

1 ALDERSON REPORTING COMPANY

2 GREGORY ALTHAM

3 HJU047000

4 MARKUP OF H.R. 3541, THE SUSAN B. ANTHONY AND FREDERICK

5 DOUGLASS PRENATAL NONDISCRIMINATION ACT OF 2011

6 Thursday, February 16, 2012

7 House of Representatives

8 Committee on the Judiciary

9 Washington, D.C.

10 The committee met, pursuant to call, at 1:02 p.m., in  
11 Room 2141, Rayburn Office Building, Hon. Lamar Smith  
12 [chairman of the committee] presiding.

13 Present: Representatives Smith, Sensenbrenner, Coble,  
14 Gallegly, Goodlatte, Chabot, Issa, Forbes, King, Franks,  
15 Gohmert, Jordan, Poe, Chaffetz, Griffin, Marino, Gowdy,  
16 Ross, Adams, Quayle, Amodei, Conyers, Berman, Nadler, Scott,

17 Watt, Lofgren, Jackson Lee, Waters, Johnson, Pierluisi,  
18 Quigley, Chu, Deutch, Sanchez, and Polis.

19 Staff present: Sean McLaughlin, Chief of Staff; Travis  
20 Norton, Parliamentarian, Sarah Kish, Clerk; Perry Apfelbaum,  
21 Minority Staff Director; and David Lachmann, Minority  
22 Counsel.

23

24 Chairman Smith. The Judiciary Committee will come to  
25 order.

26 Without objection, the chair is authorized to declare  
27 recesses of the committee at any time.

28 And the clerk will call the roll to establish a quorum.

29 Ms. Kish. Mr. Smith?

30 Chairman Smith. Present.

31 Mr. Sensenbrenner?

32 Mr. Coble?

33 Mr. Coble. Present.

34 Ms. Kish. Mr. Gallegly?

35 Mr. Goodlatte?

36 Mr. Lungren?

37 Mr. Chabot?

38 Mr. Chabot. Present.

39 Ms. Kish. Mr. Issa?

40 Mr. Pence?

41 Mr. Forbes?

42 Mr. King?

43 Mr. Franks?

44 Mr. Franks. Here.

45 Ms. Kish. Mr. Gohmert?  
46 Mr. Jordan?  
47 Mr. Poe?  
48 Mr. Chaffetz?  
49 Mr. Griffin?  
50 Mr. Marino?  
51 Mr. Gowdy?  
52 Mr. Ross?  
53 Mrs. Adams?  
54 Mr. Quayle?  
55 Mr. Amodei?  
56 Mr. Conyers?  
57 Mr. Berman?  
58 Mr. Nadler?  
59 Mr. Scott?  
60 Mr. Watt?  
61 Ms. Lofgren?  
62 Ms. Jackson Lee?  
63 Ms. Waters?  
64 Mr. Cohen?  
65 Mr. Johnson?

66 Mr. Pierluisi?

67 Mr. Quigley?

68 Ms. Chu?

69 Mr. Deutch?

70 Ms. Sanchez?

71 Mr. Polis?

72 Chairman Smith. The gentleman from Utah?

73 Mr. Chaffetz. Present.

74 Chairman Smith. The gentleman from Illinois, has he  
75 indicated that he is present? Okay.

76 The gentleman from New York?

77 Mr. Nadler. Present.

78 Chairman Smith. Is present.

79 The gentleman from North Carolina?

80 Mr. Watt. Present.

81 Chairman Smith. And the gentlewoman from Florida?

82 Ms. Kish. Mrs. Adams?

83 Mrs. Adams. Here.

84 Chairman Smith. The gentleman from California?

85 Ms. Kish. Mr. Gallegly?

86 Mr. Gallegly. Present.

87 Chairman Smith. The gentleman from Ohio?

88 Mr. Chabot. Here.

89 Chairman Smith. The gentleman from Arkansas?

90 Ms. Kish. Mr. Griffin?

91 Mr. Griffin. Here.

92 Chairman Smith. The gentleman from South Carolina?

93 Ms. Kish. Mr. Gowdy?

94 Mr. Gowdy. Present.

95 Chairman Smith. The gentleman from Virginia?

96 Mr. Scott. Present.

97 Chairman Smith. Okay. The clerk will report?

98 Ms. Kish. Mr. Chairman, 12 members responded present.

99 Chairman Smith. The gentleman from Pennsylvania?

100 Ms. Kish. Mr. Marino?

101 Mr. Marino. Present.

102 Chairman Smith. The clerk will report.

103 Ms. Kish. Mr. Chairman, 13 members responded present.

104 Chairman Smith. Okay. A voting -- I mean, a working  
105 quorum is present. We will resume our markup, and pursuant

106 to notice, I now call up H.R. 3541 for purposes of markup.

107 And the clerk will designate the bill.

108 Ms. Kish. H.R. 3541, to prohibit discrimination against  
109 the unborn on the basis of sex or race and for other  
110 purposes.

111 Chairman Smith. And we will now continue consideration  
112 of amendments to H.R. 3541. When the committee last  
113 recessed, we had just agreed to Franks Amendment Number 3.  
114 We will now go to Trent Franks Amendment Number 12, and the  
115 gentleman from Arizona is recognized.

116 Mr. Franks. Well, thank you, Mr. Chairman.

117 Mr. Chairman, this amendment is designed to safeguard  
118 the identity of the post-abortive woman in the event of a  
119 court proceeding. This language is taken directly from H.R.  
120 3803, the D.C. Paying Capable Unborn Child Protection Act.

121 The language provides that the court shall make such  
122 orders as are necessary to protect the anonymity of any  
123 woman upon whom an abortion has been performed or attempted  
124 in violation of this law, unless that woman gives written  
125 consent to disclose her identity.

126 The amendment also requires the court to issue these  
127 orders to parties, witnesses, and counsel, and, further, the  
128 court shall direct the sealing of court records and the

129 exclusion of individuals from the courtroom to the extent  
130 necessary to safeguard the identity of the woman.

131 Parties other than elected officials will be assigned a  
132 pseudonym. This would include family members who may bring  
133 a civil action since it would be very easy to discover the  
134 identity of the post-abortive woman from public record.

135 Chairman Smith. Will the gentleman from Arizona yield  
136 for a minute? I jumped the gun and recognized you a little  
137 too soon.

138 Mr. Franks. I was wondering about that.

139 Chairman Smith. And you were nice to trust me.  
140 However, the clerk has to report the amendment first.

141 Mr. Nadler. And, Mr. Chairman, we do not have copies of  
142 the amendment.

143 Chairman Smith. The clerk will report the amendment.

144 Ms. Kish. Amendment to H.R. 3541, offered by Mr. Franks  
145 of Arizona, page 16, after line 14 --

146 Chairman Smith. Without objection, the amendment will  
147 be considered as read.

148 [The amendment of Mr. Franks follows:]

149

150 Chairman Smith. And the gentleman will continue to be  
151 recognized to explain the amendment.

152 Mr. Franks. Well, thank you, Mr. Chairman.

153 Essentially, this amendment recognizes Ms. Sheila  
154 Jackson Lee's amendment. If there is any concerns there  
155 about protecting the identity of the post-abortive woman, we  
156 are in full agreement with that.

157 The amendment does not permit the identify of parties or  
158 witnesses to be concealed from the defendant or the  
159 attorneys for the defendant consistent with the demands of  
160 due process. And I hope my colleagues will support the  
161 amendment.

162 Chairman Smith. Thank you, Mr. Franks.

163 The gentleman from New York, Mr. Nadler, is recognized.

164 Mr. Nadler. Yeah. I think the amendment is well  
165 intentioned. I may well support it.

166 I have a question about it, though, and that is, the  
167 bill provides for criminal and civil proceedings. I am just  
168 wondering how presumably the person, the woman upon whom an  
169 abortion has been performed may be or perhaps must be a  
170 witness. And I am wondering how this anonymity would

171 operate in terms of due process rights for someone accused  
172 in a criminal or civil proceeding.

173 Mr. Franks. Well, the bottom line of the amendment is  
174 just designed to safeguard the identity of the post-abortive  
175 woman. So, if this is someone other than the post-abortive  
176 woman that is a plaintiff, I suppose that it would not apply  
177 then. But if there is a post-abortive woman involved in the  
178 court proceeding where an abortion has been performed in  
179 violation of this law that we are debating, then it would  
180 apply.

181 Mr. Nadler. Would the gentleman yield?

182 Mr. Franks. Sure.

183 Mr. Nadler. Well, let us assume someone were being  
184 criminally prosecuted. She is a witness. How does that  
185 operate? No, she is not being prosecuted. The doctor, let  
186 us say, is being prosecuted.

187 Mr. Franks. But she would then just be assigned a  
188 pseudonym. You know, we are not breaking new ground here.

189 Mr. Nadler. And how does this affect current law  
190 protecting her privacy?

191 Mr. Franks. This would be additional. This only

192 applies to this law.

193 Mr. Nadler. What is the existing law and how does this  
194 change it with respect to protecting the privacy of someone  
195 similarly situated?

196 Mr. Franks. Well, I hope I understand your question.  
197 This does not affect existing law if it is for some other  
198 violation, but in violation of this law, the one we are  
199 debating, if --

200 Mr. Nadler. Well, my question is, let us assume this  
201 amendment were not the case. What protections would such a  
202 person enjoy, and why are they inadequate, and how would  
203 this change it?

204 Mr. Franks. At this point, though, if this amendment is  
205 not accepted, then if she wanted her identity protected,  
206 just like any other situation, she could ask the court. She  
207 could move the court to do that, and they could do it for  
208 her, but there is no guarantee that they would.

209 Mr. Nadler. They could do it, but the court might think  
210 that in view of her testimony, it should not be anonymous  
211 because of the due process rights of the accused criminal  
212 defendant, for example?

213 Mr. Franks. Well, if you look at the last part of it,  
214 the attorneys for the defendant, consistent with the demands  
215 of due process, would be protected. In other words, it  
216 would not endanger --

217 Mr. Nadler. No, no. What are you quoting in your  
218 amendment?

219 Mr. Franks. The amendment does not permit the identity  
220 of parties or witnesses to be concealed from the defendant  
221 or the attorneys for the defendant consistent with the  
222 demands of due process.

223 Mr. Nadler. Or from the jury?

224 Mr. Franks. That is page 2, line 12.

225 Mr. Nadler. Page 2, line 12. What about from the jury?

226 Mr. Franks. It would not apply to them either.

227 Mr. Nadler. And in civil cases, would the same apply?  
228 Well, it does not say. Yeah, I would think so, plaintiff or  
229 witnesses. Okay, thank you.

230 Mr. Franks. Thank you, Mr. Chairman.

231 Chairman Smith. Does the gentleman yield back his time?

232 Mr. Franks. Yes.

233 Chairman Smith. Okay. The gentleman yields back his

234 time.

235 The question is on the amendment.

236 Those in favor, say aye?

237 [A chorus of ayes.]

238 Chairman Smith. Opposed, no?

239 [No response.]

240 Chairman Smith. In the opinion of the chair, the ayes  
241 have it, and the amendment is agreed to.

242 Does the gentlewoman from Texas, Ms. Jackson Lee, have  
243 an amendment?

244 Ms. Jackson Lee. Yes, I do, Mr. Chairman. And I would  
245 like to ask unanimous consent to take Jackson Lee 4, 5, and  
246 is there a third amendment? Pardon me? And Amendment  
247 Number 320, 13, en bloc.

248 Chairman Smith. Okay. Without objection, those three  
249 amendments will be considered en bloc. And the gentlewoman  
250 is recognized to explain the amendments.

251 Ms. Jackson Lee. Do the amendments need to be  
252 distributed, Mr. Chairman?

253 Chairman Smith. And those amendments are being  
254 distributed, I believe. The gentlewoman is recognized to

255 explain the three amendments?

256 Ms. Jackson Lee. I ask unanimous consent that the  
257 amendments be considered as read, or if the clerk would  
258 announce --

259 Chairman Smith. I have already asked. And without  
260 objection, the amendments will be considered as read.

261 [The amendments of Ms. Jackson Lee follow:]

262

263 Ms. Jackson Lee. All right. Thank you very much.

264 Let me express my appreciation to the passion that the  
265 author of this legislation and many of the proponents have  
266 with respect to their personal views. And we have had these  
267 debates, long-standing debates, in this committee. I know  
268 that we did successfully remove the name of Frederick  
269 Douglass and Susan B. Anthony, and I think it is appropriate  
270 having not inquired of their relatives and/or their  
271 positions while they were alive of their specific support of  
272 legislation such as this.

273 In the course of discussing my amendments, I would like  
274 to ask unanimous consent to introduce into the record the  
275 American Society for Reproductive Medicine, a letter dated  
276 December 20, 2011, and read very briefly.

277 The bill speaking to H.R. 3541 would make illegal the  
278 use of elective pregnancy termination in certain  
279 circumstances. Our report, however, is limited to a  
280 specific family building treatment modality and does not  
281 address pregnancy termination. We feel it is inappropriate  
282 to use the conclusions about sex selection during a family  
283 building process in the context of a discussion about

284 pregnancy termination.

285       Family building, of course, is a science, but also a  
286 preference that is used proactively to family plan, but also  
287 to suggest what a family may in a healthy manner desire. I  
288 may not agree even with that, but it certainly is not the  
289 idea of termination.

290       Chairman Smith. And without objection, the letter will  
291 be made a part of the record.

292       [The information follows:]

293

294 Ms. Jackson Lee. I cannot -- thank you, Mr. Chairman --  
295 see the underlying premise of the bill because I do not see  
296 any major studies that would suggest that we have a crisis  
297 with respect to terminating pregnancies in the United  
298 States. And I do not believe that this is an international  
299 law here in the United States, any evidence of such.

300 So, my Amendment Number 13, which I am starting with,  
301 does, in fact, strike the provision that it seems that Mr.  
302 Franks was attempting to introduce. But it also strikes  
303 page 12 and striking line 14, which refers to the 13th  
304 Amendment, which has to do, as I read the Constitution, with  
305 slavery. And I find it particular offensive to associate  
306 underpinnings of this bill with the idea of slavery. And I  
307 assume there may be some explanation for that, but I find  
308 that to be inappropriate for this legislation. And that  
309 would be my first amendment.

310 My other amendment deals with the idea of race  
311 discrimination in jury selection since this will be a  
312 criminal offense, and I would argue that \$5,000 is too low  
313 an amount for any individual found to be discriminating in  
314 jury selection, and believe it would be appropriate to

315 include that to be \$10,000.

316 My third amendment deals with a sense of Congress to  
317 emphasize the importance of the privacy between patient and  
318 physician. This legislation, to me, seems to be intruding  
319 down into the deep bowels of patient-physician relationship  
320 where a patient is being counseled. It also, frankly,  
321 though I may not agree, interferes with State laws. Some  
322 State laws are more severe; some are not. But it actually  
323 intrudes itself into the concept of a patient having the  
324 privacy protected by that physician and by that physician's  
325 office.

326 I, again, refer to the underlying premise of the bill,  
327 the evidence of race selection, in terms of pregnancy  
328 termination. That may occur in countries far beyond our  
329 border. We asked the question, is there an epidemic of  
330 women in the United States going to have an abortion because  
331 they are having a girl. Understand that that has happened  
332 in places like China where there is a one child mandate that  
333 might be a problem. But I do not see that as documented  
334 here in this country.

335 And to introduce legislation because of a passion and

336 concern about a woman's right to choose because of the  
337 vigorous disagreement of some of the members of this  
338 communist on a woman's right to choose, to classify it as a  
339 vicious criminal act, and to suggest that compounded on the  
340 right to choose is that choosing of a girl over a boy or a  
341 boy over a girl and that is an epidemic or a problem that  
342 needs to be federally legislated here in the United States  
343 Congress.

344 I have always said that choice is not pro-abortion. It  
345 is the decision of a woman and her faith leader, her family,  
346 her physician, to be able to make a very personal decision,  
347 in many instances, to save the life of the mother.

348 So, I would argue that my three initiatives, my three  
349 amendments, one that would strike page 12, line 14 referring  
350 to the 13th Amendment that has to do with slavery, a very  
351 personal, personal and emotional time for many of us in this  
352 room in terms of the history of our legacy or of our  
353 ancestors, and then to protect the patient-physician  
354 privilege, and then to increase the amount of dollars for  
355 discrimination jury selection.

356 I ask my colleagues to support this amendment.

357 Chairman Smith. Thank you, Ms. Jackson Lee.

358 The gentleman from Arizona, Mr. Franks, is recognized.

359 Mr. Franks. Well, thank you, Mr. Chairman. And, Mr.

360 Chairman, in all sincere deference to the lady, I would have

361 to oppose these en bloc amendments, and would urge my

362 colleagues to do the same.

363 It is interesting that in two of the three en bloc

364 amendments that we have made an effort to respond to what we

365 thought was a potentially issues that should be responded to

366 related to the ASRM. Our original findings were absolutely

367 accurate in the way that we portrayed them. But because Ms.

368 Jackson Lee had the amendment, we decided to make it

369 absolutely clear to where it could not be any ambiguity.

370 And my previous amendment put verbatim the ASRM position.

371 And so we are trying to make every effort to try to work

372 with the gentlelady as possible.

373 Related to the patient-doctor relationship, there is

374 nothing in this bill, nothing in this bill, that requires

375 doctors to police or to have some responsibility to ask

376 their patients anything about the motivations for the

377 abortion. Sort of the analogy, Mr. Chairman, would be if a

378 doctor prescribed a certain, say, Valium or something. He  
379 is not required to say, well, are you going to kill somebody  
380 with this Valium? Are you going to collect on your  
381 husband's insurance somehow? He is not required to do that  
382 before he prescribes the medicine.

383 If, however, she told him that was the plan, or if  
384 someone else credibly said that is why she is doing it, or  
385 if he knew that was the case, then, of course, he would be  
386 implicated as part of a crime. And that is the same  
387 situation here. There is no requirement for the doctor to  
388 ask the mother anything about her motivations here, and I  
389 want to make that very clear because that has been falsely  
390 put out there in the media, and it is just simply that. It  
391 is simply false.

392 Now, let me, if I could, speak to the issue on the  
393 constitutional authority of PRENDA. First of all, as you  
394 know, we are required according to our rules to put our  
395 constitutional authority in every bill that we introduce  
396 now. And let me just re-quote here the reason that we use  
397 this. "Congress has the authority to pass PRENDA under the  
398 power to regulate interstate commerce and under the power

399 granted under Section 2 of the 13th Amendment to eradicate  
400 all badges of slavery and the power under Section 5 of the  
401 14th Amendment to eliminate all barriers to gender equality  
402 based on invidious, archaic, and over broad stereotypes."

403 That is a quote.

404 In 1866, Mr. Chairman, Congress enacted the first civil  
405 rights act. Now, this is important because it ties in here,  
406 and hopefully demonstrates that our motivations here are as  
407 sincere as we know how to make them.

408 In 1866, Congress enacted the civil rights act. This  
409 provided that all citizens of the United States of every  
410 race and color, without regard to any previous condition of  
411 slavery or involuntary servitude, shall have the right to  
412 make and enforce contracts, to sue, to be parties, to give  
413 evidence, to inherit, to purchase, to lease, to sell, to  
414 hold, and convey real and personal property, and to the full  
415 equal benefit of all laws, proceedings for the security of  
416 persons and properties as enjoyed by white citizens.

417 Now, that is the first civil rights act, which was based  
418 entirely on the 13th Amendment. So, we are trying to do the  
419 same here. Congress found that the power to enact the Civil

420 Rights Act infringements by the States through the 13th  
421 Amendment, the first section of which prohibits slavery or  
422 involuntary servitude except as punishment for a crime, and  
423 the second section, which gives Congress the power to  
424 enforce this article by appropriate legislation.

425 We believe this is appropriate legislation, Mr.  
426 Chairman. Basically, it has been understood by Congress  
427 that the 13th Amendment prohibits slavery and the opposite  
428 of slavery, which is liberty. I mean, the opposite of  
429 slavery is liberty, so, therefore, to be aborted on the  
430 basis of your race is an abrogation of your liberty. And,  
431 therefore, any unwarranted restrictions on liberty are  
432 incidents of slavery.

433 Again, this is quoted right out of the Supreme Court  
434 case --

435 Ms. Jackson Lee. Would the gentleman yield?

436 Mr. Franks. -- *Jones versus Alfred B. Mayer*. I will in  
437 just one moment. So, the Section II of the 13th Amendment  
438 empowers Congress to protect any citizen from unjust  
439 restrictions on liberty.

440 And with that, I would yield.

441 Ms. Jackson Lee. I appreciate the gentleman's  
442 interpretation. I think long legislative history and the  
443 long debate under the 13th Amendment directs its  
444 interpretation to involuntary servitude and slavery, which  
445 you would question whether or not a parent of African-  
446 American heritage would be selecting or aborting their child  
447 on the basis of race. They can give birth to anything else  
448 but that.

449 And so, I am puzzled, and I would make the argument  
450 again that it is an inappropriate utilization under the  
451 premise of this legislation that talks about either sex  
452 self-selection or now you have expanded it to race. And I  
453 think that is really challenging because I do not know if  
454 you are a Caucasian and you are aborting because you have a  
455 Caucasian child. I do not know what else you could have.  
456 You know, I am just baffled. And I would argue that it is  
457 inappropriate.

458 Chairman Smith. The gentleman's time --

459 Ms. Jackson Lee. I yield back to the gentleman.

460 Chairman Smith. -- has expired. And the gentleman from  
461 New York, Mr. Nadler, is recognized.

462 Mr. Nadler. Thank you. Mr. Chairman, I move to strike  
463 the last word.

464 Chairman Smith. The gentleman is recognized for five  
465 minutes?

466 Mr. Nadler. Mr. Chairman, I rise in support of the  
467 gentlelady's amendment to strike Finding K in its entirety.

468 I did not think it was possible to make this bill worse,  
469 but the gentleman from Arizona managed to make this finding  
470 even more outrageous than the original, and it deserved to  
471 be struck.

472 The finding distorts the views of the American Society  
473 for Reproductive Medicine so flagrantly that they have  
474 actually written a letter to him asking him to correct the  
475 record.

476 On December 20th, they wrote to the sponsor saying, "The  
477 bill would make illegal the use of elective pregnancy  
478 termination in certain circumstances. Our report, however,  
479 is limited to a specific family building treatment modality,  
480 and does not address pregnancy termination. We feel it is  
481 inappropriate to use the conclusions about sex selection  
482 during a family building process in the context of a

483 discussion about pregnancy termination. We would ask you to  
484 correct this misrepresentation of our report in the bill."

485       Instead of correcting it, his amendment went even  
486 further in a selective reading of their opinion to create an  
487 impression other than that intended by its authors. Did  
488 Sheila put this in the record already, this letter? Well,  
489 this letter from the American Society of Reproductive  
490 Medicine was inserted into the record by the gentlelady from  
491 Texas.

492       I would ask the gentleman from Arizona, in view of this  
493 whether he means for his bill to include assisted  
494 reproduction. Would this bill apply to their work, or is he  
495 simply intent on ignoring their clear statement that their  
496 opinion is unrelated to this bill?

497       I will yield.

498       Mr. Franks. Well, Mr. Chairman, what we did here, first  
499 of all, the original finding was entirely accurate. It did  
500 not distort ASRM in any way.

501       Mr. Nadler. Reclaiming my time. I just want an answer  
502 to the question.

503       Mr. Franks. All right.

504 Mr. Nadler. Do you intend this to apply to assisted  
505 reproduction?

506 Mr. Franks. This bill does not apply to that. It  
507 applies to abortion.

508 Mr. Nadler. Well, does his language indicate that? So,  
509 you would state that if individual fertilization techniques  
510 are used in a manner that only embryos of the desired sex  
511 have been planted and the others are discarded, this  
512 amendment and this bill would not make that illegal.

513 Mr. Franks. Mr. Chairman, Mr. Nadler, the definition of  
514 abortion is clearly outlined in the amendment. And it would  
515 only apply within that context. It does not address the  
516 other areas that you are talking about.

517 Mr. Nadler. So, the direct answer would be that it  
518 would not make in vitro fertilization techniques, discarding  
519 embryos of one sex and saving those of the other, it would  
520 not make that illegal, correct?

521 Mr. Franks. Mr. Chairman, even though I might, you  
522 know, have a problem with that, too, this bill would not  
523 address that issue, that is correct.

524 Mr. Nadler. Well, reclaiming my time, I appreciate and

525 I am thankful that that is the case. But in that case, why  
526 is the reference to the letter from the American Association  
527 for Reproductive Medicine, which applies only to in vitro  
528 fertilization to assisted reproduction techniques, why is  
529 that in the bill, especially after they sent a letter saying  
530 that their views are being misrepresented, and that their  
531 views apply only to assisted reproduction. Why are we not  
532 taking the reference to their views out of the bill if you  
533 are saying that the bill does not apply to what they are  
534 talking about at all?

