

PROVIDING FOR CONSIDERATION OF H.R. 760, PARTIAL-  
BIRTH ABORTION BAN ACT OF 2003

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JUNE 3, 2003.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 257]

The Committee on Rules, having had under consideration House Resolution 257, by a nonrecord vote, reports 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. 760, the Partial-Birth Abortion Ban Act of 2003, under a modified closed rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee.

The rule provides for consideration of the amendment printed in this report, if offered by Representative Greenwood of Pennsylvania or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in this report. The rule provides one motion to recommit with or without instructions.

Section 2 of the rule provides that after the passage of H.R. 760, it shall be in order to take from the Speaker's table S. 3, the Partial-Birth Abortion Ban Act of 2003, and to consider the Senate bill in the House. The rule further provides for a motion to strike all after the enacting clause of S. 3 and to insert in lieu thereof the provisions of H.R. 760 as passed by the House. Finally, the rule waives all points of order against the motion to strike and insert.

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. 99*

Date: June 3, 2003.

Measure: H.R. 760, The Partial-Birth Abortion Ban Act of 2003.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment in the nature of a substitute offered by Representative Edwards, which bans 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 a woman or to avert a substantial risk of serious impairment to her physical or mental health.

Results: Defeated 4 to 7.

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

## SUMMARY OF AMENDMENT MADE IN ORDER UNDER THE RULE

Greenwood/Hoyer/Nancy Johnson: Amendment in the nature of a substitute. Makes 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 consequences to her health. Physicians who violate this law would be subject to civil penalty of up to \$10,000. (60 minutes)

## TEXT OF AMENDMENT MADE IN ORDER UNDER THE RULE

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.