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4 MARKUP OF H.R. 7, THE NO TAXPAYER FUNDING FOR ABORTION ACT

5 Wednesday, January 15, 2014

6 House of Representatives

7 Committee on the Judiciary

8 Washington, D.C.

9 The committee met, pursuant to call, at 11:08 a.m., in
10 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
11 [chairman of the committee] presiding.

12 Present: Representatives Goodlatte, Sensenbrenner,
13 Coble, Smith of Texas, Chabot, Bachus, Issa, Forbes, King,
14 Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy,
15 Labrador, Farenthold, Holding, Collins, DeSantis, Smith of
16 Missouri, Conyers, Nadler, Scott, Lofgren, Jackson Lee,

17 Cohen, Johnson, Pierluisi, Chu, Deutch, Gutierrez, Bass,
18 Richmond, DelBene, Garcia, and Jeffries.

19 Staff Present: Shelley Husband, Majority Staff
20 Director; Branden Ritchie, Majority Deputy Staff
21 Director/Chief Counsel; Allison Halataei, Majority
22 Parliamentarian; Kelsey Deterding, Clerk; Paul Taylor,
23 Majority Counsel; Perry Apelbaum, Minority Staff Director;
24 Danielle Brown, Minority Parliamentarian; and Heather
25 Sawyer, Minority Counsel.

26

27 Chairman Goodlatte. Good morning. The Committee on the
28 Judiciary will come to order.

29 Without objection, the chair is authorized to declare a
30 recess at any time.

31 Pursuant to notice, I now call up H.R. 7 for purposes of
32 markup and move that the committee report the bill favorably
33 to the House. The clerk will report the bill.

34 Ms. Deterding. H.R. 7, to prohibit taxpayer-funded
35 abortions.

36 Chairman Goodlatte. Without objection, the bill is
37 considered as read and open for amendment at any point.

38 [The information follows:]

39

40 Chairman Goodlatte. And I will begin by recognizing
41 myself for an opening statement.

42 However stark Americans' differences of opinion can be
43 on the matter of abortion generally, there has been long
44 bipartisan agreement that Federal taxpayer funds should not
45 be used to destroy innocent life. The Hyde amendment, named
46 for its chief sponsor, former House Judiciary Committee
47 chairman Henry Hyde, has prohibited the Federal funding of
48 abortion since 1976, when it passed a House and Senate that
49 was composed overwhelmingly of Democratic Members.

50 It has been renewed each appropriation cycle with few
51 changes for over 35 years, supported by Congresses
52 controlled by both parties and Presidents from both parties.
53 It is probably the most bipartisan pro-life proposal
54 sustained over a longer period of time than any other. As
55 such, it warrants codification in the United States Code.

56 H.R. 7, the No Taxpayer Funding for Abortion Act,
57 sponsored by Representative Chris Smith of New Jersey, would
58 do just that. It would codify the two core principles of
59 the Hyde amendment throughout the operations of the Federal
60 Government, namely a ban on Federal funding for abortions

61 and a ban on the use of Federal funds for health benefits
62 coverage that includes coverage of abortion.

63 During the time the Hyde amendment has been in place,
64 probably millions and millions of innocent children and
65 their mothers have been spared the horrors of abortion. The
66 Congressional Budget Office has estimated that the Hyde
67 amendment has led to as many as 675,000 fewer abortions each
68 year. Let that sink in for a few precious moments.

69 The policy we will be discussing today has likely given
70 America the gift of millions more children and,
71 consequently, millions more mothers and millions more
72 fathers, millions more lifetimes and trillions more loving
73 gestures and other human gifts in all their diverse forms.
74 What a stunningly wondrous legacy.

75 I urge the members of this committee to support this
76 important legislation, and I now recognize our ranking
77 member, the gentleman from Michigan, Mr. Conyers, for his
78 opening statement.

79 Mr. Conyers. Thank you, Mr. Chairman.

80 I am glad to see all of our -- so many of our committee
81 members here.

82 The rushed scheduling of today's markup of H.R. 7, even
83 before the hearing record is complete, is yet another
84 attempt to push a divisive social agenda instead of focusing
85 on what Americans care about most, creating jobs and
86 improving our Nation's economy. Rather than addressing
87 these critical issues, my conservative colleagues have
88 chosen to begin 2014 with an attack yet again on women's
89 health and their constitutionally protected rights.

90 Let us be clear. The bill we are taking up as our first
91 markup of the year, the so-called No Taxpayer Funding for
92 Abortion Act, is not really even about prohibiting Federal
93 funding of abortions. Federal law already prevents that.

94 The real goal of this bill is to make abortion and
95 coverage for abortion services paid for by private
96 individuals with their own money unavailable. It does it by
97 adding restrictions and imposing an unprecedented penalty
98 under the guise of the Federal tax code on privately funded
99 healthcare choices made by women in consultation with their
100 families and their faith.

101 While some here will likely claim there are sufficient
102 exceptions included in this bill, the truth is H.R. 7

103 cruelly endangers women's health by denying coverage even
104 where an abortion is necessary to protect the health of a
105 woman. This is a clear violation of the Supreme Court's
106 dictates in Roe v. Wade and Planned Parenthood v. Casey.