535 Mr. Franks. What I have said is that the bill does not  
536 apply to the things you mentioned. However, if you read the  
537 language from ASRM -- let me just read it here. "To be  
538 clear, the ASRM has opined on only two forms of sex  
539 selection, sperm sorting and embryo sex selection. ASRM  
540 supports sex selection at the sperm sorting stage, but  
541 opposes sex selection for embryos." Their reason, again,  
542 this is quote, their reason is because sperm sorting is,  
543 "less invasive" than creating embryos, and because an embryo  
544 deserves greater ethical respect than a sperm. Again,  
545 their perspective, not necessarily mine. Well, I mean, in

546 this case it is.

547 But the point is this seems completely reasonable to me.

548 The ASRM has laid out ethical guidelines --

549 Mr. Nadler. Reclaiming my time, you may read their  
550 ethical guidelines as saying we should prohibit what this  
551 bill would prohibit. They have said very clearly that what  
552 they wrote is not intended to deal with the situation at  
553 all. And in view of that, however you want to read what  
554 they write, they say that that is not what they intended,  
555 and, therefore, it is wrong to include a reference to their  
556 statement in this bill applying it to what they say they did  
557 not mean. And, therefore --

558 Mr. Franks. If the gentleman would yield. First of  
559 all, ASRM --

560 Chairman Smith. Without objection, the gentleman is  
561 recognized for an additional minute.

562 Mr. Nadler. Thank you. And, therefore, the  
563 gentlelady's amendment ought to be passed because however  
564 you read their view, they say that is a wrong interpretation  
565 of their view, and they are not referring to what the bill  
566 covers. And it is, therefore, an invasion of their rights

567 to refer to them in the bill. And on that I will yield.

568 Mr. Franks. Mr. Chairman, I would just say very simply,  
569 if you read what we quoted out of ASRM, it is precisely  
570 exactly what they wrote. And they have shown that their  
571 principles and guidelines that they apply to sperm sorting  
572 and to embryo selection would have a greater impact, and  
573 particularly "with issues particular to sex selection of  
574 embryos overlapped with issues relevant to other forms of  
575 sex selection." And we are trying to deal with the sex  
576 selection parts of it. We quote them absolutely in context.  
577 We quote them exactly.

578 If they have some problem with the amendment that we  
579 mentioned, then they have to change their written position  
580 because all we are doing is quoting it verbatim.

581 Mr. Nadler. Okay. Reclaiming my time, I will just say  
582 one thing, and that is that is your interpretation of what  
583 they are writing. They say that is not what they mean.  
584 They are entitled to respect, and they should not be quoted  
585 against what they say they meant.

586 I will yield back.

587 Chairman Smith. The gentleman yields back his time.

588           The question is on the three amendments offered en bloc.

589           All in favor, say -- oh, I am sorry. The gentleman from  
590 South Carolina, Mr. Gowdy, is recognized.

591           Mr. Gowdy. Thank you, Mr. Chairman. I just had a  
592 couple of questions for the amendments' author.

593           First, Section 243 doubles the fine for *Batson*  
594 violations from \$5,000 to \$10,000. And I was curious how  
595 many instances of that \$5,000 fine were administered last  
596 year. And perhaps I will submit that for the record, or I  
597 will answer it. The answer is zero. So, we are seeking to  
598 double the fine for a problem that does not exist, but yet  
599 the explanation for not supporting the underlying bill is  
600 that it fixes a problem --

601           Mr. Nadler. Point of order, Mr. Chair --

602           Mr. Gowdy. -- that does not exist.

603           Mr. Nadler. Point of order, Mr. Chairman.

604           Chairman Smith. The gentleman will state his point of  
605 order.

606           Mr. Nadler. The record should reflect that the  
607 gentlelady of whom the question is being asked is not  
608 present to answer.

609 Mr. Gowdy. The second question that I would --  
610 Chairman Smith. It is not a point of order, but we will  
611 resume the discussion nevertheless.

612 Mr. Gowdy. The second question that I would have for  
613 the amendments' author is with respect to a sense of  
614 Congress and the doctor-patient relationship. There are  
615 only three ways we could get a doctor-patient relationship.  
616 One is to codify it in Federal law, two is to codify it in  
617 State law, and three is common law, two of which this body  
618 has no power over whatsoever.

619 And I do not interpret this amendment to be seeking to  
620 amend any Federal codification of the doctor-patient  
621 relationship, so I am questioning what impact this "sense of  
622 Congress" would have.

623 And the gentleman from New York is right. I do not see  
624 the amendments' author. But if anyone else can tell me how  
625 many \$5,000 fines were administered for *Batson* violations  
626 last year. Hearing none, I would yield back.

627 Chairman Smith. Thank you, Mr. Gowdy.

628 The question is on the three amendments considered en  
629 bloc.

630 All in favor, say aye?

631 Mr. Watt. Mr. Chairman?

632 Chairman Smith. We will suspend the vote, and the  
633 gentleman from North Carolina, Mr. Watt, is recognized.

634 Mr. Watt. I am sorry. Let me strike the last word --

635 Chairman Smith. The gentleman is recognized for five  
636 minutes.

637 Mr. Watt. -- and yield to Mr. Nadler.

638 Mr. Nadler. Thank you. I will not take anywhere near  
639 five minutes. I just want to observe in reference to the  
640 question the gentleman asked a moment ago. I do not know  
641 how many times that \$5,000 fine was administered, but I  
642 would point out that that figure was set in 1948, and  
643 generally a Congress from time to time does update  
644 penalties. And 1948, \$5,000 is probably worth, I do not  
645 know, \$50 or \$60,000 today. The gentlelady suggesting it be  
646 upped to \$10 is a minor adjustment frankly from what was  
647 done in 1948.

648 I will yield back.

649 Mr. Watt. I yield back.

650 Chairman Smith. The gentleman yields back his time.

651 The question again is on the three amendments considered  
652 en bloc.

653 All in favor, say aye?

654 [A chorus of ayes.]

655 Chairman Smith. All opposed, nay?

656 [A chorus of noes.]

657 Chairman Smith. In the opinion of the Chair, the nays  
658 have it, and the amendment is not agreed to.

659 Are there other amendments? The gentleman from  
660 Illinois, Mr. Quigley, is recognized.

661 Mr. Quigley. Mr. Chairman, I have an amendment at the  
662 desk.

663 Chairman Smith. The clerk will report the amendment.

664 Ms. Kish. Amendment to H.R. 3541, offered by Mr.  
665 Quigley of Illinois, add at the end the following: Section  
666 5, delayed effective date. This Act shall not take until  
667 the Violence Against Women Act is --

668 Chairman Smith. Without objection, the amendment will  
669 be considered as read.

670 [The amendment of Mr. Quigley follows:]

671

672 Chairman Smith. And the gentleman is recognized to  
673 explain his amendment.

674 Mr. Quigley. Thank you, Mr. Chairman.

675 Mr. Chairman, my amendment will achieve what the  
676 proponents of this measure claim to be accomplishing with  
677 this bill, improving the status of women. My amendment  
678 would prevent H.R. 3541 from going into effect until the  
679 Violence Against Women Act, or VAWA, is fully funded for two  
680 years.

681 VAWA, unlike the bill we are considering today, will  
682 actually improve the health, safety, and well-being of  
683 millions of American women. Since its enactment in 1994,  
684 VAWA has drastically improved our response to violence  
685 against women. Reporting of domestic violence has increased  
686 by over 50 percent. VAWA funds ensure rape crisis centers  
687 get to keep their doors open, and victims of rape get the  
688 immediate care they need. And VAWA has provided vital  
689 training to law enforcement, while expanding legal services  
690 available to victims.

691 Sadly, domestic violence programs in 2010 were unable to  
692 meet 9,541 requests for service because of insufficient

693 resources. Seventy-seven percent of programs reported  
694 funding cuts, while 82 percent of programs reported an  
695 increased demand for services.

696 Domestic violence programs around the country have had  
697 to cut back vital services, such as transportation, to get  
698 women and children to safety, and programs to support  
699 financial independence that will allow women to escape their  
700 abusers and live in safety on their own.

701 There has never been a more important time to  
702 reauthorize and fully fund the Violence Against Women Act.

703 If the proponents of H.R. 3541 were truly interested in  
704 improving the status of women and protecting them from  
705 violence and coercion, they will fully fund and reauthorize  
706 VAWA. Unfortunately, we have reason to fear that some  
707 members of this body may not.

708 Two weeks before last, the Senate Judiciary Committee  
709 passed a VAWA reauthorization on party lines. The  
710 groundwork is being laid to have members in this House who  
711 today claim to care so deeply for the rights and well-being  
712 of women vote against a landmark piece of women's rights  
713 legislation, VAWA. I hope this is not the case. And if

714 members truly support protecting women, they will vote for  
715 my amendment which requires full funding of VAWA for two  
716 years.

717 VAWA saves lives, while H.R. 3541 ignores lives. VAWA  
718 empowers women, while H.R. 3541 debases them. VAWA is color  
719 blind, while H.R. 3541 perpetuates stereotypes.

720 And, Mr. Chairman, in today's *New York Times*, we learned  
721 that a new report being released Tuesday by the National  
722 Domestic Violence Hotline says that 1 in 4 women, after  
723 calling the hotline, had said that a partner had pressured  
724 them to become pregnant, and told them not to use  
725 contraceptives, or forced them to have unprotected sex.

726 Toward this end, I encourage my colleagues to vote for  
727 this amendment, and vote to support legislation that will  
728 truly --

729 Mr. Sensenbrenner. Will the gentleman yield?

730 Mr. Quigley. -- empower women rather than weaken and  
731 degrade them.

732 Mr. Sensenbrenner. Will the gentleman yield?

733 Mr. Quigley. Yes.

734 Mr. Sensenbrenner. The Crime Subcommittee had a hearing

735 this morning on the reauthorization of VAWA, and an  
736 oversight hearing on the agency. The director appeared.  
737 And there was unanimous bipartisan support. I wish that the  
738 gentleman from Illinois had been at the subcommittee hearing  
739 this morning, and maybe he would have revised and extended  
740 his remarks after hearing all of the support that VAWA got.

741 Mr. Quigley. Reclaiming my time. The remarks that I  
742 was talking about were the Senate Judiciary Committee, which  
743 it passed VAWA reauthorization without a single Republican  
744 vote.

745 Mr. Sensenbrenner. Will the gentleman further yield?

746 Mr. Quigley. I was not at the other committee meeting  
747 which the gentleman referred to because I was in yet another  
748 committee --

749 Mr. Sensenbrenner. Will the gentleman yield?

750 Mr. Quigley. Sure.

751 Mr. Sensenbrenner. Is the gentleman taking his  
752 inspiration from the Senate rather than his colleagues on  
753 this committee?

754 Mr. Quigley. I take my inspiration from wherever I can  
755 get it, sir.

756 [Laughter.]

757 Mr. Quigley. I am a Cub fan. What do you do?

758 [Laughter.]

759 Mr. Quigley. Mr. Chairman, I yield back.

760 Chairman Smith. Thank you, Mr. Quigley.

761 The gentleman from Arizona, Mr. Franks, is recognized.

762 Mr. Franks. Well, Mr. Chairman, as you might imagine, I

763 do not see the clear connection between this amendment and

764 the bill. But let me say one encouraging thing about the

765 amendment is that it seems to see the point that sex

766 selection abortion is an act of violence against women. I

767 do not know that that is what the gentleman is trying to

768 suggest or not, but if there is a connection, I think that

769 would be it.

770 And to suggest that somehow PRENDA ignores women,

771 nothing could be further from the truth. It keeps unborn

772 women from being ignored.

773 And so, let me just specifically address the amendment.

774 Unlike most of DoJ's law enforcement grant programs, VAWA

775 has escaped the current economic crisis largely unscathed.

776 For example, Byrne/JAG, the primary Federal assistance to

777 State and local law enforcement, has gone from receiving  
778 over \$500 million in 2010 to \$425 million in Fiscal Year  
779 2011, and to just \$350 in Fiscal Year 2012. That is a 30  
780 percent decrease in just over two years for a program that  
781 funds our most basic police activities, many of which are  
782 designed to protect a lot of different people.

783 By contrast, the VAWA programs have received essentially  
784 flat funding in this economy. They got \$419 million in 2010,  
785 \$419 million in 2011, and \$413 million in 2010.

786 Mr. Quigley. Will the gentleman yield?

787 Mr. Franks. Now, everyone -- let me finish this, and I  
788 will certainly yield. Everyone supports the combatting of  
789 the terrible crimes of domestic violence and sexual assault,  
790 and we have many things in our State and Federal Department  
791 of Justice programs that deal with that. And it  
792 is disingenuous to suggest that Congress is under funding VAWA,  
793 and particularly given these economic times because VAWA is  
794 being funded at flat funding for these last two years.

795 And so, I would oppose this amendment, Mr. Chairman.

796 And I would yield to the gentleman.

797 Mr. Quigley. Thank you. If we are speaking of

798 optimism, if the gentleman is so confident that VAWA will  
799 get fully funded, then he would have no objections  
800 supporting this amendment.

801 My objections with the bill as a whole is not what the  
802 gentleman has suggested. It is as the World Health  
803 Organization has said, countries have found that measures  
804 such as this, rather than preventing such abortions, the ban  
805 simply result in "a greater demand for clandestine  
806 procedures, which fall outside regulations, protocols,  
807 monitoring, and basic safety."

808 Mr. Franks. Well, reclaiming my time, Mr. Chairman, the  
809 gentleman can make that argument for almost anything. We  
810 have theft, we have rape, we have murder. And we still make  
811 laws against them even though they continue to exist. And,  
812 yes, it is true, I suppose laws against rape and murder  
813 cause the perpetrators to want to do it in private, but it  
814 does not mean that we should not have a law against it.

815 And with that, I would yield back, Mr. Chairman.

816 Chairman Smith. The gentleman yields back his time.

817 Thank you, Franks.

818 Are there other members who wish to be heard on the

819 amendment?

820 If not, the question is on the amendment.

821 All those in favor, say aye?

822 [A chorus of ayes.]

823 Chairman Smith. Opposed, no?

824 [A chorus of noes.]

825 Chairman Smith. In the opinion of the chair, the noes

826 have it, and the amendment is not agreed to.

827 Mr. Quigley. I ask for a voice vote --

828 Chairman Smith. A roll call vote --

829 Mr. Quigley. -- roll call.

830 Chairman Smith. -- has been requested, and the clerk

831 will call the roll?

832 Ms. Kish. Mr. Smith?

833 Chairman Smith. No.

834 Ms. Kish. Mr. Smith votes no.

835 Mr. Sensenbrenner?

836 Mr. Sensenbrenner. No.

837 Ms. Kish. Mr. Sensenbrenner votes no.

838 Mr. Coble?

839 [No response.]

840 Ms. Kish. Mr. Gallegly?

841 Mr. Gallegly. No.

842 Ms. Kish. Mr. Gallegly votes no.

843 Mr. Goodlatte?

844 [No response.]

845 Ms. Kish. Mr. Lungren?

846 [No response.]

847 Ms. Kish. Mr. Chabot?

848 [No response.]

849 Ms. Kish. Mr. Issa?

850 [No response.]

851 Ms. Kish. Mr. Pence?

852 [No response.]

853 Ms. Kish. Mr. Forbes?

854 [No response.]

855 Ms. Kish. Mr. King?

856 [No response.]

857 Ms. Kish. Mr. Franks?

858 Mr. Franks. No.

859 Ms. Kish. Mr. Franks votes no.

860 Mr. Gohmert?

861 [No response.]

862 Ms. Kish. Mr. Jordan?

863 [No response.]

864 Ms. Kish. Mr. Poe?

865 [No response.]

866 Ms. Kish. Mr. Chaffetz?

867 [No response.]

868 Ms. Kish. Mr. Griffin?

869 Mr. Griffin. No.

870 Ms. Kish. Mr. Griffin votes no.

871 Mr. Marino?

872 Mr. Marino. No.

873 Ms. Kish. Mr. Marino votes no.

874 Mr. Gowdy?

875 Mr. Gowdy. No.

876 Ms. Kish. Mr. Gowdy votes no.

877 Mr. Ross?

878 [No response.]

879 Ms. Kish. Mrs. Adams?

880 Mrs. Adams. No.

881 Ms. Kish. Ms. Adams votes no.

882 Mr. Quayle?

883 Mr. Quayle. No.

884 Ms. Kish. Mr. Quayle votes no.

885 Mr. Amodei?

886 [No response.]

887 Ms. Kish. Mr. Conyers?

888 [No response.]

889 Ms. Kish. Mr. Berman?

890 [No response.]

891 Ms. Kish. Mr. Nadler?

892 Mr. Nadler. Aye.

893 Ms. Kish. Mr. Nadler votes aye.

894 Mr. Scott?

895 Mr. Scott. Aye.

896 Ms. Kish. Mr. Scott votes aye.

897 Mr. Watt?

898 Mr. Watt. Aye.

899 Ms. Kish. Mr. Watt votes aye.

900 Ms. Lofgren?

901 [No response.]

902 Ms. Kish. Ms. Jackson Lee?

903 [No response.]

904 Ms. Kish. Ms. Waters?

905 [No response.]

906 Ms. Kish. Mr. Cohen?

907 [No response.]

908 Ms. Kish. Mr. Johnson?

909 Mr. Johnson. Aye.

910 Ms. Kish. Mr. Johnson votes aye.

911 Mr. Pierluisi?

912 [No response.]

913 Ms. Kish. Mr. Quigley?

914 Mr. Quigley. Aye.

915 Ms. Kish. Mr. Quigley votes aye.

916 Ms. Chu?

917 Ms. Chu. Aye.

918 Ms. Kish. Ms. Chu votes aye.

919 Mr. Deutch?

920 Mr. Deutch. Aye.

921 Ms. Kish. Mr. Deutch votes aye.

922 Ms. Sanchez?

923 Ms. Sanchez. Aye.

924 Ms. Kish. Ms. Sanchez votes aye.

925 Mr. Polis?

926 Mr. Polis. Aye.

927 Ms. Kish. Mr. Polis votes aye.

928 Chairman Smith. The gentleman from California, Mr.

929 Issa?

930 Mr. Issa. No.

931 Ms. Kish. Mr. Issa votes no.

932 Chairman Smith. The gentleman from Florida, Mr. Ross?

933 Mr. Ross. No.

934 Ms. Kish. Mr. Ross votes no.

935 Chairman Smith. The gentleman from Ohio, Mr. Chabot?

936 Mr. Chabot. No.

937 Ms. Kish. Mr. Chabot votes no.

938 Chairman Smith. The gentleman from North Carolina?

939 Mr. Coble. No.

940 Ms. Kish. Mr. Coble votes no.

941 Chairman Smith. The gentleman from Texas, Mr. Poe?

942 Mr. Poe. No.

943 Ms. Kish. Mr. Poe votes no.

944 Chairman Smith. The gentleman from Florida, Mr.

945 Goodlatte?

946 Mr. Goodlatte. No.

947 Chairman Smith. The gentleman from Iowa, Mr. King?

948 Mr. King. No.

949 Ms. Kish. Mr. King votes no.

950 Chairman Smith. Are there other members who wish to be  
951 recorded? If not, the clerk will report?

952 Ms. Kish. Mr. Chairman, 9 members voted aye, 16 members  
953 voted nay.

954 Chairman Smith. The majority having voted against the  
955 amendment, the amendment is not agreed to.

956 Are there any other amendments?

957 Ms. Chu. Mr. Chair, I have an amendment at the desk,  
958 Amendment Number 9.

959 Chairman Smith. The gentlewoman from California has an  
960 amendment at the desk, and the clerk will report the  
961 amendment. This is Amendment Number 9, Ms. Chu.

962 Ms. Chu. Yes, Number 9.

963 Chairman Smith. Okay.

964 Ms. Kish. Amendment to H.R. 3541, offered by Ms. Chu of  
965 California, add at the end the following, Section 5,

966 Protecting Pregnant Women Act, (a) a short title. This  
967 section may be cited as a protecting --

968 Chairman Smith. Without objection, the amendment will  
969 be considered as read.

970 [The amendment of Ms. Chu follows:]

971

972 Chairman Smith. And the gentlewoman is recognized to  
973 her explain her amendment.

974 Ms. Chu. My amendment is simple. If you are serious  
975 about addressing the issues of protecting women and  
976 children, then you should have no problem supporting this  
977 amendment, which I call the Protecting Pregnant Women Act.

978 The sponsor of this bill claims that PRENDA is necessary  
979 to protect unborn babies in the United States and pregnant  
980 mothers from family pressures that promote son preference.  
981 Well, this amendment will do that and more. It creates an  
982 Office of Pregnant Women to ensure that all pregnant women  
983 and their babies, no matter their background, economic  
984 station, or race, will be able to carry their pregnancies to  
985 term safely and healthily.

986 Deaths from pregnancy and childbirth in the United  
987 States have doubled in the past 20 years, and these  
988 preventable deaths affect minorities, women living in  
989 poverty, and immigrants more than any other group, just the  
990 people that this bill was supposed to protect. And, in  
991 fact, across the Nation, African-American women have a four  
992 times greater risk of pregnancy-related death than whites, a

993 statistic rivaling that of developing nations.

994       The Office of Pregnant Women will have programs that  
995 will ensure the physical safety of women who are pregnant  
996 and who are contemplating becoming pregnant. It will  
997 provide facilities for mothers to be who are threatened with  
998 physical injury, and will provide necessary medical  
999 assistance to ensure healthy completion of pregnancy.

1000       This office will be tasked with enforcing Title VII of  
1001 the Civil Rights Act and the Family and Medical Leave Act so  
1002 women can take the care and rest they need for a safe and  
1003 healthy childbirth.

1004       Now, I know that many on this committee might not agree  
1005 that we should ensure pregnant women have access to a safe  
1006 place to carry their pregnancy to term and access to the  
1007 prenatal care that they need. In fact, most members of the  
1008 committee on the other side of the aisle voted against the  
1009 Affordable Care Act, which would have increased protection  
1010 for pregnant women. And I know that 15 members of this  
1011 committee voted against the Federal Employee Paid Parental  
1012 Leave in 2009, which would have let pregnant women take four  
1013 weeks paid leave for the birth of their child, ensuring the

1014 health of both mother and baby.

1015       But despite all that, I have heard over and over again  
1016 how concerned everybody is on this committee about ensuring  
1017 that babies are born health, and that their mothers,  
1018 regardless of background, can feel protected and safe as  
1019 they bring a child into this world. So, that has given me  
1020 hope that today we can come together and implement policies  
1021 that reflect our deep concern for these women and their  
1022 babies, no matter the race or the baby's sex.

1023       And so, I hope that my colleagues will support this  
1024 amendment.

1025       Chairman Smith. Thank you, Ms. Chu.

1026       The gentleman from Arizona, Mr. Franks, is recognized.

1027       Mr. Franks. Well, Mr. Chairman, again, in due deference  
1028 to the gentlelady, I would oppose the amendment. I do think  
1029 it has a noble goal, but the legislation would be very  
1030 duplicative in that we already have the necessary offices  
1031 and the appropriations needed to see to women's safety  
1032 during pregnancy. The Department of Justice is well  
1033 equipped to do the job under existing law, and I think to  
1034 create a new office inside DoJ would just be duplicative to

1035 what is already being done.

1036 And, of course, there is a provision in the amendment  
1037 that essentially writes a blank check to this effort.

1038 And, Mr. Chairman, I guess I would also, in responding  
1039 to the gentlelady's comments, you know, some of us have  
1040 worked very hard in this area. I used to be the head of  
1041 what they called the Governor's Office for Children in  
1042 Arizona, it is like our children's department in the State,  
1043 many years ago. And one of the things I found that if we  
1044 wanted to help children the most, the best policies that we  
1045 could do is to make policies that created an environment for  
1046 families to succeed economically and otherwise.

1047 And so, there may be different strategies here, but I do  
1048 recognize the noble goal of the legislation that she is  
1049 offering. But I would oppose it based on the points that I  
1050 made.

1051 Chairman Smith. Thank you, Mr. Franks.

1052 Mr. Nadler. Mr. Chairman?

1053 Chairman Smith. Are there others who wish to be heard?

1054 The gentleman from New York, Mr. Nadler, is recognized.

1055 Mr. Nadler. Thank you, Mr. Chairman. I move to strike

1056 the last word.

1057 Chairman Smith. The gentleman is recognized for five  
1058 minutes.

1059 Mr. Nadler. Mr. Chairman, I urge adoption of the  
1060 gentlelady's amendment. It would provide pregnant women or  
1061 women who are contemplating becoming pregnant with the  
1062 support they need to resist the pressures for son presence.

1063 We know that this is what works, and we should do it.  
1064 There is no reason why we should not do everything we  
1065 possibly can to support women as they seek the safety and  
1066 autonomy necessary to resist pressures and coercion around  
1067 this very important aspect of their lives.

1068 I hope the supporters of this bill will join the  
1069 gentlewoman in her effort to support women in a real and  
1070 substantive manner.

