abortion Act of 1997. This bill would federalize the regulation of abortion, a matter historically left to the discretion of the states. And, for the first time in medical history, it would ban a specific procedure, known medically as a dilation and extraction (D&X). I could not support this legislation when it came to the floor of the House of Representatives earlier because of its uncompromising language banning this specific late term abortion method even in a case where a pregnancy goes tragically wrong and the woman's health is placed in serious peril.

Recognizing the need for some answers in a debate that has generated more heat than light, I joined my colleagues, Congressman JIM GREENWOOD and STENY HOYER, as a cosponsor of a bill which would prohibit all late-term abortions, regardless of the method used to terminate the abortion. This bill, H.R. 1032, the Late-Term Abortion Restriction Act, applies to all abortions performed after ''viability'', defined as that time when a fetus is able to survive outside the womb. The bill provides an exception only in cases where it is necessary to save the life of the woman or to avert serious adverse consequences to her health.

Unlike H.R. 1122, I believe this legislation correctly puts the emphasis on when abortions are performed, not how they are performed. It does not try to put Congress in the inappropriate role of determining the correctness of one particular medical procedure. Instead, this bill makes it clear that throughout the course of a pregnancy, prior to viability, medical decisions regarding a woman's personal care and treatment must lie with the patient, her physician, and her family—not lawmakers in Washington.

H.R. 1032, which I support, would prohibit all post viability abortions even if the woman suddenly decided she no longer wanted the child or was emotionally unable to care for a child. I cannot and I will not justify a late term abortion in these instances. However, when an abortion is medically necessary, I want every woman to have available to her the procedure that is the safest.

Today, we are here to vote to override the President's veto of H.R. 1122, the Partial Birth Abortion Ban Act; however, I will not vote to override that veto since H.R. 1122 does not include an exception for situations where the mother's health or life is in danger. I will continue, however, to work to pass legislation to ban all late term abortions while protecting the life of the mother.

Ms. PELOSI. Madam Speaker, I rise today in strong opposition to the override of H.R. 1122, the ''late term'' abortion ban and I ask my colleagues to sustain the President's veto.

Madam Speaker, this bill has been vetoed twice by the President because it fails to protect a woman's health and fertility. Once again, conservative Members of this body are encroaching on a very private, personal matter by infringing on a woman's constitutionally protected right to make a personal decision regarding her personal health.

Madam Speaker, the issue isn't about how many women undergo this procedure, but how many women have no other alternative but this procedure to save their life and reproductive health.

This bill challenges the Roe versus Wade decision to protect a woman's right to choose. It supersedes safeguards in the Constitution which protect a woman's right to terminate a pregnancy of a viable fetus if an abortion is necessary to protect the life or health of the mother. The Roe decisions says that a state may ''regulate, and even proscribe, abortion'' except when a woman's life or health is threatened. Mr. Speaker, the authors of this legislation failed to incorporate the need to protect a mother's health into this legislation.

The terms of this bill are so loose that 18 courts have struck down or severely limited enforcement of the ''late term'' abortion ban. Respected judges from around the county have rule that the definition in the ban is both vague and overly broad which has resulted in the ban of some of the most safe and common abortion procedures used throughout pregnancy. An undue burden is placed on a woman's right to choose and on a doctor's ability to practice safe medicine.

All of these restrictions on abortion will only make abortions more dangerous. Let us protect not only the privacy and personal choice between a woman and her doctor, but also the rights outlined in the Supreme Court's decision, Roe versus Wade.

I ask my colleagues to support and maintain the right of a doctor to determine which is the safest and most appropriate medical procedure based on a woman's individual circumstance within the protection of Roe versus Wade.

Madam Speaker, Congress has no business coming between a woman and her doctor. When making a medical decision, doctors should not be faced with the threat of imprisonment for having to perform a procedure to save a mother's life or protect her reproductive health. The tragedy behind this unfortunate situation is that most women who undergo this difficult procedure desperately want a successful pregnancy. Listen to the women who have been faced with this tragic situation.