107 Further, H.R. 7 targets women in the District of
108 Columbia by usurping the ability of the District's local
109 elected officials to use local revenue to provide access for
110 abortion care if they choose. No Member would tolerate that
111 level of intervention into local decisions to spend local
112 money. Yet here we are again, treating Americans who live
113 in the District of Columbia like second-class citizens.

114 This legislation makes unprecedented use of Internal
115 Revenue Code to penalize private health decision by denying
116 tax deductions, credits, and benefits for money spent to
117 cover out-of-pocket medical expenses related to abortion
118 services or to purchase health insurance that includes such
119 services. Let us call the legislation for what it really
120 is, a tax increase on individuals, families, or small
121 employers who make a particular healthcare choice that some
122 of our colleagues don't like.

123 The overall impact of this bill is clear. It will

124 discourage most insurers from including coverage for
125 abortion services in health insurance plans, which will
126 effectively eliminate coverage that families across America
127 now have and now pay for with their own money.

128 In sum, this bill is an attack on women and represents
129 an unprecedented Government intrusion into all Americans'
130 private healthcare choices. I urge all of my colleagues to
131 carefully consider this dangerous legislation, and I yield
132 back the balance of my time.

133 Thank you.

134 Chairman Goodlatte. Thank you, Mr. Conyers.

135 And I will now turn to the chairman of the Subcommittee
136 on the Constitution and Civil Justice, Mr. Franks of
137 Arizona, for his opening statement.

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

139 Mr. Chairman, for well over 35 years, Congress has
140 prevented the Federal funding of abortions through a
141 patchwork of amendments that are added to various
142 appropriations bills during each budget cycle that prohibits
143 the Federal funding of abortion through their funded
144 programs. But now is the time for Congress to pass one

145 piece of legislation that puts Members on record supporting
146 a prohibition on any Federal funding of abortion, no matter
147 where in the Federal system that funding might occur.

148 Mr. Chairman, in poll after poll, the American people
149 have overwhelmingly expressed their opposition to the
150 Federal funding of abortion. H.R. 7 will ensure that
151 American taxpayers are not involved in funding the
152 destruction of innocent human life through abortion on
153 demand.

154 The No Taxpayer Funding for Abortion Act will establish
155 a Government-wide statutory prohibition on abortion funding
156 by making permanent the various policies Congress has
157 implemented on a case-by-case basis, including the Hyde
158 amendment, which prohibits funding for elective abortion
159 coverage through any Federal program through the annual
160 Labor, Health and Human Services Appropriations Act; the
161 Helms amendment, which prohibits funding for abortion as a
162 method of family planning overseas; the Smith amendment,
163 which prohibits funding for elective abortion coverage for
164 Federal employees; the Dornan amendment, which prohibits the
165 use of congressionally appropriated funds for abortion in

166 the District of Columbia; and other policies, such as the
167 restrictions on elective abortion funding through the Peace
168 Corp and Federal prison.

169 Mr. Chairman, absolutely nothing in the Democrats'
170 unpopular healthcare law prevents the Federal funding of
171 abortions under the program it creates. Representative Joe
172 Pitts and former Representative Bart Stupak offered an
173 amendment to the bill through the 111th Congress that would
174 have prohibited Government funding of abortion had it been
175 included in the final healthcare reform act. But that
176 provision was stripped out of the bill that the President
177 signed into law. And in a last-minute effort to work a
178 face-saving political deal, the President said he would sign
179 an executive order that claimed to limit Federal funding of
180 abortion in some way.

181 However, in an interview with the Chicago Tribune
182 editorial board, former White House chief of staff Rahm
183 Emanuel emphasized that the executive order signed by
184 President Obama does not carry the force of law and as such
185 was approved by the former House Speaker Nancy Pelosi and
186 others who oppose a ban on taxpayer funding of abortion.

187 Mr. Emanuel said -- and I quote, Mr. Chairman -- "I came
188 up with an idea for an executive order to allow the Stupak
189 amendment not to exist in law."

190 Now there you have it. In the words of the President's
191 chief of staff at the time, the Obamacare law provides for
192 the Federal taxpayer funding of abortion. Any Member who
193 opposes that policy must support H.R. 7, which would at last
194 put back into law the principle of the bipartisan Hyde
195 amendment and place a Federal Government-wide ban on the
196 Federal funding of the destruction of innocent human life.

197 Now, Mr. Chairman, I know that those who support
198 abortion on demand always try to make something else the
199 issue. But we are talking about the funding, taxpayer
200 funding of abortion in this hearing today -- or this markup
201 today.

202 Throughout history, there has often been great intensity
203 surrounding the debates over protecting the innocent lives
204 of those who, through no fault of their own, find themselves
205 obscured in the shadows of humanity. It encourages me
206 greatly that in nearly all of those cases, the collective
207 conscience was finally moved in favor of the victims.

208 The same thing is beginning to happen in this debate
209 related to innocent unborn children. We are beginning to
210 ask ourselves the real question, does abortion take the life
211 of a child? And we are finally beginning to realize as a
212 human family that it does.

213 Ultrasound technology now demonstrates to all reasonable
214 observers both the humanity of the victim and the inhumanity
215 of what is being done to them, and we are beginning to
216 realize, as Americans, that taking the lives of the innocent
217 unborn does not liberate anyone and, finally, Mr. Chairman,
218 that 50 million lost little American lives is enough.

219 And with that, I yield back.

220 Chairman Goodlatte. Thank you, Mr. Franks.

221 And I would now like to recognize the ranking member of
222 the Subcommittee on the Constitution and Civil Justice, the
223 gentleman from New York, Mr. Nadler, for his opening
224 statement.

225 Mr. Nadler. Thank you, Mr. Chairman. Thank you, Mr.
226 Chairman.

227 Today, we consider legislation concerning what may be
228 the most difficult and divisive issue that we will consider.

229 A woman's right to make her own decisions about her own
230 body, including her decision, free from undue Government
231 burden, whether to become pregnant or to continue a
232 pregnancy, is the law of the land.

233 Many of my colleagues in the majority do not like that.
234 So instead of working to find bipartisan solutions that help
235 women and their families, they relentlessly attack not only
236 a woman's right to make these profoundly personal choices,
237 but also her access to health services. Today, they do so
238 with H.R. 7, the misleading and misnamed No Taxpayer Funding
239 for Abortion Act.

240 I have news for my colleagues in the majority. Congress
241 already prohibits Federal funding of abortion and,
242 unfortunately, has done so for more than 30 years. Nothing
243 in the Affordable Care Act changes this landscape, and H.R.
244 7 is not necessary to codify or continue this unfortunate
245 existing law.

246 Nor is it a mere codification of existing law. This
247 bill seeks to modify and extend current funding restrictions
248 in the Hyde amendment that are limited in time and scope
249 without any effort to determine how such a sweeping and

250 permanent expansion would impact American women and their
251 families.

252 If this were all, that would be reason enough to oppose
253 it. But H.R. 7 actually goes much further. For the first
254 time ever, this bill would deny tax deductions and credits
255 to women who use their own money to pay for abortions or to
256 purchase insurance that covers abortion. Let me repeat
257 that. Their own money, not Federal funds, on abortion
258 coverage or services.

259 In particular, H.R. 7 denies the itemized tax deduction
260 that otherwise is available for medical expenses if the
261 expense is abortion and treats as taxable income any
262 distribution from a flexible spending account or health
263 savings account that is used to pay for abortion services.
264 H.R. 7 denies small employers the ability to use tax credits
265 to provide health coverage if that coverage includes
266 abortion. The bill also denies income-eligible women the
267 use of premium tax credits available under the Affordable
268 Care Act if selected insurance coverage includes abortion.

269 Proponents of H.R. 7 claim that this is justified and
270 necessary in order to prevent Federal funding of abortions

271 under the Affordable Care Act. But this is not true. The
272 agreement reached in the ACA ensures that restrictions on
273 Federal funding are preserved by requiring that any funds
274 for coverage be segregated and that only private funds may
275 be used for that coverage. That compromise demanded by
276 anti-choice Members is more than sufficient to accomplish
277 its purpose.

278 My Republican colleagues nonetheless insist and claim
279 for the first time ever that tax credits or deductions for
280 the use of private funds is the same as Federal spending,
281 that a tax deduction for your personal use is the same as
282 Federal spending. This is not considered true in any other
283 context and certainly would cause constitutional concerns
284 with regard to our preferential tax treatments for churches
285 and synagogues and other religious organizations. If we
286 were to consider the tax exemptions that churches get as
287 Federal spending, they couldn't get them.

288 We should reject the fiction that tax treatment, when it
289 comes to private funds for abortion, is Federal funding.
290 These tax penalties and the significant accounting and
291 administrative gymnastics that they demand from insurers are

292 intended to drive insurance companies into excluding
293 abortion coverage from existing comprehensive healthcare
294 policies that women and families now have and rely upon.

295 My colleagues in the majority believe that if you like
296 -- they believe that if you like your insurance coverage,
297 you should get to keep it unless it is for choices that they
298 don't like, and then they will make those choices for you
299 and take your insurance coverage away if you don't agree
300 with their choices. That is the intended and likely result
301 of this bill.

302 Currently, the vast majority of insurance products cover
303 abortion services. But as Professor Susan Wood confirmed at
304 last week's hearing, insurance companies will respond to the
305 tax penalties this bill imposes by dropping coverage for
306 abortions from all of their plans. This will have a
307 significant impact on all women, not just on the lower-
308 income women who have long felt the brunt of Federal
309 restrictions on their healthcare choices.

310 My colleagues also seek to limit the Hyde amendment
311 exception for rape to cover only "forcible rape." In
312 response to public outrage over this change, the bill's

313 sponsors removed that objectionable limitation from the text
314 of the bill in the last Congress.

315 But my Republican colleagues in his committee made clear
316 in the committee report accompanying the No Taxpayer Funding
317 for Abortion Act last year that the bill will still -- "will
318 still appropriately not allow the Federal Government to
319 subsidize abortions in cases of statutory rape."

320 The majority's assertion that statutory rape is not
321 within the rape exception to the Hyde amendment in existing
322 law is false. In fact, the 1978 regulation clarified that
323 funding is required for all cases of rape, whether statutory
324 or forcible. Nothing in the language of the Hyde amendment
325 qualifies the term "rape," and Congress rejected a proposal
326 to limit the amendment to cases of forced rape.

327 But this bill, as interpreted by the committee language
328 that the majority inserted in the last Congress and will
329 undoubtedly insert in this Congress, would say that
330 statutory rape doesn't count and that predators of -- and
331 that young victims of predators should be forced to carry to
332 term the result of the rape, of the statutory rape.

333 H.R. 7 is not a codification of existing law, nor is it

334 just another attempt to enact the approach taken in the
335 Stupak-Pitts amendment to the House-passed Affordable Care
336 Act. This bill modifies and makes permanent existing
337 funding restrictions and radically departs from current tax
338 treatment of medical expenses and insurance coverage.

339 And none of these changes are justifiable or necessary
340 to prevent Federal funding of abortion. Not, of course,
341 that we regard the restriction on Federal funding of
342 abortion as justifiable or necessary.

343 I urge all of my colleagues to oppose this bill, and I
344 yield back the balance of my time.

345 Chairman Goodlatte. The chair thanks the gentleman.
346 Are there amendments to H.R. 7?

347 Mr. Nadler. Chairman? Parliamentary inquiry.

348 Chairman Goodlatte. For what purpose does the gentleman
349 from New York seek recognition?

350 Mr. Nadler. Mr. Chairman, I have a parliamentary
351 inquiry.

352 Chairman Goodlatte. The gentleman will state his
353 inquiry.

354 Mr. Nadler. Mr. Chairman, we have been advised that the

355 Judiciary Committee does not have jurisdiction over Title II
356 of this bill and that amendments offered to Title II will
357 not be in order. Is that correct?

358 Chairman Goodlatte. That is correct. Title I is the
359 jurisdiction of this committee and is open for amendment.
360 Title II is not the jurisdiction of this committee and,
361 therefore, is not open for amendment.

362 Mr. Nadler. Further parliamentary inquiry, Mr.
363 Chairman?

364 Chairman Goodlatte. Please state it.

365 Mr. Nadler. Does the Ways and Means Committee have
366 jurisdiction over Title II of the bill? And if so, is the
367 chairman aware whether the Ways and Means Committee will
368 also mark up this bill? In the last Congress, both the Ways
369 and Means and the Energy and Commerce Committees were
370 discharged without considering this bill. Does the chairman
371 know whether that will happen again?

372 Chairman Goodlatte. The chair does not know what the
373 plans of the Ways and Means Committee are. The chair is not
374 aware of a scheduled markup in the Ways and Means Committee.
375 But it is the chair's understanding that the Ways and Means

376 Committee does have jurisdiction over Title II.

377 Mr. Nadler. Further parliamentary inquiry, Mr.
378 Chairman?

379 Chairman Goodlatte. The gentleman will state his
380 inquiry.

381 Mr. Nadler. If the Ways and Means Committee does not
382 mark up this bill, that will mean that Title II will not be
383 subject to amendment or debate at the committee level at
384 all, as we were able to do in this committee in the last
385 Congress. Is that correct?

386 Chairman Goodlatte. The ruling of the chair will be in
387 accord with the ruling by the parliamentarian of the House
388 that this committee does not have jurisdiction over Title
389 II, and therefore, amendments will not be in order to Title
390 II.

391 Mr. Nadler. I understand that, Mr. Chairman, but that
392 wasn't my question. If the Ways and Means Committee does
393 not mark up this bill, that would mean that Title II will
394 not be subject to --

395 Chairman Goodlatte. The gentleman is not making a
396 parliamentary inquiry.

397 Mr. Nadler. I certainly am. I am asking whether in
398 that case there is any committee in which --

399 Chairman Goodlatte. The parliamentary --

400 Mr. Nadler. -- this would be subject to markup or Title
401 II will be subject to markup.

402 Chairman Goodlatte. The chair is only prepared to rule
403 within the purview of the Judiciary Committee. That is an
404 issue for another committee.

405 Mr. Nadler. Further parliamentary inquiry in that case?

406 Chairman Goodlatte. The gentleman may state his
407 inquiry.

408 Mr. Nadler. Mr. Chairman, you may recall that in the
409 last Congress, this bill was considered under a closed rule,
410 and no amendments were able to be offered or debated on the
411 floor. If that is the case again, then the very significant
412 and damaging provisions in Title II would not be subject to
413 amendment at any point in this Congress, neither in
414 committee, if the Ways and Means Committee doesn't hold a
415 markup, nor on the floor.

416 Last Congress, Democratic members of this committee had
417 serious concerns about changes that the No Taxpayer Funding

418 for Abortion Act seeks to make to the tax code and offered
419 several amendments to the bill. Those concerns are equally
420 valid now, which was confirmed by testimony this committee
421 received last week from both the majority and minority
422 witnesses.

423 That testimony confirmed that the intent and likely
424 effect of H.R. 7's tax provisions will be that private
425 insurance coverage covering abortions will be unavailable
426 even to individuals wishing to use their own private funds
427 to purchase such coverage.

428 Witnesses also confirmed that currently most private
429 insurance covers abortion. Changing the tax code in a
430 manner that will deprive women and families of insurance
431 that they rely upon is a very serious matter, and Members
432 should be able at some point in the process to debate these
433 significant changes and whether to include them in the bill
434 in their current form.

435 Will you commit to the members of this committee that we
436 will have an open rule so there will at least be some point
437 in the process during which members will be able to consider
438 and debate amendments to Title II?

439 Chairman Goodlatte. I appreciate the gentleman's
440 statement and inquiry. However, it is not a parliamentary
441 inquiry, and it is beyond the purview of this committee.

442 I do not know what the Rules Committee will do with
443 regard to offering amendments on the floor that may be
444 submitted to the Rules Committee that are under Title II of
445 the bill, and I do not know whether the Rules Committee will
446 make in order the same number of amendments or more
447 amendments than were made available to the minority when
448 Obamacare was originally passed by the House, which was
449 zero, by the way.

450 Mr. Nadler. Mr. Chairman? Mr. Chairman, I am not
451 surprised by the committee's -- I am sorry. I am not
452 surprised by the chairman's response, but I am very
453 disturbed by it. The potential impact of this bill on the
454 rights of individuals to spend their own funds to purchase
455 private insurance and lawful medical services is
456 significant.

457 Members should have the ability to consider amendments
458 and debate the impact of these provisions prior to taking an
459 up-or-down vote on the whole package. This bill is too

460 important, the impact on the rights of all Americans to
461 spend their own money in ways they see fit too great simply
462 to close the door to any debate.

463 In the last Congress, members of this committee had the
464 opportunity to offer amendments to the equivalent of Title
465 II, to the tax provisions of the bill, and those amendments
466 were considered and debated in this committee. I understand
467 the parliamentary points the chairman is making, but I do
468 hope -- and the change that has been made to segregate those
469 provisions in a separate title, unlike last year, so that
470 this committee no longer has jurisdiction over those
471 provisions of the bill, as it did in the last Congress.

472 But I hope, therefore, that rather than have a -- that
473 to avoid the situation of having a situation where there is
474 no opportunity to mark up these or to consider these
475 provisions in this committee, where the Ways and Means
476 Committee perhaps has no markup for that purpose and where
477 no amendments are permitted on the floor, I hope the
478 chairman will assist us in ensuring a fair and open process,
479 including an open rule as this dangerous and far-reaching
480 legislation moves forward.

481 I thank the chairman.

482 Chairman Goodlatte. The chair thanks the gentleman.

483 Are there any amendments to H.R. 7? For what purpose
484 does the gentleman from --

485 Ms. DelBene. Mr. Chair, I move to strike the last word.

486 Chairman Goodlatte. The gentlewoman from Washington is
487 recognized for 5 minutes.

488 Ms. DelBene. Thank you, Mr. Chair.

489 I am concerned that the full committee does not have the
490 opportunity to look at the potential for this bill to end
491 insurance coverage of abortion in the private market and
492 would like to reiterate and request that the chairman work
493 with the leadership of Ways and Means and Energy and
494 Commerce Committees to ensure that the consequences of Title
495 II's changes to the tax code on women's health are carefully
496 considered in this bill.

497 During last week's subcommittee hearing, one of the
498 witnesses, Susan Wood, a former FDA commissioner --
499 assistant commissioner -- testified that the burdensome
500 regulatory requirements contained in this bill would simply
501 lead to insurers no longer providing plans that provide

502 abortion coverage. Women will be harmed by Title II's
503 provisions because the majority of private employer-based
504 health plans and health plans in the private insurance
505 market cover abortion.

506 Congress would create a chilling effect on the health
507 insurance market by denying important tax benefits from
508 families and small businesses solely because of the
509 insurance. And in fact, one of the majority's witnesses
510 responded to this prediction that insurance coverage without
511 abortion would become the norm for millions of women of this
512 country by stating that he hoped it was correct.

513 If that is the likely outcome of this bill, I
514 respectfully request that we have fuller consideration of
515 the impact of this title on women's access to healthcare,
516 and I ask the chairman to work with his counterparts on the
517 Ways and Means and Energy and Commerce Committees so that a
518 careful examination is made before this bill goes to the
519 House floor.

520 Thank you. I yield back.

521 Chairman Goodlatte. The chair thanks the gentlewoman.

522 Are there amendments to H.R. 7?

523 Mr. Conyers. Mr. Chairman, I have an amendment at the
524 desk.

525 Chairman Goodlatte. The clerk will report the
526 amendment.

527 Ms. Deterding. Amendment to H.R. 7, offered by Mr.
528 Conyers of Michigan. Page 6, line 4, strike --

529 Chairman Goodlatte. Without objection, the amendment
530 will be considered as read.

531 [The amendment of Mr. Conyers follows:]

532

533 Chairman Goodlatte. And the gentleman is recognized for
534 5 minutes on his amendment.

535 Mr. Conyers. Thank you.

536 Members of Judiciary, my amendment simply strikes the
537 language in Title I that singles out the District of
538 Columbia for disparate treatment. If this amendment were
539 agreed to, we would still be left with a terribly flawed and
540 dangerous bill, but nonetheless, I believe it important that
541 we take a stand today against the treatment of Americans who
542 live in the District as second-class citizens.