1071 I hope that this amendment will not be voted down, and  
1072 by voting it down give more credence to an observation made  
1073 by a member of this body some years ago, that some people at  
1074 least who are opposed to abortion and are pro-life act as if  
1075 they believe life begins at conception and ends at birth.  
1076 This amendment would show that we believe that whenever life

1077 begins, it does not terminate at birth. It continues. We  
1078 need protections for the pregnant women. We need help for  
1079 them so that they will have less pressure to have an  
1080 abortion or to have an abortion for a specific reason, and  
1081 help to make sure that the baby develops properly and in a  
1082 good environment.

1083 So, I hope the supporters of this bill will join the  
1084 gentlewoman in her effort to support women in a real and  
1085 substantive manner. It is the right thing to do. I want to  
1086 commend her for offering it, and I urge its adoption.

1087 I yield back.

1088 Chairman Smith. The gentleman yields back his time.

1089 Are there other members who wish to be heard?

1090 If not, the question is on the amendment.

1091 All in favor, say aye?

1092 [A chorus of ayes.]

1093 Chairman Smith. Opposed, nay?

1094 [A chorus of noes.]

1095 Chairman Smith. In the opinion of the chair, the nays  
1096 have it, and the amendment is not agreed to.

1097 Ms. Chu. I ask for a recorded vote.

1098 Chairman Smith. A recorded vote has been requested, and  
1099 the clerk will call the roll?  
1100 Ms. Kish. Mr. Smith?  
1101 Chairman Smith. No.  
1102 Ms. Kish. Mr. Smith votes no.  
1103 Mr. Sensenbrenner?  
1104 Mr. Sensenbrenner. No.  
1105 Ms. Kish. Mr. Sensenbrenner votes no.  
1106 Mr. Coble?  
1107 [No response.]  
1108 Ms. Kish. Mr. Gallegly?  
1109 [No response.]  
1110 Ms. Kish. Mr. Goodlatte?  
1111 [No response.]  
1112 Ms. Kish. Mr. Lungren?  
1113 [No response.]  
1114 Ms. Kish. Mr. Chabot?  
1115 Mr. Chabot. No.  
1116 Ms. Kish. Mr. Chabot votes no.  
1117 Mr. Issa?  
1118 [No response.]

1119 Ms. Kish. Mr. Pence?  
1120 [No response.]  
1121 Ms. Kish. Mr. Forbes?  
1122 [No response.]  
1123 Ms. Kish. Mr. King?  
1124 [No response.]  
1125 Ms. Kish. Mr. Franks?  
1126 Mr. Franks. No.  
1127 Ms. Kish. Mr. Franks votes no.  
1128 Mr. Gohmert?  
1129 [No response.]  
1130 Ms. Kish. Mr. Jordan?  
1131 Mr. Jordan. No.  
1132 Ms. Kish. Mr. Jordan votes no.  
1133 Mr. Poe?  
1134 [No response.]  
1135 Ms. Kish. Mr. Chaffetz?  
1136 [No response.]  
1137 Ms. Kish. Mr. Griffin?  
1138 [No response.]  
1139 Ms. Kish. Mr. Marino?

1140 Mr. Marino. No.

1141 Ms. Kish. Mr. Marino votes no.

1142 Mr. Gowdy?

1143 Mr. Gowdy. No.

1144 Ms. Kish. Mr. Gowdy votes no.

1145 Mr. Ross?

1146 Mr. Ross. No.

1147 Ms. Kish. Mr. Ross votes no.

1148 Mrs. Adams?

1149 Mrs. Adams. No.

1150 Ms. Kish. Ms. Adams votes no.

1151 Mr. Quayle?

1152 Mr. Quayle. No.

1153 Ms. Kish. Mr. Quayle votes no.

1154 Mr. Amodei?

1155 [No response.]

1156 Ms. Kish. Mr. Conyers?

1157 [No response.]

1158 Ms. Kish. Mr. Berman?

1159 [No response.]

1160 Ms. Kish. Mr. Nadler?

1161 Mr. Nadler. Aye.

1162 Ms. Kish. Mr. Nadler votes aye.

1163 Mr. Scott?

1164 Mr. Scott. Aye.

1165 Ms. Kish. Mr. Scott votes aye.

1166 Mr. Watt?

1167 Mr. Watt. Aye.

1168 Ms. Kish. Mr. Watt votes aye.

1169 Ms. Lofgren?

1170 [No response.]

1171 Ms. Kish. Ms. Jackson Lee?

1172 [No response.]

1173 Ms. Kish. Ms. Waters?

1174 [No response.]

1175 Ms. Kish. Mr. Cohen?

1176 [No response.]

1177 Ms. Kish. Mr. Johnson?

1178 Mr. Johnson. Aye.

1179 Ms. Kish. Mr. Johnson votes aye.

1180 Mr. Pierluisi?

1181 Mr. Pierluisi. Aye.

1182 Ms. Kish. Mr. Pierluisi votes aye.

1183 Mr. Quigley?

1184 Mr. Quigley. Aye.

1185 Ms. Kish. Mr. Quigley votes aye.

1186 Ms. Chu?

1187 Ms. Chu. Aye.

1188 Ms. Kish. Ms. Chu votes aye.

1189 Mr. Deutch?

1190 [No response.]

1191 Ms. Kish. Ms. Sanchez?

1192 Ms. Sanchez. Aye.

1193 Ms. Kish. Ms. Sanchez votes aye.

1194 Mr. Polis?

1195 Mr. Polis. Aye.

1196 Ms. Kish. Mr. Polis votes aye.

1197 Chairman Smith. The gentleman from North Carolina?

1198 Mr. Coble. No.

1199 Ms. Kish. Mr. Coble votes no.

1200 Chairman Smith. The gentleman from Texas, Mr. Poe?

1201 Mr. Poe. No.

1202 Ms. Kish. Mr. Poe votes no.

1203 Chairman Smith. The gentleman from Texas, Mr. Gohmert?

1204 Mr. Gohmert. No.

1205 Ms. Kish. Mr. Gohmert votes no.

1206 Chairman Smith. The gentleman from California, Mr.

1207 Gallegly?

1208 Mr. Gallegly. No.

1209 Ms. Kish. Mr. Gallegly votes no.

1210 Chairman Smith. The gentleman from Virginia, Mr.

1211 Goodlatte?

1212 Mr. Goodlatte. No.

1213 Ms. Kish. Mr. Goodlatte votes no.

1214 Chairman Smith. The gentleman from Iowa, Mr. King?

1215 Mr. King. No.

1216 Ms. Kish. Mr. King votes no.

1217 Chairman Smith. The gentleman from Arkansas, Mr.

1218 Griffin?

1219 Mr. Griffin. No.

1220 Ms. Kish. Mr. Griffin votes no.

1221 Chairman Smith. And the gentleman from California, Mr.

1222 Issa?

1223 Mr. Issa. No.

1224 Ms. Kish. Mr. Issa votes no.

1225 Chairman Smith. Are there other members who wish to  
1226 record their vote?

1227 If not, the clerk will report?

1228 Ms. Kish. Mr. Chairman, 9 members voted aye, 18 members  
1229 voted nay.

1230 Chairman Smith. The majority having voted against the  
1231 amendment, the amendment is not agreed to.

1232 Are there other amendments?

1233 Ms. Chu. Mr. Chair, I have Amendment Number 10 at the  
1234 desk.

1235 Chairman Smith. The gentlewoman from California has  
1236 Amendment Number 10 at the desk. And the clerk will report  
1237 the amendment.

1238 Ms. Kish. Amendment to H.R. 3541, offered by Ms. Chu of  
1239 California, on page 2, strike line 18 and all that follows  
1240 through line 14 on page 9, and insert the following:

1241 Chairman Smith. Without objection, the amendment is  
1242 considered as read.

1243 [The amendment of Ms. Chu follows:]

1244

1245 Chairman Smith. And the gentlewoman is recognized to  
1246 explain her amendment.

1247 Ms. Chu. Thank you, Mr. Chair.

1248 This amendment amends the findings of the bill to make  
1249 clear that the United Nations and other international  
1250 agencies have a tremendous amount of experience addressing  
1251 some preference through its work in countries where sex  
1252 selection is far more common than in the United States.

1253 The international consensus, based on years of study, is  
1254 that the most effective way to address son preference is by  
1255 fighting the root economic, social, and cultural causes of  
1256 sex inequality.

1257 But this bill as currently written misleading states  
1258 that the UN Commission on the Status of Women has urged  
1259 governments to take necessary measures to prevent prenatal  
1260 sex selection. The reality is that the commission called on  
1261 states to eliminate all forms of discrimination against girl  
1262 child and the root causes of son preference.

1263 Earlier this year, the leading United Nations agencies  
1264 working to address gender based sex selection, that is the  
1265 World Health Organization, UN Women, UNICEF, UN Population

1266 Fund, and the Office of the High Commissioner for Human  
1267 Rights, released a joint statement which is called  
1268 "Preventing Gender Bias Sex Selection," and I have that  
1269 right here.

1270 These five UN agencies all agree that laws seeking to  
1271 prohibit sex-based abortion, like the one we are discussing  
1272 today, are counterproductive and likely to result in a  
1273 greater demand for clandestine procedures which fall outside  
1274 regulations, protocols, and monitoring. And they agree that  
1275 prohibitive policies like PRENDA are ineffective. Moreover,  
1276 these restrictive laws and policies could have unintended  
1277 harsh consequences, and may violate the human rights of  
1278 women.

1279 If this committee were really serious about preventing  
1280 sex selection, we would do as research suggests and  
1281 seriously commit to addressing the underlying causes of son  
1282 preference. Broader strategies to eliminate gender  
1283 discrimination and promote real gender equality has been the  
1284 most effective means of reducing the occurrence of sex  
1285 selection.

1286 In the Republic of Korea, for example, sex preference

1287 has largely been overcome through strategies aimed at  
1288 empowering women and making them equal part of society. The  
1289 government successfully lowered the male-female ratio by  
1290 passing important and fundamentally significant laws that  
1291 improved women's legal status, such as allowing women's  
1292 rights and responsibilities within the their birth family,  
1293 even after marriage, and recognizing women headed  
1294 households, as well as by launching a love your daughter  
1295 media and public education campaign.

1296 By voting yes on my amendment, we can ensure that the  
1297 United States is relying on the international community's  
1298 deep experience on this issue to most effectively prevent  
1299 sex selection. Voting against this amendment would be an  
1300 indication that this committee is more interested in  
1301 preventing women from accessing legal medical procedures  
1302 than it is in anything else.

1303 So, I urge members of this committee to vote yes on my  
1304 amendment and to use the proven methods that will change  
1305 this practice, and that will not hurt women's access to  
1306 medical care.

1307 Chairman Smith. Thank you, Ms. Chu.

1308 The gentleman from Arizona, Mr. Franks.

1309 Mr. Franks. Well, thank you, Mr. Chairman.

1310 Mr. Chairman, I would once again respectfully oppose the  
1311 amendment. It would strike the vast majority of the current  
1312 findings in the bill without any explanation of any kind  
1313 that they are inaccurate in any way.

1314 The amendment also makes the absolute statement that  
1315 "legal restrictions on sex selection are ineffective"  
1316 without allowing Congress to take the very first steps  
1317 toward prohibiting discriminatory abortions based on race or  
1318 sex, which is supported, Mr. Chairman, by 86 percent of the  
1319 American people.

1320 Second, the issues raised in the suggested new findings  
1321 are red herrings. Neither UN treaty obligations or  
1322 international norms under CEDA mandate that member nations  
1323 allow sex selection or race selection abortion. In fact, no  
1324 treaty to which the U.S. is a signatory prohibits a member  
1325 nation from restricting even abortion. And a large number  
1326 of member nations have laws more restrictive of sex  
1327 selection techniques, including sex selection abortion, than  
1328 the United States. The People's Republic of China, the

1329 United Kingdom, and India all ban sex selection.

1330 Now, it is getting pretty late in the day, Mr. Chairman,  
1331 when China with its one child policy bans sex selection  
1332 abortion and the United States does not.

1333 Next, Ms. Chu's suggested findings state that access to  
1334 technology is not the cause of sex discrimination, but it is  
1335 really not relevant because the bill does not block access  
1336 to technology. Then she suggests that banning abortions  
1337 based on sex or race will endanger women's health. But as  
1338 we clearly state in the findings of PRENDA, these abortions  
1339 are not defined as predicated -- I am sorry. These  
1340 abortions are defined as predicated on sex or race  
1341 discrimination and do not implicate the health of the women.  
1342 So, it is just not relevant.

1343 Again, Mr. Chairman, just to repeat, this bill simply  
1344 says that you cannot discriminate against an unborn child by  
1345 subjecting them to an abortion based on sex or race. And I  
1346 am sorry that it gets so distorted, but I would oppose the  
1347 amendment.

1348 Chairman Smith. Thank you, Mr. Franks.

1349 Are there other members who wish to speak on the

1350 amendment?

1351 If not, the question is on the amendment.

1352 All in favor, say aye?

1353 [A chorus of ayes.]

1354 Chairman Smith. Opposed, say no?

1355 [A chorus of noes.]

1356 Chairman Smith. In the opinion of the chair, the noes

1357 have it, and the amendment is not agreed to.

1358 Mr. Chu. Mr. Chair, I ask for a recorded vote.

1359 Chairman Smith. A recorded vote has been requested, and

1360 the clerk will call the roll?

1361 Ms. Kish. Mr. Smith?

1362 Chairman Smith. No.

1363 Ms. Kish. Mr. Smith votes no.

1364 Mr. Sensenbrenner?

1365 [No response.]

1366 Ms. Kish. Mr. Coble?

1367 [No response.]

1368 Ms. Kish. Mr. Gallegly?

1369 Mr. Gallegly. No.

1370 Ms. Kish. Mr. Gallegly votes no.

1371 Mr. Goodlatte?

1372 Mr. Goodlatte. No.

1373 Ms. Kish. Mr. Goodlatte votes no.

1374 Mr. Lungren?

1375 [No response.]

1376 Ms. Kish. Mr. Chabot?

1377 [No response.]

1378 Ms. Kish. Mr. Issa?

1379 [No response.]

1380 Ms. Kish. Mr. Pence?

1381 [No response.]

1382 Ms. Kish. Mr. Forbes?

1383 [No response.]

1384 Ms. Kish. Mr. King?

1385 [No response.]

1386 Ms. Kish. Mr. Franks?

1387 Mr. Franks. No.

1388 Ms. Kish. Mr. Franks votes no.

1389 Mr. Gohmert?

1390 Mr. Gohmert. No.

1391 Ms. Kish. Mr. Gohmert votes no.

1392 Mr. Jordan?

1393 Mr. Jordan. No.

1394 Ms. Kish. Mr. Jordan votes no.

1395 Mr. Poe?

1396 Mr. Poe. No.

1397 Ms. Kish. Mr. Poe votes no.

1398 Mr. Chaffetz?

1399 [No response.]

1400 Ms. Kish. Mr. Griffin?

1401 Mr. Griffin. No.

1402 Ms. Kish. Mr. Griffin votes no.

1403 Mr. Marino?

1404 Mr. Marino. No.

1405 Ms. Kish. Mr. Marino votes no.

1406 Mr. Gowdy?

1407 Mr. Gowdy. No.

1408 Ms. Kish. Mr. Gowdy votes no.

1409 Mr. Ross?

1410 Mr. Ross. No.

1411 Ms. Kish. Mr. Ross votes no.

1412 Mrs. Adams?

1413 Mrs. Adams. No.

1414 Ms. Kish. Ms. Adams votes no.

1415 Mr. Quayle?

1416 Mr. Quayle. No.

1417 Ms. Kish. Mr. Quayle votes no.

1418 Mr. Amodei?

1419 [No response.]

1420 Ms. Kish. Mr. Conyers?

1421 [No response.]

1422 Ms. Kish. Mr. Berman?

1423 [No response.]

1424 Ms. Kish. Mr. Nadler?

1425 Mr. Nadler. Aye.

1426 Ms. Kish. Mr. Nadler votes aye.

1427 Mr. Scott?

1428 Mr. Scott. Aye.

1429 Ms. Kish. Mr. Scott votes aye.

1430 Mr. Watt?

1431 Mr. Watt. Aye.

1432 Ms. Kish. Mr. Watt votes aye.

1433 Ms. Lofgren?

1434 [No response.]

1435 Ms. Kish. Ms. Jackson Lee?

1436 [No response.]

1437 Ms. Kish. Ms. Waters?

1438 [No response.]

1439 Ms. Kish. Mr. Cohen?

1440 [No response.]

1441 Ms. Kish. Mr. Johnson?

1442 Mr. Johnson. Aye.

1443 Ms. Kish. Mr. Johnson votes aye.

1444 Mr. Pierluisi?

1445 Mr. Pierluisi. Aye.

1446 Ms. Kish. Mr. Pierluisi votes aye.

1447 Mr. Quigley?

1448 Mr. Quigley. Aye.

1449 Ms. Kish. Mr. Quigley votes aye.

1450 Ms. Chu?

1451 Ms. Chu. Aye.

1452 Ms. Kish. Ms. Chu votes aye.

1453 Mr. Deutch?

1454 [No response.]

1455 Ms. Kish. Ms. Sanchez?

1456 Ms. Sanchez. Aye.

1457 Ms. Kish. Ms. Sanchez votes aye.

1458 Mr. Polis?

1459 Mr. Polis. Aye.

1460 Ms. Kish. Mr. Polis votes aye.

1461 Chairman Smith. The gentleman from Ohio, Mr. Chabot?

1462 Mr. Chabot. No.

1463 Ms. Kish. Mr. Chabot votes no.

1464 Chairman Smith. The gentleman from North Carolina, Mr.

1465 Coble?

1466 Mr. Coble. No.

1467 Ms. Kish. Mr. Coble votes no.

1468 Chairman Smith. The gentleman from Iowa, Mr. King?

1469 Mr. King. No.

1470 Ms. Kish. Mr. King votes no.

1471 Chairman Smith. The gentleman from Virginia, Mr.

1472 Forbes?

1473 Mr. Forbes. No.

1474 Ms. Kish. Mr. Forbes votes no.

1475 Chairman Smith. And the gentleman from Wisconsin, Mr.

1476 Sensenbrenner?

1477 Mr. Sensenbrenner. No.

1478 Ms. Kish. Mr. Sensenbrenner votes no.

1479 Chairman Smith. Are there other members who wish to be  
1480 recorded?

1481 If not, the clerk will call the roll?

1482 Ms. Kish. Mr. Chairman, 9 members voted aye, 18 members  
1483 voted nay.

1484 Chairman Smith. The majority having voted against the  
1485 amendment, the amendment is not agreed to.

1486 It is my understanding that there are two amendments  
1487 remaining, both to be offered, though not concurrently, by  
1488 the gentleman from New York, Mr. Nadler. And he is now  
1489 recognized for the purpose of offering an amendment.

1490 Mr. Nadler. Thank you, Mr. Chairman. I have an  
1491 amendment at the desk, Nadler 11.

1492 Chairman Smith. The clerk will report the amendment.

1493 Ms. Kish. Amendment to H.R. 3541, offered by Mr. Nadler  
1494 of New York, page 13, strike line 6 and all that follows  
1495 through page 17, line 3, and insert the following:

1496 Chairman Smith. And without objection, the amendment

1497 will be considered as read.

1498 [The amendment of Mr. Nadler follows:]

1499

1500 Chairman Smith. And the gentleman is recognized to  
1501 explain his amendment.

1502 Mr. Nadler. Thank you.

1503 Mr. Chairman, I think we can all agree that the one  
1504 thing no woman should ever be subject to is coercion. If a  
1505 woman is contemplating having a child, she should obviously  
1506 be free to do so. She should not face threats or coercion  
1507 from anyone in order to terminate the pregnancy. She  
1508 deserves our full support. In fact, I still hope that one  
1509 day the pro-life lobby will help us ensure that all women  
1510 are able to obtain proper prenatal care and nutrition, and  
1511 that we can do more to bring down the rate of infant and  
1512 child mortality.

1513 I agree with what the proponents have said about the  
1514 coercion, and I have taken it to heart. My amendment would  
1515 prohibit any use of force or coercion to force a woman to  
1516 end the pregnancy. The reason is irrelevant. I certainly  
1517 understand -- the reason for the coercion, that is. If  
1518 there is coercion, it ought to be outlawed.

1519 I certainly understand that the authors of this bill are  
1520 trying to make a point, but I am bothered by the fact that

1521 other forms of force or coercion would go unpunished. That  
1522 is just wrong. It should be a flat prohibition.

1523 Similarly, my amendment would prohibit the use of force  
1524 or coercion to prevent a woman from having an abortion. It  
1525 uses the exact language of the bill and applies it whether  
1526 that "force or threat of force to intentionally injure or  
1527 intimidate a person" is used to make a person have an  
1528 abortion or to prevent the person from having an abortion.

1529 I think we should at least be able to agree that no  
1530 woman should be subject to force, coercion, or intimidation  
1531 when it comes to such an important and sensitive subject or,  
1532 for that matter, for anything else, though the amendment  
1533 does not deal with other force and coercion.

1534 I hope the proponents will join me in broadening the  
1535 scope of this bill to protect all pregnant women from all  
1536 forms of coercion with respect to the question of abortion.

1537 I thank you. I yield back.

1538 Chairman Smith. Thank you, Mr. Nadler.

1539 The gentleman from Arizona, Mr. Franks, is recognized.

1540 Mr. Franks. Well, thank you, Mr. Chairman.

1541 Mr. Chairman, I would oppose this amendment. The

1542 amendment overlooks one very fundamental thing about the  
1543 bill; the bill itself, one of its primary provisions is a  
1544 provision that outlaws coercing a woman to have a sex  
1545 selection abortion, and his amendment would gut that part of  
1546 it completely, and would add kind of a second dimension to  
1547 it that would seek to prevent the coercion of a doctor to  
1548 perform an abortion, or a doctor to refrain from performing  
1549 an abortion. And it is sort of does not really belong in  
1550 this bill.

1551       This bill, as it stands, protects women from coercion to  
1552 obtain a sex selection or a race selection abortion. And,  
1553 Mr. Chairman, that is a challenge in this country as seen in  
1554 a UC Berkeley study from 2011 where they report that  
1555 American woman, some in immigrant populations, are being  
1556 kicked, beaten, choked, or even starved by their husbands to  
1557 force them to do a sex selection abortion. And that is  
1558 where they are unwilling to go to a clinic to have the sex  
1559 selection abortion.

1560       And so, the bill, one of its primary efforts is to  
1561 prevent that coercion, and this amendment only complicates  
1562 that and really stymies the bill in general. Essentially,

1563 it is not a correcting amendment. It essentially strikes  
1564 everything in the bill almost except the finding.

1565 Mr. Nadler. Would the gentleman yield?

1566 Mr. Franks. That is why I would oppose the amendment,  
1567 and I would yield back.

1568 Mr. Nadler. Would the gentleman yield? I think the  
1569 gentleman misreads the amendment. The amendment would  
1570 certainly still make it still oppose, would still make it a  
1571 crime to coerce a woman to have an abortion for sex  
1572 selection purposes. It would also be a crime to coerce a  
1573 woman to have an abortion for any other purpose.

1574 What the amendment does is broaden it. Certainly the  
1575 prohibition against coercing a woman to have a sex selection  
1576 abortion is still there. What we are doing with this  
1577 amendment is saying it is a crime to coerce a woman to have  
1578 an abortion for sex selection purposes or for any other  
1579 reason is what the amendment --

1580 Mr. Franks. Reclaiming my time. If the gentleman would  
1581 like to introduce a new bill with me to make sure that we  
1582 strengthen the laws against coercing any woman to have an  
1583 abortion for any purpose, I am your man. I would be glad to

1584 work with you on that.

1585 This bill is taking a very narrow, specific subject and  
1586 saying that we are dealing with discriminating against an  
1587 unborn child by subjecting them to an abortion based on race  
1588 or sex selection. And the bottom line is there is a lot of  
1589 good areas where we need to strengthen laws against  
1590 coercion, and I would be willing to talk to the gentleman.

1591 Mr. Nadler. Would the gentleman yield?

1592 Mr. Franks. But this is not the place for it. And with  
1593 that, I am going to go ahead and yield back, Mr. Nadler.

1594 Chairman Smith. Okay. The gentleman yields back his  
1595 time.

1596 The question is on the amendment.

1597 All in favor, say aye?

1598 [A chorus of ayes.]

1599 Chairman Smith. All opposed, say nay?

1600 [A chorus of noes.]

1601 Chairman Smith. In the opinion of the chair, the noes  
1602 have it, and the amendment is not agreed to.

1603 The gentleman asks for a recorded vote, and the clerk  
1604 will call the roll?

1605 Ms. Kish. Mr. Smith?

1606 Chairman Smith. No.

1607 Ms. Kish. Mr. Smith votes no.

1608 Mr. Sensenbrenner?

1609 Mr. Sensenbrenner. No.

1610 Ms. Kish. Mr. Sensenbrenner votes no.

1611 Mr. Coble?

1612 [No response.]

1613 Ms. Kish. Mr. Gallegly?

1614 Mr. Gallegly. No.

1615 Ms. Kish. Mr. Gallegly votes no.

1616 Mr. Goodlatte?

1617 Mr. Goodlatte. No.

1618 Ms. Kish. Mr. Goodlatte votes no.

1619 Mr. Lungren?

1620 [No response.]

1621 Ms. Kish. Mr. Chabot?

1622 Mr. Chabot. No.

1623 Ms. Kish. Mr. Chabot votes no.

1624 Mr. Issa?

1625 [No response.]

1626 Ms. Kish. Mr. Pence?  
1627 [No response.]  
1628 Ms. Kish. Mr. Forbes?  
1629 [No response.]  
1630 Ms. Kish. Mr. King?  
1631 [No response.]  
1632 Ms. Kish. Mr. Franks?  
1633 Mr. Franks. No.  
1634 Ms. Kish. Mr. Franks votes no.  
1635 Mr. Gohmert?  
1636 Mr. Gohmert. No.  
1637 Ms. Kish. Mr. Gohmert votes no.  
1638 Mr. Jordan?  
1639 Mr. Jordan. No.  
1640 Ms. Kish. Mr. Jordan votes no.  
1641 Mr. Poe?  
1642 [No response.]  
1643 Ms. Kish. Mr. Chaffetz?  
1644 [No response.]  
1645 Ms. Kish. Mr. Griffin?  
1646 [No response.]

1647 Ms. Kish. Mr. Marino?

1648 Mr. Marino. No.

1649 Ms. Kish. Mr. Marino votes no.

1650 Mr. Gowdy?

1651 Mr. Gowdy. No.

1652 Ms. Kish. Mr. Gowdy votes no.

1653 Mr. Ross?

1654 Mr. Ross. No.

1655 Ms. Kish. Mr. Ross votes no.

1656 Mrs. Adams?

1657 Mrs. Adams. No.

1658 Ms. Kish. Ms. Adams votes no.

1659 Mr. Quayle?

1660 Mr. Quayle. No.

1661 Ms. Kish. Mr. Quayle votes no.

1662 Mr. Amodei?

1663 [No response.]

1664 Ms. Kish. Mr. Conyers?

1665 [No response.]

1666 Ms. Kish. Mr. Berman?

1667 [No response.]

1668 Ms. Kish. Mr. Nadler?

1669 Mr. Nadler. Aye.

1670 Ms. Kish. Mr. Nadler votes aye.

1671 Mr. Scott?

1672 Mr. Scott. Aye.

1673 Ms. Kish. Mr. Scott votes aye.

1674 Mr. Watt?

1675 Mr. Watt. Aye.

1676 Ms. Kish. Mr. Watt votes aye.

1677 Ms. Lofgren?

1678 Ms. Lofgren. Aye.

1679 Ms. Kish. Ms. Lofgren votes aye.

1680 Ms. Jackson Lee?

1681 [No response.]

1682 Ms. Kish. Ms. Waters?

1683 [No response.]

1684 Ms. Kish. Mr. Cohen?

1685 [No response.]

1686 Ms. Kish. Mr. Johnson?

1687 Mr. Johnson. Aye.

1688 Ms. Kish. Mr. Johnson votes aye.

1689 Mr. Pierluisi?

1690 Mr. Pierluisi. Aye.

1691 Ms. Kish. Mr. Pierluisi votes aye.

1692 Mr. Quigley?

1693 Mr. Quigley. Aye.

1694 Ms. Kish. Mr. Quigley votes aye.

1695 Ms. Chu?

1696 Ms. Chu. Aye.

1697 Ms. Kish. Ms. Chu votes aye.

1698 Mr. Deutch?

1699 [No response.]

1700 Ms. Kish. Ms. Sanchez?

1701 Ms. Sanchez. Aye.

1702 Ms. Kish. Ms. Sanchez votes aye.

1703 Mr. Polis?

1704 Mr. Polis. Aye.

1705 Ms. Kish. Mr. Polis votes aye.

1706 Chairman Smith. The gentleman from North Carolina, Mr.

1707 Coble?

1708 Mr. Coble. No.

1709 Ms. Kish. Mr. Coble votes no.

1710 Chairman Smith. The gentleman from Florida, Mr. Amodei?

1711 Mr. Amodei. No.

1712 Ms. Kish. Mr. Amodei votes no.

1713 Chairman Smith. The gentleman from Virginia, Mr.

1714 Forbes?

1715 Mr. Forbes. No.

1716 Ms. Kish. Mr. Forbes votes no.

1717 Chairman Smith. The gentleman from Texas, Mr. Poe?

1718 Mr. Poe. No.

1719 Ms. Kish. Mr. Poe votes no.

1720 Chairman Smith. The gentleman from Iowa, Mr. King?

1721 Mr. King. No.

1722 Ms. Kish. Mr. King votes no.

1723 Chairman Smith. Are there other members who wish to be

1724 recorded?

1725 The clerk will report?

1726 Ms. Kish. Mr. Chairman, 10 members voted aye, 18

1727 members voted nay.

1728 Chairman Smith. The majority having voted against the

1729 amendment, the amendment is not agreed to.

1730 Are there any other amendments? The gentleman from New

1731 York, Mr. Nadler.

1732 Mr. Nadler. Thank you, Mr. Chairman. I have an  
1733 amendment at the desk, the other one. I do not know the  
1734 number.

1735 Chairman Smith. Nadler Number 14. The clerk will  
1736 report the amendment.

1737 Ms. Kish. Amendment to H.R. 3541, offered by Mr. Nadler  
1738 of New York, add at the end of the bill the following:  
1739 Section 5, a study of discriminatory employment practices  
1740 toward pregnant workers, (a) --

1741 Chairman Smith. Without objection, the amendment will  
1742 be considered as read.

1743 [The amendment of Mr. Nadler follows:]

1744

1745 Chairman Smith. And the gentleman will is recognized to  
1746 explain his amendment.

1747 Mr. Nadler. Thank you, Mr. Chairman.

1748 Mr. Chairman, this amendment requires the Attorney  
1749 General, in consultation with the Department of Labor and  
1750 the Equal Employment Opportunities Commission, to study and  
1751 report back to Congress with recommendations for how to  
1752 finally bring an end to discrimination against pregnant  
1753 women who are workers before the bill that we are  
1754 considering today can take effect.

1755 It is inexcusable that nearly 35 years after passage of  
1756 the Pregnancy Discrimination Act of 1978 women still are  
1757 being forced to leave jobs, being denied basic and  
1758 reasonable accommodations that would allow them to continue  
1759 working during pregnancy, and being paid less than other  
1760 workers because of pregnancy and motherhood.

1761 The sponsors of the underlying bill claim that, among  
1762 other things, the bill protects pregnant women from  
1763 coercion. We know that at its heart this bill is not really  
1764 aimed at assuring that every woman is free to make the  
1765 fundamentally personal and constitutionally protected

1766 decision about carrying a pregnancy to term. While I do not  
1767 believe that the underlying bill, which threatens doctors  
1768 and other service providers with criminal and civil  
1769 penalties, advances the civil rights of pregnant women or  
1770 benefits them in any way, this amendment and legislation  
1771 that I am currently drafting can make a positive and  
1772 material difference in pregnant women's lives.

1773       Just yesterday, the EEOC held a hearing on this  
1774 important issue of discrimination against pregnant women in  
1775 the workforce. And I recommend to my colleagues to review  
1776 the transcript and testimony available on the EEOC's  
1777 website. Witnesses at that hearing testified about  
1778 employers who deny pregnant women reasonable accommodations  
1779 that would otherwise allow them to stay on the job, choosing  
1780 instead to demote, suspend, force an unnecessary and unpaid  
1781 FMLA leave, or terminate these workers.

1782       Professor Joan Williams from the University of  
1783 California Hastings College of the Law, explained how some  
1784 employers are giving women a Hobson's choice: get an  
1785 abortion or lose your job or any chance of career  
1786 advancement.

1787 Mr. Chairman, as you and the other members of the  
1788 committee know, I am strongly pro-choice. By definition,  
1789 pro-choice means that one does not support coercion of  
1790 women's health decisions on any level -- to have an  
1791 abortion, not to have an abortion -- by any person, entity,  
1792 or institution, and that those decisions belong with the  
1793 women, her doctor, and her family.

1794 I am stunned and outraged that now well into the 21st  
1795 century, pregnant women would face such blatant  
1796 discrimination and harassment. While I strongly believe  
1797 that these practices already violate Federal law, that  
1798 message has not been made clear enough. This amendment and  
1799 my forthcoming legislation will ensure that Congress is  
1800 heard loud and clear on this issue.

1801 This is not a partisan issue, but one of basic civil  
1802 rights and good economic and business policy. Particularly  
1803 during these times of economic instability and as families  
1804 rely more and more on women's income, we should make sure  
1805 that pregnant workers, who are literally months to weeks  
1806 away from having another mouth to feed, do not lose their  
1807 paychecks or benefits. That type of stress is terrible for

1808 anyone, but it has particularly dire consequences for  
1809 pregnant women and their families.

1810 By taking action to clarify that discrimination against  
1811 pregnant workers will not be tolerated, we will assist  
1812 businesses by clarifying their obligation, and ensuring that  
1813 they take steps that will help them keep workers in the  
1814 workplace, reducing turnover and related hiring and training  
1815 expenses. It will not create undue hardship on employers;  
1816 it will help pregnant women keep the jobs that allow them to  
1817 support themselves and their families.

1818 Thank you. I yield. And I would ask my colleagues to  
1819 support the amendment.

1820 Mr. Sensenbrenner. Will the gentleman yield?

1821 Mr. Nadler. And, again, I yield.

1822 Mr. Sensenbrenner. Will the gentleman yield?

1823 Mr. Nadler. Yes, I will.

1824 Mr. Sensenbrenner. I noticed that you delay the  
1825 effective date of this act until the report is submitted by  
1826 the Attorney General. I think you could get a lot more  
1827 support for this if you deleted lines 10 through 12 on page  
1828 3. Is the gentleman willing to do that?

1829 Mr. Nadler. Reclaiming my time, no, I am not willing to  
1830 do that, but I do not think that getting this report should  
1831 take very much time. In fact, I would be willing to put a  
1832 time limit into the amendment if that would make people  
1833 happier. I would be willing to put into the bill December  
1834 31st, 2012, into the amendment rather.

1835 Chairman Smith. No takers.

1836 Does the gentleman yield back his time?

1837 Mr. Nadler. I yield back.

1838 Chairman Smith. The gentleman from Arizona, Mr. Franks,  
1839 is recognized.

1840 Mr. Franks. Well, thank you, Mr. Chairman. It seems  
1841 that Mr. Sensenbrenner stole my thunder here. I probably do  
1842 not have quite the same level of confidence in our Attorney  
1843 General to not sit on this study as Mr. Nadler might.

1844 But the bottom line here is, Mr. Chairman, this bill has  
1845 been distorted and maligned a lot, and I really want to say  
1846 to everyone here that I appreciate the comity and the tone  
1847 of the debate that we have had today. And I appreciate  
1848 everybody from both sides of the aisle for that.

1849 And just to reiterate, the effort of this bill here is

1850 to simply say that we cannot discriminate against unborn  
1851 children by subjecting them to an abortion based on their  
1852 sex or race. And I know there are a lot of questions that  
1853 arise from that, and I know it causes us to have to look at  
1854 some things that we might not want to look at. But somehow  
1855 it just seems like we could come together on that.

1856       You know, many years Jefferson Davis asked the question  
1857 when he was talking about slavery, he said will you consent  
1858 to be robbed of your property, meaning slaves, or will you  
1859 strike bravely for liberty, property, and honor, and life?  
1860 That was his call to fighting to keep slavery in place. But  
1861 that changed, and then many years beyond that he said, well,  
1862 it really wasn't about the slavery issue; it was about  
1863 political demagogues in the north, and it was a means to  
1864 acquire power.

1865       Well, we see through that now, and 100 years from now, I  
1866 think that society is going to look back and say, you know,  
1867 I cannot believe that there was a time when we were aborting  
1868 4,000 children a day in America. I cannot believe that was  
1869 happening. I cannot believe that we allowed children to be  
1870 aborted because they were little girls instead of little

1871 boys, or because they were the wrong sex. That is not who  
1872 America is, and the American people, Mr. Chairman, are not  
1873 confused about this. About 86 percent of them support this  
1874 legislation.

1875 Those who say that this would interfere with the doctor-  
1876 patient relationship, it is just not true. Ms. Chu was  
1877 quoted at the *Huffington Post* saying that this would cause  
1878 doctors to have to read women's minds. There is nothing in  
1879 this bill to require doctors to ascertain the motives of the  
1880 woman.

1881 And I just somehow hope that we can remind ourselves  
1882 that the bill simply does these things. It simply says you  
1883 cannot discriminate against an unborn child by subjecting  
1884 him to an abortion based on their sex or race. It simply  
1885 says you cannot coerce a woman to do that. And, Mr.  
1886 Chairman, I have got to believe that we can get together on  
1887 that at some point.

1888 And with that, I would just hope that we would remind  
1889 ourselves once that we were not always aware of the humanity  
1890 of certain members of our society in the past. And when we  
1891 became aware of their humanity and the inhumanity of what

1892 was done to them, our hearts and minds began to change. And

1893 I hope that that happens today.

1894 And with that, I would yield back.

1895 Chairman Smith. Thank you, Mr. Franks.

1896 The question is on the amendment.

1897 All in favor, say aye?

1898 [A chorus of ayes.]

1899 Chairman Smith. All opposed, nay?

1900 [A chorus of noes.]

1901 Chairman Smith. In the opinion of the chair, the noes

1902 have it, and the amendment is not agreed to.

1903 A recorded vote has been requested, and the clerk will

1904 call the roll?

1905 Ms. Kish. Mr. Smith?

1906 Chairman Smith. No.

1907 Ms. Kish. Mr. Smith votes no.

1908 Mr. Sensenbrenner?

1909 Mr. Sensenbrenner. No.

1910 Ms. Kish. Mr. Sensenbrenner votes no.

1911 Mr. Coble?

1912 [No response.]

1913 Ms. Kish. Mr. Gallegly?

1914 Mr. Gallegly. No.

1915 Ms. Kish. Mr. Gallegly votes no.

1916 Mr. Goodlatte?

1917 Mr. Goodlatte. No.

1918 Ms. Kish. Mr. Goodlatte votes no.

1919 Mr. Lungren?

1920 [No response.]

1921 Ms. Kish. Mr. Chabot?

1922 Mr. Chabot. No.

1923 Ms. Kish. Mr. Chabot votes no.

1924 Mr. Issa?

1925 [No response.]

1926 Ms. Kish. Mr. Pence?

1927 [No response.]

1928 Ms. Kish. Mr. Forbes?

1929 Mr. Forbes. No.

1930 Ms. Kish. Mr. Forbes votes no.

1931 Mr. King?

1932 [No response.]

1933 Ms. Kish. Mr. Franks?

1934 Mr. Franks. No.

1935 Ms. Kish. Mr. Franks votes no.

1936 Mr. Gohmert?

1937 Mr. Gohmert. No.

1938 Ms. Kish. Mr. Gohmert votes no.

1939 Mr. Jordan?

1940 Mr. Jordan. No.

1941 Ms. Kish. Mr. Jordan votes no.

1942 Mr. Poe?

1943 Mr. Poe. No.

1944 Ms. Kish. Mr. Poe votes no.

1945 Mr. Chaffetz?

1946 [No response.]

1947 Ms. Kish. Mr. Griffin?

1948 Mr. Griffin. No.

1949 Ms. Kish. Mr. Griffin votes no.

1950 Mr. Marino?

1951 Mr. Marino. No.

1952 Ms. Kish. Mr. Marino votes no.

1953 Mr. Gowdy?

1954 Mr. Gowdy. No.

1955 Ms. Kish. Mr. Gowdy votes no.  
1956 Mr. Ross?  
1957 Mr. Ross. No.  
1958 Ms. Kish. Mr. Ross votes no.  
1959 Mrs. Adams?  
1960 Mrs. Adams. No.  
1961 Ms. Kish. Ms. Adams votes no.  
1962 Mr. Quayle?  
1963 Mr. Quayle. No.  
1964 Ms. Kish. Mr. Quayle votes no.  
1965 Mr. Amodei?  
1966 Mr. Amodei. No.  
1967 Ms. Kish. Mr. Amodei votes no.  
1968 Mr. Conyers?  
1969 [No response.]  
1970 Ms. Kish. Mr. Berman?  
1971 Mr. Berman. Aye.  
1972 Ms. Kish. Mr. Berman votes aye.  
1973 Mr. Nadler?  
1974 Mr. Nadler. Aye.  
1975 Ms. Kish. Mr. Nadler votes aye.

1976 Mr. Scott?

1977 Mr. Scott. Aye.

1978 Ms. Kish. Mr. Scott votes aye.

1979 Mr. Watt?

1980 Mr. Watt. Aye.

1981 Ms. Kish. Mr. Watt votes aye.

1982 Ms. Lofgren?

1983 Ms. Lofgren. Aye.

1984 Ms. Kish. Ms. Lofgren votes aye.

1985 Ms. Jackson Lee?

1986 [No response.]

1987 Ms. Kish. Ms. Waters?

1988 Ms. Waters. Aye.

1989 Ms. Kish. Ms. Waters votes aye.

1990 Mr. Cohen?

1991 [No response.]

1992 Ms. Kish. Mr. Johnson?

1993 Mr. Johnson. Aye.

1994 Ms. Kish. Mr. Johnson votes aye.

1995 Mr. Pierluisi?

1996 Mr. Pierluisi. Aye.

1997 Ms. Kish. Mr. Pierluisi votes aye.

1998 Mr. Quigley?

1999 Mr. Quigley. Aye.

2000 Ms. Kish. Mr. Quigley votes aye.

2001 Ms. Chu?

2002 Ms. Chu. Aye.

2003 Ms. Kish. Ms. Chu votes aye.

2004 Mr. Deutch?

2005 [No response.]

2006 Ms. Kish. Ms. Sanchez?

2007 Ms. Sanchez. Aye.

2008 Ms. Kish. Ms. Sanchez votes aye.

2009 Mr. Polis?

2010 Mr. Polis. Aye.

2011 Ms. Kish. Mr. Polis votes aye.

2012 Chairman Smith. The gentleman from North Carolina, Mr.

2013 Coble?

2014 Mr. Coble. No.

2015 Ms. Kish. Mr. Coble votes no.

2016 Chairman Smith. Are there other members who to be

2017 recorded?

2018 The gentleman from Iowa, Mr. King?

2019 Mr. King. No.

2020 Ms. Kish. Mr. King votes no.

2021 Chairman Smith. And the clerk will report?

2022 Ms. Kish. Mr. Chairman, 12 members voted aye, 19

2023 members voted nay.

2024 Chairman Smith. The majority having voted against the

2025 amendment, the amendment is not agreed to.

2026 Are there any other amendments? If not, a reporting

2027 quorum being present, the question is on reporting the bill,

2028 as amended, favorably to the House.

2029 Those in favor, say aye?

2030 [A chorus of ayes.]

2031 Chairman Smith. Those opposed, say no?

2032 [A chorus of noes.]

2033 Chairman Smith. In the opinion of the chair, the ayes

2034 still have it, and the bill -- a recorded vote has been

2035 requested, and the clerk will call the roll?

2036 Ms. Kish. Mr. Smith?

2037 Chairman Smith. Aye.

2038 Ms. Kish. Mr. Smith votes aye.

2039 Mr. Sensenbrenner?

2040 Mr. Sensenbrenner. Aye.

2041 Ms. Kish. Mr. Sensenbrenner votes aye.

2042 Mr. Coble?

2043 Mr. Coble. Aye.

2044 Ms. Kish. Mr. Coble votes aye.

2045 Mr. Gallegly?

2046 Mr. Gallegly. Aye.

2047 Ms. Kish. Mr. Gallegly votes aye.

2048 Mr. Goodlatte?

2049 Mr. Goodlatte. Aye.

2050 Ms. Kish. Mr. Goodlatte votes aye.

2051 Mr. Lungren?

2052 [No response.]

2053 Ms. Kish. Mr. Chabot?

2054 Mr. Chabot. Aye.

2055 Ms. Kish. Mr. Chabot votes aye.

2056 Mr. Issa?

2057 [No response.]

2058 Ms. Kish. Mr. Pence?

2059 [No response.]

2060 Ms. Kish. Mr. Forbes?

2061 Mr. Forbes. Aye.

2062 Ms. Kish. Mr. Forbes votes aye.

2063 Mr. King?

2064 Mr. King. Aye.

2065 Ms. Kish. Mr. King votes aye.

2066 Mr. Franks?

2067 Mr. Franks. Aye.

2068 Ms. Kish. Mr. Franks votes aye.

2069 Mr. Gohmert?

2070 Mr. Gohmert. Aye.

2071 Ms. Kish. Mr. Gohmert votes aye.

2072 Mr. Jordan?

2073 Mr. Jordan. Aye.

2074 Ms. Kish. Mr. Jordan votes aye.

2075 Mr. Poe?

2076 Mr. Poe. Yes.

2077 Ms. Kish. Mr. Poe votes yes.

2078 Mr. Chaffetz?

2079 [No response.].

2080 Ms. Kish. Mr. Griffin?

2081 Mr. Griffin. Aye.

2082 Ms. Kish. Mr. Griffin votes aye.

2083 Mr. Marino?

2084 Mr. Marino. Aye.

2085 Ms. Kish. Mr. Marino votes aye.

2086 Mr. Gowdy?

2087 Mr. Gowdy. Yes.

2088 Ms. Kish. Mr. Gowdy votes yes.

2089 Mr. Ross?

2090 Mr. Ross. Aye.

2091 Ms. Kish. Mr. Ross votes aye.

2092 Mrs. Adams?

2093 Mrs. Adams. Aye.

2094 Ms. Kish. Ms. Adams votes aye.

2095 Mr. Quayle?

2096 Mr. Quayle. Aye.

2097 Ms. Kish. Mr. Quayle votes aye.

2098 Mr. Amodei?

2099 Mr. Amodei. Aye.

2100 Ms. Kish. Mr. Amodei votes aye.

2101 Mr. Conyers?

2102 Mr. Conyers. No.

2103 Ms. Kish. Mr. Conyers votes no.

2104 Mr. Berman?

2105 Mr. Berman. No.

2106 Ms. Kish. Mr. Berman votes no.

2107 Mr. Nadler?

2108 Mr. Nadler. No.

2109 Ms. Kish. Mr. Nadler votes no.

2110 Mr. Scott?

2111 Mr. Scott. No.

2112 Ms. Kish. Mr. Scott votes no.

2113 Mr. Watt?

2114 Mr. Watt. No.

2115 Ms. Kish. Mr. Watt votes no.

2116 Ms. Lofgren?

2117 Ms. Lofgren. No.

2118 Ms. Kish. Ms. Lofgren votes no.

2119 Ms. Jackson Lee?

2120 [No response.]

2121 Ms. Kish. Ms. Waters?

2122 Ms. Waters. No.

2123 Ms. Kish. Ms. Waters votes no.

2124 Mr. Cohen?

2125 [No response.]

2126 Ms. Kish. Mr. Johnson?

2127 Mr. Johnson. No.

2128 Ms. Kish. Mr. Johnson votes no.

2129 Mr. Pierluisi?

2130 Mr. Pierluisi. No.

2131 Ms. Kish. Mr. Pierluisi votes no.

2132 Mr. Quigley?

2133 Mr. Quigley. No.

2134 Ms. Kish. Mr. Quigley votes no.

2135 Ms. Chu?

2136 Ms. Chu. No.

2137 Ms. Kish. Ms. Chu votes no.

2138 Mr. Deutch?

2139 [No response.]

2140 Ms. Kish. Ms. Sanchez?

2141 Ms. Sanchez. No.

2142 Ms. Kish. Ms. Sanchez votes no.

2143 Mr. Polis?

2144 Mr. Polis. No.

2145 Ms. Kish. Mr. Polis votes no.

2146 Chairman Smith. The gentleman from California, Mr.

2147 Issa.

2148 Mr. Issa. Yes.

2149 Ms. Kish. Mr. Issa votes yes.

2150 Chairman Smith. The gentleman from Texas, Mr. Gohmert.

2151 Mr. Gohmert. Yes.

2152 Chairman Smith. Are there other members who wish to be

2153 recorded?

2154 If not, the clerk will call the roll?

2155 Ms. Kish. Mr. Chairman, 20 members voted aye, 13

2156 members voted nay.

2157 Chairman Smith. The ayes have it, and the bill, as

2158 amended, is ordered reported favorably. Without objection,

2159 the bill will be reported as a single amendment in the

2160 nature of a substitute incorporating amendments adopted.

2161 And the staff is authorized to make technical and conforming

2162 changes.

2163 Members will have 2 days to submit views.

2164 [The information follows:]

2165

2166 Chairman Smith. Let me say to the gentleman from  
2167 Arizona, whether members agree or disagree with him, he has  
2168 put a lot of work and effort into this bill, and his effort  
2169 and work has to be appreciated by many of us. So, thank  
2170 you, Mr. Franks.

2171 [Applause.]

2172 Chairman Smith. And we stand in adjournment.

2173 [Whereupon, at 2:41 p.m., the committee was adjourned.]