Recently, I learned of a sad story about Kim and Barrett Koster of Iowa who enthusiastically awaited the birth of their son. In addition to Kim being diabetic which makes healing more difficult, the couple was faced with the devastating diagnosis that their son would be born without a brain stem. The dilation and extraction method was their only option. Kim and Barrett and their failed pregnancy are a perfect example of the need for access to safe medical procedures.

Madam Speaker, let us refrain from legislating the work of a medical professional and refrain from jeopardizing the lives of mothers. I urge my colleagues to vote to sustain this veto.

Mr. MORAN of Virginia. Madam Speaker, in debating the ban on partial birth abortion we have heard several different versions of the facts regarding the number of partial birth abortion procedures performed each year. Similar debate has focused on whether or not the procedure is performed on healthy fetuses of healthy mothers.

According to the Centers for Disease Control latest statistics, 1.3% of the abortions performed in 1994 were performed after the 21st week of gestation. According to the Alan Gutmacher Institute only .4% (5,070) of legal abortions were performed after the 24th week of gestation, the point at which most physicians agree viability begins. These facts tell us that late term abortion is not common. No statistics are available for the number of partial birth abortion procedures performed but it doesn't matter. The fact is, if this procedure is performed after viability on healthy fetuses in healthy mothers it is too many and we should stop it and the Supreme Court has told us that we may stop it after viability except in certain circumstances.

I have been committed throughout my career in Congress to protecting the reproductive health and rights of women. But the partial birth abortion procedure should not be protected as a reproductive right. It is an extremist procedure created by anti-choice extremists to destroy the credibility of moderate pro-choice activists. It is not protected by the Supreme Court in Roe versus Wade or in Casey versus Planned Parenthood and it should not be protected by Congress. This procedure is performed after fetal viability on the healthy babies of healthy mothers and it should be stopped.

I will continue to fight hard for women's reproductive freedoms; freedoms that are guaranteed to us in the Constitution and restated by the Supreme Court. But I cannot condone this procedure. I support a vote override of the President's veto and I urge my colleagues to do the same.

Mr. BARCIA. Madam Speaker, here we go again. We are voting on the Partial Birth Abortion Ban Act although a majority of the American people clearly do not support this gruesome procedure. We should not be here debating whether or not this procedure should or should not be legal. Clearly, this procedure should be illegal and 28 states have passed laws making this so.

We should not be here again debating this issue. Instead, we should be supporting efforts to decrease abortions, such as abstinence, which has worked very well in Michigan. I am proud to say that Michigan's abortion rate decreased by 2.3 percent. Although this is a good trend, sadly people who choose abortion in 1997 ended 29,528 babies' lives.

Instead, we should be supporting the medical miracles that are taking place. One of my newest constituents was a candidate for a partial birth abortion. Instead, after only 20 weeks in his mother's womb, he underwent surgery to save his life. The doctors performed an amazing surgery and my constituent was born, a little early, but is a healthy little boy.

I urge my colleagues here, in the House, and in the other body, to override the veto and save the lives of those innocent children who have not yet witnessed this cynical world where we take the miracle of life for granted.

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

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 296, nays 132, not voting 7, as follows:

[Roll No. 325]