543 And I would again remind us all that the distinguished
544 representative from the District of Columbia, Ms. Norton,
545 was not permitted to testify during the Constitution
546 Subcommittee's hearing on the bill last Thursday. Now given
547 the unique and damaging impact this legislation has on her
548 district, I think it unconscionable that there would be
549 those here who would not afford her the courtesy often
550 extended to other Members of listening to her concerns.

551 Now this bill singles out the District of Columbia for
552 additional restrictions on funds from the District of
553 Columbia's own general revenue fund. This is the equivalent

554 of barring a State from making its own choices about how it
555 wants to spend its own State funds.

556 Would members -- any member of this committee support
557 similar provisions that singled out Texas or Virginia or
558 Iowa for restrictions on the use of their own funds? We
559 would never tolerate Congress trampling over the rights of
560 local government in our own States. So why would we condone
561 it here?

562 So my amendment removes the permanent ban on the
563 District's ability to spend its own local taxpayer-raised
564 funds as it chooses. The amendment does not necessarily
565 prevent a future Congress from imposing a time-limited ban,
566 but it ensures that we do not permanently enshrine into law
567 this unjustifiable interference with the District's use of
568 its own funds.

569 Just because we can interfere by virtue of our unique
570 power with regard to the District of Columbia doesn't mean
571 that we should. I have long supported statehood for the
572 District of Columbia because of these types of egregious
573 examples of Congress overriding and restricting the reasoned
574 judgment of the District officials about how best to serve

575 Americans who live here in the capital city to which we are
576 all visitors.

577 I urge my colleagues please support this amendment, and
578 I yield back the balance of my time.

579 Chairman Goodlatte. The chair recognizes himself in
580 opposition to the amendment.

581 This amendment should be defeated, as it excludes the
582 District of Columbia from coverage under the bill. Section
583 309 clarifies that the term "funds appropriated by Federal
584 law" include funds appropriated by Congress for the District
585 of Columbia and that standards set for the Federal
586 Government include the government of the District of
587 Columbia.

588 H.R. 7 codifies the Hyde amendment principle as a matter
589 of Federal law, as well as funding restrictions such as the
590 District of Columbia Hyde-Dornan amendment. Section 309
591 ensures continuation of the D.C. Hyde amendment, which is
592 included in the bipartisan omnibus that we are considering
593 on the floor this very week.

594 Article I of the U.S. Constitution says that Congress
595 holds complete legislative authority over the District of

596 Columbia, providing that Congress has the power to exercise
597 exclusive legislation in all cases whatsoever over the
598 District of Columbia. That is why the entire budget for the
599 District of Columbia, including revenues generated by local
600 sources, must be approved by Congress.

601 The relevant part of Section 446 of the District of
602 Columbia Home Rule Act explicitly states such budgets so
603 adopted by the city council shall be submitted by the Mayor
604 to the President for transmission by him to the Congress.
605 No amount may be obligated or expended by any officer or
606 employee of the District of Columbia government unless such
607 amount has been approved by act of Congress and then only
608 according to such act.

609 Clearly, Congress bears constitutional responsibility
610 for the use of these funds, and so Congress bears a
611 responsibility to protect the innocent lives of unborn
612 children in the Nation's capital.

613 The question occurs on the amendment.

614 Mr. Nadler. Mr. Chairman?

615 Chairman Goodlatte. For what purpose does the gentleman
616 from New York seek recognition?

617 Mr. Nadler. Strike the last word.

618 Chairman Goodlatte. The gentleman is recognized for 5
619 minutes.

620 Mr. Nadler. Thank you, Mr. Chairman.

621 Mr. Chairman, despite the learned discourse we just
622 heard, the fact is that that is mostly specious. The fact
623 is that regardless of the legal technicality such as Section
624 309, where it says in Section 309, Subsection (2), the term
625 "Federal Government" includes the government of the District
626 of Columbia. Imagine a provision that said the term
627 "Federal Government" includes the government of the State of
628 New Jersey.

629 Maybe that would be beneficial to the people of the
630 State of New Jersey. I don't know. We read the papers
631 these days. But the fact of the matter is -- but the fact
632 of the matter is it would be an outrage.

633 The people of the District of Columbia have home rule or
634 supposedly have home rule. We, in our wisdom in Congress,
635 dictate the use of Federal funds -- that is funds raised by
636 Federal taxes -- and we say they shouldn't be used for
637 abortions, or they shouldn't be used for this, or they must

638 be used for that. We do not dictate the use of State funds.

639 We do not tell New Jersey you may not use your funds to
640 clean the Toms River. We do not tell Wyoming you may not
641 use proceeds of local sales taxes to widen Main Street.

