

Fields (TX) Lazio
Flanagan Leach
Foglietta Levin
Foley Lewis (CA)
Forbes Lewis (GA)
Fowler Lewis (KY)
Fox Lightfoot
Franks (CT) Linder
Franks (NJ) Lipinski
Frelinghuysen Livingston
Frisa LoBiondo
Funderburk Longley
Furse Lucas
Gallegly Luther
Ganske Manton
Gejdenson Manzullo
Gibbons Markey
Gillmor Mascara
Gonzalez Matsui
Goodlatte McCarthy
Gordon McCollum
Goss McCrery
Graham McDade
Green McDermott
Gunderson McHale
Gutknecht McHugh
Hall (OH) McInnis
Hall (TX) McKeon
Hamilton McNulty
Hancock Meehan
Hansen Metcalf
Harman Mfume
Hastert Mica
Hastings (WA) Miller (CA)
Hayes Miller (FL)
Hayworth Minge
Hefley Mink
Hefner Moakley
Heineman Molinari
Herger Mollohan
Hilleary Montgomery
Hinchey Moorhead
Hobson Moran
Hoekstra Myers
Hoke Myrick
Holden Nadler
Hostettler Neal
Hoyer Nethercutt
Hunter Neumann
Hutchinson Ney
Hyde Norwood
Ingليس Oberstar
Istook Obey
Jacobs Ortiz
Johnson (SD) Orton
Johnson, Sam Oxley
Jones Packard
Kaptur Pallone
Kasich Parker
Kelly Pastor
Kennedy (MA) Paxon
Kennedy (RI) Peterson (FL)
Kildee Peterson (MN)
Kim Petri
King Pickett
Kingston Pombo
Klecza Pomeroy
Klink Porter
Klug Portman
Knollenberg Poshard
Kolbe Pryce
LaFalce Quillen
LaHood Quinn
Lantos Radanovich
Largent Rahall
Latham Ramstad
LaTourette Reed
Laughlin Regula

NOES—86

Allard Deutsch
Baesler Dooley
Baldacci Johnson (CT)
Beilenson Johnson, E. B.
Bishop Filner
Boehlert Flake
Boucher Kennelly
Brown (CA) Frank (MA)
Brown (FL) Frost
Brown (OH) Gekas
Cardin Geren
Chapman Gilchrist
Clyburn Gilman
Collins (IL) Goodling
Collins (MI) Greenwood
Conyers Gutierrez
Cox Hastings (FL)
Coyne Hilliard
de la Garza Houghton
DeFazio Jackson-Lee

Payne (VA) Stark
Pelosi Stokes
Rangel Studds
Rivers Tanner
Roukema Thompson
Rush Thornton
Schroeder Thurman
Scott Torricelli
Slaughter Towns

NOT VOTING—14

Clay McIntosh
Dicks Olver
Dornan Owens
Fields (LA) Tucker
Gephardt Waldholtz

So the use of the exhibit was permitted.

After some further time, The SPEAKER pro tempore, Mr. HANSEN, assumed the Chair.

When Mr. EMERSON, Chairman, pursuant to House Resolution 251, reported the bill, as amended, back to the House.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 251, the following amendment was considered agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 1995".

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) Whoever, 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.

"(b) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

"(c)(1) The father, 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) 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.

"(e) It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was performed by a physician who reasonably believed—

"(1) the partial-birth abortion was necessary to save the life of the mother; and

"(2) no other procedure would suffice for that purpose."

(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:

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. HANSEN, announced that the yeas had it.

Mr. CANADY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ... Yeas ..... 288
Nays ..... 139
Answered present 1