YEAS—296

Aderholt	Doolittle	Kaptur
Archer	Doyle	Kasich
Armey	Dreier	Kelly
Bachus	Duncan	Kennedy (RI)
Baesler	Dunn	Kildee
Baker	Ehlers	Kim
Ballenger	Ehrlich	Kind (WI)
Barcia	Emerson	King (NY)
Barr	English	Kingston
Barrett (NE)	Ensign	Kleczka
Barrett (WI)	Etheridge	Klink
Bartlett	Everett	Klug
Barton	Ewing	Knollenberg
Bass	Fawell	Kucinich
Bateman	Foley	LaFalce
Bereuter	Forbes	LaHood
Berry	Fossella	Lampson
Bilbray	Fowler	Largent
Bilirakis	Fox	Latham
Bishop	Franks (NJ)	LaTourette
Bliley	Frelinghuysen	Lazio
Blunt	Gallegly	Leach
Boehner	Ganske	Lewis (CA)
Bonilla	Gekas	Lewis (KY)
Bonior	Gephardt	Linder
Bono	Gibbons	Lipinski
Borski	Gilchrest	Livingston
Boswell	Gillmor	LoBiondo
Boyd	Gingrich	Lucas
Brady (TX)	Goode	Maloney (CT)
Bryant	Goodlatte	Manton
Bunning	Goodling	Manzullo
Burr	Gordon	Martinez
Burton	Goss	Mascara
Buyer	Graham	McCollum
Callahan	Granger	McCrery
Calvert	Gutknecht	McDade
Camp	Hall (OH)	McHale
Canady	Hall (TX)	McHugh
Cannon	Hamilton	McInnis
Castle	Hansen	McIntosh
Chabot	Hastert	McIntyre
Chambliss	Hastings (WA)	McKeon
Chenoweth	Hayworth	McNulty
Christensen	Hefley	Metcalf
Clement	Hefner	Mica
Coble	Herger	Miller (FL)
Coburn	Hill	Minge
Collins	Hilleary	Moakley
Combest	Hinojosa	Mollohan
Condit	Hobson	Moran (KS)
Cook	Hoekstra	Moran (VA)
Cooksey	Holden	Murtha
Costello	Hostettler	Myrick
Cox	Houghton	Neal
Cramer	Hulshof	Nethercutt
Crane	Hunter	Neumann
Crapo	Hutchinson	Ney
Cubin	Hyde	Northup
Cunningham	Inglis	Norwood
Danner	Istook	Nussle
Davis (FL)	Jefferson	Oberstar
Davis (VA)	Jenkins	Obey
Deal	John	Ortiz
DeLay	Johnson (WI)	Oxley
Diaz-Balart	Johnson, Sam	Packard
Dickey	Jones	Pappas
Dingell	Kanjorski	Parker

Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—132

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennelly
Kilpatrick
Kolbe
Lantos
Lee
Levin
Lofgren
Lowey
Luther
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Brady (PA)
Ford
Gonzalez
Lewis (GA)
Markey
Serrano
Young (FL)

□ 1422

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

APPOINTMENT OF CONFEREES ON H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California? The Chair hears none, and without objection appoints the following conferees: Messrs. PACKARD, PORTER, HOBSON, WICKER, KINGSTON, PARKER TIAHRT, WAMP, LIVINGSTON, HEFNER, OLVER, EDWARDS, CRAMER, DICKS and OBEY.

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 504 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4193.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 22, 1998, the bill had been read through page 123, line 16.

Pursuant to the order of the House of that day, no further amendment to the bill is in order.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Oregon (Mr. DEFAZIO), the amendment offered by the gentleman from Washington (Mr. MCDERMOTT), the amendment offered by the gentleman from New York (Mr. HINCHEY), amendment No. 16 offered by the gentleman from California (Mr. MILLER), and the amendment offered by the gentleman from New Jersey (Mr. PAPPAS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO:

Page 107, beginning at line 19, strike section 338 (and redesignate the subsequent sections accordingly).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 81, noes 341, not voting 12, as follows:

[Roll No. 326]

AYES—81

Abercrombie
Barcia
Bass
Blagojevich
Bono
Boswell
Brown (CA)
Camp
Capps
Carson
Chabot
Chenoweth
Conyers
Crapo
Cummings
Davis (IL)
DeFazio
Deutsch
Emerson
Engel
Etheridge
Evans
Filner
Furse
Gutierrez
Harman
Hayworth
Hefner
Herger
Hill
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Jackson (IL)
Jenkins
Klug
Kucinich
Lipinski
Maloney (NY)
Manzullo
McHale
McIntosh
McIntyre
McKinney
Menendez
Metcalf
Mink
Mollohan
Moran (KS)
Nadler
Owens
Pallone
Pascrell
Paul
Peterson (MN)
Pitts
Rahall
Rogan
Rothman
Royce
Rush
Salmon
Sanders
Scarborough
Schumer
Shadegg
Shaw
Slaughter
Smith, Linda
Snyder
Stearns
Strickland
Sununu
Thune
Torres
Velazquez
Wexler
White
Wise

NOES—341

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly