

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

JULY 23, 2002.—Referred to the House Calendar and ordered to be printed

Mrs. MYRICK, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 498]

The Committee on Rules, having had under consideration House Resolution 498, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration in the House of H.R. 4965, the Partial-Birth Abortion Ban Act of 2002, under a closed rule. The rule provides two hours of debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee.

The rule waives all points of order against consideration of the bill. Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order includes a waiver of clause 4(a) of rule XIII (requiring a three-day layover of the committee report), which is needed because H. Rept. 107-604 was not filed by the Judiciary Committee until Tuesday, July 23, and the bill may be considered by the House as early as Wednesday, July 24.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 164

Date: July 23, 2002.

Measure: H.R. 4965.

Motion by: Mr. Frost.

Summary of motion: To grant an open rule.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee Record Vote No. 165

Date: July 23, 2002.

Measure: H.R. 4965.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Rep. Edwards which would ban abortions after fetal viability except in cases when the physician concludes in good faith, according to his or her best medical judgment, that the abortion is necessary to prevent the death of the woman or to avert a substantial risk of serious impairment to her physical or mental health.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee Record Vote No. 166

Date: July 23, 2002.

Measure: H.R. 4965.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Rep. Baldwin which would create an exception for the preservation of the life or health of the mother.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee Record Vote No. 167

Date: July 23, 2002.

Measure: H.R. 4965.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Rep. Jackson-Lee which would limit the prohibition on partial-birth abortions to those performed after fetal viability, and adds an exception to protect the health of the woman, as required by *Stenberg v. Carhart*.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee Record Vote No. 168

Date: July 23, 2002.

Measure: H.R. 4965.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Rep. Jackson-Lee which would eliminate the prison term for doctors engaged in performing abortions.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee Record Vote No. 169

Date: July 23, 2002.

Measure: H.R. 4965.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Rep. Hoyer which would make it unlawful to knowingly perform an abortion after the fetus has become viable, unless, in the medical judgment of the attending physician, it is necessary to preserve the life of the woman or to avert serious adverse health consequences to her.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.