138.11 [Roll No. 756] YEAS—288

Allard Dingell Jones
Archer Doolittle Kanjorski
Armey Dornan Kaptur
Bachus Doyle Kasich
Baesler Dreier Kennedy (RI)
Baker (CA) Duncan Kildee
Baker (LA) Dunn Kim
Ballenger Ehlers King
Barcia Ehrlich Kingston
Barr Emerson Kleczka
Barrett (NE) English Klink
Bartlett Ensign Klug
Barton Everett Knollenberg
Bass Ewing LaFalce
Bateman Fawell LaHood
Bereuter Fields (TX) Largent
Bevill Flake Latham
Bilbray Flanagan LaTourette
Bilirakis Foglietta Laughlin
Bliley Foley Lazio
Blute Forbes Leach
Boehner Ford Lewis (CA)
Bonilla Fowler Lewis (KY)
Bonior Fox Lightfoot
Bono Franks (NJ) Lincoln
Borski Frisa Linder
Brewster Funderburk Lipinski
Browder Gallegly Livingston
Brownback Ganske LoBiondo
Bryant (TN) Gekas Longley
Bunn Gephardt Lucas
Bunning Geren Manton
Burr Gilchrist Manzullo
Burton Gillmor Martinez
Buyer Goodlatte Martini
Callahan Goodling Mascara
Calvert Gordon McCollum
Camp Goss McCrery
Canady Graham McDade
Castle Gunderson McHale
Chabot Gutknecht McHugh
Chambliss Hall (OH) McInnis
Chenoweth Hall (TX) McIntosh
Christensen Hamilton McKeon
Chrysler Hancock McNulty
Clement Hansen Metcalf
Clinger Hastert Mica
Coble Hastings (WA) Miller (FL)
Coburn Hayes Minge
Collins (GA) Hayworth Moakley
Combust Hefley Molinari
Condit Hefner Mollohan
Cooley Heineman Montgomery
Costello Herger Moorhead
Cox Hilleary Moran
Cramer Hobson Murtha
Crane Hoekstra Myers
Crapo Hoke Myrick
Creameans Holden Neal
Cubin Hostettler Nethercutt
Cunningham Hunter Neumann
Danner Hutchinson Ney
Davis Hyde Norwood
de la Garza Inglis Nussle
Deal Istook Oberstar
DeLay Jacobs Obey
Diaz-Balart Johnson (SD) Ortiz
Dickey Johnson, Sam Orton

Oxley	Salmon	Tanner
Packard	Sanford	Tate
Parker	Saxton	Tauzin
Paxon	Scarborough	Taylor (MS)
Payne (VA)	Schaefer	Taylor (NC)
Peterson (MN)	Schiff	Tejeda
Petri	Seastrand	Thomas
Pombo	Sensenbrenner	Thornberry
Pomeroy	Shadegg	Thornton
Porter	Shaw	Tiaht
Portman	Shuster	Trafficant
Poshard	Sisisky	Upton
Pryce	Skeen	Volkmer
Quillen	Skelton	Vucanovich
Quinn	Smith (MI)	Waldholtz
Radanovich	Smith (NJ)	Walker
Rahall	Smith (TX)	Walsh
Ramstad	Smith (WA)	Wamp
Regula	Solomon	Watts (OK)
Riggs	Souder	Weldon (FL)
Roberts	Spence	Weller
Roemer	Spratt	White
Rogers	Stearns	Whitfield
Rohrabacher	Stenholm	Wicker
Ros-Lehtinen	Stockman	Wolf
Rose	Stump	Young (AK)
Roth	Stupak	Young (FL)
Royce	Talent	Zeliff

NAYS—139

Abercrombie	Gejdenson	Payne (NJ)
Ackerman	Gibbons	Pelosi
Andrews	Gilman	Peterson (FL)
Baldacci	Gonzalez	Pickett
Barrett (WI)	Green	Rangel
Beilenson	Greenwood	Reed
Bentsen	Gutierrez	Richardson
Berman	Harman	Rivers
Bishop	Hastings (FL)	Roukema
Boehlert	Hilliard	Roybal-Allard
Boucher	Hinchey	Rush
Brown (CA)	Horn	Sabo
Brown (FL)	Hoyer	Sanders
Brown (OH)	Jackson-Lee	Sawyer
Bryant (TX)	Jefferson	Schroeder
Cardin	Johnson (CT)	Schumer
Chapman	Johnson, E. B.	Scott
Clay	Johnston	Serrano
Clayton	Kelly	Shays
Clyburn	Kennedy (MA)	Skaggs
Coleman	Kennelly	Slaughter
Collins (IL)	Kolbe	Stark
Collins (MI)	Lantos	Stokes
Conyers	Levin	Studds
Coyne	Lewis (GA)	Thompson
DeFazio	Lofgren	Thurman
DeLauro	Lowe	Torkildsen
Dellums	Luther	Torres
Deutsch	Maloney	Torricelli
Dicks	Markey	Towns
Dixon	Matsui	Velazquez
Doggett	McCarthy	Vento
Dooley	McDermott	Visclosky
Durbin	McKinney	Ward
Edwards	Meehan	Waters
Engel	Meek	Watt (NC)
Eshoo	Menendez	Waxman
Evans	Meyers	Williams
Farr	Mfume	Wilson
Fattah	Miller (CA)	Wise
Fazio	Mink	Woolsey
Filner	Morella	Wyden
Frank (MA)	Nadler	Wynn
Franks (CT)	Olver	Yates
Frelinghuysen	Owens	Zimmer
Frost	Pallone	
Furse	Pastor	