642 Here we are telling Washington, D.C., and only
643 Washington, D.C. -- not any State in the union -- you may
644 not use local funds, derived from the local income tax or
645 the local sales tax or the local hotel occupancy tax or
646 whatever, you may not use your local funds for something
647 that we disapprove of, namely abortion coverage. That is
648 unique.

649 And it is only accomplished by virtue of the fact that
650 Section 309 of this bill says the term "Federal Government"
651 includes the government of the District of Columbia, which
652 is a novel concept. And the fact is, yes, Congress has the
653 power to do that, and the chairman talked about the fact
654 that Congress has the power to do it. Yes, we have the
655 power. It does not mean we have the right.

656 There is a difference between power and right. There is
657 a difference between ability to do something and the proper
658 use of that ability -- of that power. This is an improper

659 use of power. This is an imposition on the District of
660 Columbia. This is a dictation to the District of Columbia.

661 The local D.C. population elects a council. They elect
662 a Mayor. That council and that Mayor imposes local taxes
663 and decides how to spend the proceeds of that local taxes
664 and is accountable to the local electorate. And they, and
665 only they, should make this decision.

666 Any member of this panel, majority or minority, would
667 object vehemently if we passed a bill that said that their
668 State may not use local funds for pick something we don't
669 approve of. This is not right. The Congress has the power
670 to do it because we have not given -- because District of
671 Columbia does not enjoy total home rule, but we should not
672 violate the home rule that they do.

673 This would be a violation and an exception to their
674 general power to appropriate their funds as they see fit.
675 So we should not do this, regardless of our feelings on the
676 issue of abortion generally or the restrictions we place on
677 the use of Federal funds.

678 This is unique because it is not Federal funds. It is
679 local funds. And we are not telling this to any other

680 place. New York City, New York State uses Medicaid, State
681 Medicaid funds to pay for abortion. That is a decision the
682 legislature makes. We should not say to Washington you may
683 not make that decision that any other local government in
684 the United States may make.

685 I yield back.

686 Chairman Goodlatte. The question occurs on the
687 amendment offered by the gentleman from Michigan.

688 All those in favor, respond by saying aye.

689 Those opposed?

690 In the opinion of the chair, the noes have it, and the
691 amendment is not agreed to.

692 Mr. Conyers. May we have a record vote?

693 Chairman Goodlatte. A recorded vote is requested, and
694 the clerk will call the roll.

695 Ms. Deterding. Mr. Goodlatte?

696 Chairman Goodlatte. No.

697 Ms. Deterding. Mr. Goodlatte votes no.

698 Mr. Sensenbrenner?

699 Mr. Sensenbrenner. No.

700 Ms. Deterding. Mr. Sensenbrenner votes no.

701 Mr. Coble?

702 [No response.]

703 Ms. Deterding. Mr. Smith of Texas?

704 Mr. Smith of Texas. No.

705 Ms. Deterding. Mr. Smith of Texas votes no.

706 Mr. Chabot?

707 Mr. Chabot. No.

708 Ms. Deterding. Mr. Chabot votes no.

709 Mr. Bachus?

710 [No response.]

711 Ms. Deterding. Mr. Issa?

712 [No response.]

713 Ms. Deterding. Mr. Forbes?

714 Mr. Forbes. No.

715 Ms. Deterding. Mr. Forbes votes no.

716 Mr. King?

717 [No response.]

718 Ms. Deterding. Mr. Franks?

719 Mr. Franks. No.

720 Ms. Deterding. Mr. Franks votes no.

721 Mr. Gohmert?

722 [No response.]

723 Ms. Deterding. Mr. Jordan?

724 Mr. Jordan. No.

725 Ms. Deterding. Mr. Jordan votes no.

726 Mr. Poe?

727 [No response.]

728 Ms. Deterding. Mr. Chaffetz?

729 [No response.]

730 Ms. Deterding. Mr. Marino?

731 Mr. Marino. No.

732 Ms. Deterding. Mr. Marino votes no.

733 Mr. Gowdy?

734 Mr. Gowdy. No.

735 Ms. Deterding. Mr. Gowdy votes no.

736 Mr. Labrador?

737 Mr. Labrador. No.

738 Ms. Deterding. Mr. Labrador votes no.

739 Mr. Farenthold?

740 [No response.]

741 Ms. Deterding. Mr. Holding?

742 Mr. Holding. No.

743 Ms. Deterding. Mr. Holding votes no.
744 Mr. Collins?
745 Mr. Collins. No.
746 Ms. Deterding. Mr. Collins votes no.
747 Mr. DeSantis?
748 Mr. DeSantis. No.
749 Ms. Deterding. Mr. DeSantis votes no.
750 Mr. Smith of Missouri?
751 Mr. Smith of Missouri. No.
752 Ms. Deterding. Mr. Smith of Missouri votes no.
753 Mr. Conyers?
754 Mr. Conyers. Aye.
755 Ms. Deterding. Mr. Conyers votes aye.
756 Mr. Nadler?
757 Mr. Nadler. Aye.
758 Ms. Deterding. Mr. Nadler votes aye.
759 Mr. Scott?
760 Mr. Scott. Aye.
761 Ms. Deterding. Mr. Scott votes aye.
762 Ms. Lofgren?
763 Ms. Lofgren. Aye.

764 Ms. Deterding. Ms. Lofgren votes aye.

765 Ms. Jackson Lee?

766 [No response.]

767 Ms. Deterding. Mr. Cohen?

768 [No response.]

769 Ms. Deterding. Mr. Johnson?

770 [No response.]

771 Ms. Deterding. Mr. Pierluisi?

772 Mr. Pierluisi. Aye.

773 Ms. Deterding. Mr. Pierluisi votes aye.

774 Ms. Chu?

775 Ms. Chu. Aye.

776 Ms. Deterding. Ms. Chu votes aye.

777 Mr. Deutch?

778 Mr. Deutch. Aye.

779 Ms. Deterding. Mr. Deutch votes aye.

780 Mr. Gutierrez?

781 [No response.]

782 Ms. Deterding. Ms. Bass?

783 [No response.]

784 Ms. Deterding. Mr. Richmond?

785 Mr. Richmond. Aye.

786 Ms. Deterding. Mr. Richmond votes aye.

787 Ms. DelBene?

788 Ms. DelBene. Aye.

789 Ms. Deterding. Ms. DelBene votes aye.

790 Mr. Garcia?

791 Mr. Garcia. Aye.

792 Ms. Deterding. Mr. Garcia votes aye.

793 Mr. Jeffries?

794 Mr. Jeffries. Aye.

795 Ms. Deterding. Mr. Jeffries votes aye.

796 Chairman Goodlatte. The gentleman from California?

797 Mr. Issa. No.

798 Ms. Deterding. Mr. Issa votes no.

799 Chairman Goodlatte. The gentleman from Texas?

800 Mr. Poe. No.

801 Ms. Deterding. Mr. Poe votes no.

802 Chairman Goodlatte. The gentleman from North Carolina?

803 Mr. Coble. No.

804 Ms. Deterding. Mr. Coble votes no.

805 Chairman Goodlatte. The gentleman from Alabama?

806 Mr. Bachus. No.

807 Ms. Deterding. Mr. Bachus votes no.

808 [Pause.]

809 Chairman Goodlatte. The gentleman from Iowa?

810 Mr. King. No.

811 Ms. Deterding. Mr. King votes no.

812 Chairman Goodlatte. Has every Member voted who wishes
813 to vote?

814 [No response.]

815 Chairman Goodlatte. The clerk will report.

816 Ms. Deterding. Mr. Chairman, 11 Members voted aye; 19
817 Members voted nay.

818 Chairman Goodlatte. And the amendment is not agreed to.

819 Are there further amendments to H.R. 7? For what
820 purpose does the gentleman from New York seek recognition?

821 Mr. Nadler. Mr. Chairman, I have an amendment at the
822 desk.

823 Chairman Goodlatte. The clerk will report the
824 amendment.

825 Ms. Deterding. Amendment to H.R. 7, offered by Mr.

826 Nadler --

827 Mr. Franks. Mr. Chairman? Mr. Chairman, I would
828 reserve a point of order.

829 Chairman Goodlatte. The gentleman from Arizona reserves
830 a point of order. The clerk will report the amendment.

831 Ms. Deterding. Amendment to H.R. 7, offered by Mr.
832 Nadler of New York. Strike all that follows after the
833 enacting clause and insert the following.

834 Chairman Goodlatte. Without objection, the amendment
835 will be considered as read.

836 [The amendment of Mr. Nadler follows:]

837

838 Chairman Goodlatte. And the gentleman is recognized for
839 5 minutes to explain his amendment.

840 Mr. Nadler. Thank you, Mr. Chairman.

841 Mr. Chairman, this amendment is very straightforward.
842 It would strike the language of the bill in its entirety and
843 replace it with my legislation, the Pregnant Workers
844 Fairness Act.

845 That bill currently has 113 cosponsors. It has been
846 referred to this committee, as well as to the Committee on
847 House Education and the Workforce, House Administration, and
848 House Oversight and Government Reform. None of these
849 committees has taken any action at all.

850 Currently, pregnant working women around the country are
851 being denied simple adjustments -- permission to use a stool
852 while working a cash register or to carry a bottle of water
853 to stay hydrated or temporary reassignment to lighter duty
854 tasks -- that would keep them working and supporting their
855 families while maintaining healthy pregnancies. The
856 legislation will close legal loopholes and ensure that
857 pregnant women are treated fairly on the job.

858 The Pregnant Workers Fairness Act will accomplish this

859 by requiring employers to make reasonable accommodations for
860 pregnant workers and preventing employers from forcing women
861 out on leave when another reasonable accommodation would
862 allow them to continue working. The bill also bars
863 employers from denying employment opportunities to women
864 based on their need for reasonable accommodations related to
865 pregnancy, childbirth, or related medical conditions.

866 In recent and startling examples, Amy Crosby, a hospital
867 cleaner in Tallahassee, Florida, was forced into unpaid
868 leave from her job when the hospital refused to accommodate
869 her doctor's request that she not lift more than 20 pounds
870 because of her pregnancy. