

that the genetic makeup with which they were born would not cause them to lose their health insurance.

It is important for us to make sure that people understand we are not talking about a different population, we are talking about us. Each one of us is believed to be born with between five and 30 faulty genes. And it is the rank-est form of discrimination to deny health insurance on genetic grounds, because simply having a faulty gene does not ensure that they will get the condition and, if they did, it might be 40 years down the road. That discrimination is already taking place, Mr. Speaker.

I want to urge this House to take up as expeditiously as possible H.R. 306 so that we can assure Americans that their health insurance will be kept intact.

**PARTIAL-BIRTH ABORTION BAN ACT OF 2000**

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 457, I call up from the Speaker's table the Senate bill (S. 1692) to amend title 18, United States Code, to ban partial-birth abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 1692 is as follows:  
S. 1692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Partial-Birth Abortion Ban Act of 1999".

**SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

**"CHAPTER 74—PARTIAL-BIRTH ABORTIONS**

"Sec.

"1531. Partial-birth abortions prohibited.

**"§ 1531. Partial-birth abortions prohibited**

"(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

"(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

"(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

"(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine

and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

"(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) statutory damages equal to three times the cost of the partial-birth abortion.

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

"(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

**"74. Partial-birth abortions ..... 1531".**

**SEC. 3. SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL BIRTH ABORTION BANS.**

(a) FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973)); and

(2) no partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that partial birth abortions are horrific and gruesome procedures that should be banned.

**SEC. 4. SENSE OF CONGRESS CONCERNING A WOMAN'S LIFE AND HEALTH.**

It is the sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

**SEC. 5. SENSE OF CONGRESS CONCERNING ROE V. WADE.**

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based

limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the *Roe v. Wade* decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) *Roe v. Wade* was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

MOTION OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. CANADY of Florida moves to strike all after the enacting clause of the bill, S. 1692, and to insert in lieu thereof the text of the bill, H.R. 3660, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. CANADY of Florida. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. CANADY of Florida moves that the House insist on its amendment to the bill, S. 1692, and request a conference with the Senate thereon.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate bill, S. 1692, be instructed to meet promptly with the managers on the part of the Senate on all issues committed to conference.

The SPEAKER pro tempore. Pursuant to rule XX, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. CANADY) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support the current motion to recommit by Mr. CONYERS.

Like the House Bill that was unfortunately passed in April, this act, despite its title is nothing more than an attempt to inhibit a woman's constitutional right to choose.

Although the majority conveniently skirts the issue of the 1973 Supreme Court decision of *Roe v. Wade*, this law is still in effect and we must recognize a woman's right to have an abortion especially if her life is threatened.

Yes, it is true that technological advancement in the medical field has enabled women to better monitor their pregnancies so that they may bring healthy children into this world. However, some pregnancies may involve problems that may threaten the life and/or health of the mother.

For example, continuing the pregnancy may result in severe heart disease, malignancies and kidney failure. In these situations, when a woman is faced with a life or death decision,

she must have the right to make a choice whether to continue her pregnancy.

The procedure referred to in S. 1692/H.R. 3660 has been used to protect the mother's life but many times these late term abortions are primarily done when the abnormalities of the fetus are so extreme that independent life is not possible.

Many times in the issue of abortion we tend to glorify a potential life but refuse to acknowledge the actual living human being that has conceived that life.

This actual living human being has rights enumerated in the Constitution that can not be infringed upon regardless of what type of abortion is being performed especially if it is to save the life of mother.

If society picks and chooses which type of abortion one should have then once again we are taking away the right of a woman to choose.

If this conference report is supported by the majority, this S. 1692/H.R. 3660 would put the government in the doctor's office and leave the health of women unprotected.

I would be amiss if I did not highlight the fact that the terminology being employed by proponents of this bill is a term with absolutely no medical or scientific meaning.

On the contrary, this term is a being used solely to enrage and misguide the public. In fact, this term was actually adopted from a speech given by an anti-abortion advocate. Hence, the attempt to assuage our concerns that this legislation is not an attempt to circumvent a woman's constitutional right is simply untrue.

Therefore, I will not use this propagandist term "partial birth" abortion, but instead give this bill the title it deserves, the "Abortion Ban of 2000."

S. 1692/H.R. 3660 is another attempt to put politics before women's health. The overwhelming majority of courts have to have ruled on challenges to state so-called "partial-birth abortion" bans have declared those bans unconstitutional.

Despite the passage of abortion bans in state legislatures throughout the country, on election day in both 1998 and 1999, ballot initiatives that would have enacted this type of law were defeated in Washington, Colorado and finally Maine. The people of this country do not support this type of law.

In fact, only 12 states have abortion bans in effect, but 9 of these states have not yet been challenged.

Furthermore, Six federal district courts have issued permanent injunctions against statutes virtually identical to S. 1692/H.R. 3660 and the Supreme Court is set to decide on this issue in *Stenberg v. Carhart*.

I agree with my democratic colleagues that any action by Congress would be premature and even mooted by the Court's decision.

Notwithstanding the potentially mootness of this discussion, proponents of this legislation not only mischaracterize the reasons underlying the use of late term abortions, but they failed to even recognize the constitutional rights espoused by the Supreme Court in *roe* and reaffirmed in *Casey*.

The ambiguity of this legislation further frustrates the rights of women in the Nation and chills legitimately protected rights.

This legislation could essentially ban more one type of procedure because it fails to distinguish between abortions before and after viability.

These are just some of the many problems with S. 1692/H.R. 3660 and these alone should make anyone question the appropriateness of such legislation.

We can not straddle the fence on this issue. It is either to protect the rights of women or take them away completely.

Women have fought hard and long to have autonomy over their bodies and by putting restrictions on what type of abortions she is allowed to receive would put women back in the era of *Pre-Roe v. Wade*.

By banning partial birth abortions not only are we taking the right of women to have autonomy over their bodies and the right of families to determine their future, but we are also taking the right of women to live their lives as healthy American citizens and treating them like prisoners in their own country.

Mr. CONYERS. Mr. Speaker, we have no speakers, and I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I have no objection to the motion to instruct conferees, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HYDE, CANADY of Florida, GOODLATTE, CONYERS, and WATT of North Carolina.

There was no objection.

□ 1145

#### RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 11 o'clock and 46 minutes a.m.), the House stood in recess for 10 minutes.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 o'clock and 57 minutes a.m.

#### PROVIDING FOR CONSIDERATION OF H.R. 3916, TELEPHONE EXCISE TAX REPEAL ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

*Resolved*, That upon the adoption of this resolution it shall be in order without inter-

vention of any point of order to consider in the House the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 511 is a closed rule providing for consideration of H.R. 3916, the Telephone Excise Tax Repeal Act. This bill is designed to amend the Internal Revenue Code to repeal the excise tax on telephone and other communications services.

H. Res. 511 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted upon adoption of the resolution. Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, when it comes to unintended consequences in crafting tax policy, the Federal Government has shown a tendency to lead the way. If you remember, in 1991 the U.S. Congress passed a luxury tax on yachts to punish the rich, a tax that subsequently bankrupted American companies, forced sales in that sector to drop 75 percent, and resulted in the loss of about 30,000 jobs. That Congress thought that the luxury tax was a tax on the rich, and the unintended consequences of their actions resulted in a tax on American workers and the loss of their jobs.

□ 1200

Today we are going to discuss the telecommunications tax, a tax that is currently having the unintended consequence of limiting the opportunities of lower- and middle-income Americans to have affordable access to the information superhighway. In effect, it is a tax on talking and on access to the Internet.

This particular telecommunications tax was enacted by Congress in 1898 to help pay for the Spanish-American