ANSWERED "PRESENT"—1

Houghton

NOT VOTING—4

Becerra	Tucker
Fields (LA)	Weldon (PA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶138.12 PROVIDING FOR THE CONSIDERATION OF H.R. 2546

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 252):

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. The bill, as amended, shall be considered as read through page 58, line 4. All points of order against provisions of the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. Debate on each further amendment to the bill and any amendments thereto shall be limited to thirty minutes. It shall be in order without intervention of any point of order to consider each of the amendments printed in the Congressional Record and numbered 1, 2 or 4 pursuant to clause 6 of rule XXIII, if offered by the Member who caused it to be printed or a designee. Each such amendment shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HANSEN, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 241  
Nays ..... 181

¶138.13 [Roll No. 757] YEAS—241

Allard	Gallegly	Myrick
Archer	Ganske	Nethercutt
Bachus	Gekas	Neumann
Baesler	Geren	Ney
Baker (CA)	Gilchrest	Norwood
Baker (LA)	Gillmor	Nussle
Ballenger	Goodlatte	Oxley
Barr	Goodling	Packard
Barrett (NE)	Gordon	Parker
Bartlett	Goss	Paxon
Barton	Graham	Petri
Bass	Greenwood	Pickett
Bateman	Gunderson	Pombo
Bereuter	Gutknecht	Porter
Bevill	Hall (TX)	Portman
Bilbray	Hancock	Poshard
Bilirakis	Hansen	Pryce
Bliley	Hastert	Quillen
Blute	Hastings (WA)	Quinn
Boehner	Hayes	Radanovich
Bonilla	Hayworth	Ramstad
Bono	Hefley	Regula
Brownback	Heineman	Riggs
Bryant (TN)	Herger	Roberts
Bunn	Hilleary	Rogers
Bunning	Hobson	Rohrabacher
Burr	Hoekstra	Ros-Lehtinen
Burton	Hoke	Roth
Buyer	Hostettler	Royce
Callahan	Hunter	Salmon
Calvert	Hutchinson	Sanford
Camp	Hyde	Saxton
Canady	Inglis	Scarborough
Castle	Istook	Schaefer
Chabot	Johnson, Sam	Schiff
Chambliss	Jones	Seastrand
Chenoweth	Kasich	Sensenbrenner
Christensen	Kelly	Shadegg
Chrysler	Kim	Shaw
Clinger	King	Shays
Coble	Kingston	Shuster
Coburn	Klug	Skeen
Collins (GA)	Knollenberg	Smith (MI)
Combest	Kolbe	Smith (NJ)
Condit	LaHood	Smith (TX)
Cooley	Lantos	Smith (WA)
Cox	Largent	Solomon
Cramer	Latham	Souder
Crane	LaTourrette	Spence
Crapo	Laughlin	Stearns
Creameans	Lazio	Stockman
Cubin	Leach	Stump
Cunningham	Lewis (CA)	Stupak
Davis	Lewis (KY)	Talent
Deal	Lightfoot	Tate
DeLay	Linder	Tauzin
Diaz-Balart	Lipinski	Taylor (NC)
Dickey	Livingston	Thomas
Doolittle	LoBiondo	Thornberry
Dornan	Longley	Tiaht
Dreier	Lucas	Trafficant
Duncan	Manton	Upton
Dunn	Manzullo	Vucanovich
Ehlers	Martini	Waldholtz
Ehrlich	Matsui	Walker
Emerson	McCollum	Walsh
English	McCrery	Wamp
Ensign	McDade	Watts (OK)
Everett	McHugh	Weldon (FL)
Ewing	McInnis	Weller
Fawell	McIntosh	White
Fields (TX)	McKeon	Whitfield
Flanagan	McNulty	Wicker
Foley	Metcalf	Wilson
Forbes	Mica	Wolf
Fowler	Miller (FL)	Young (AK)
Fox	Molinari	Young (FL)
Franks (CT)	Montgomery	Zeliff
Frelinghuysen	Moorhead	Zimmer
Frisa	Morella	
Funderburk	Myers	

NAYS—181

Abercrombie	Andrews	Barcia
Ackerman	Baldacci	Barrett (WI)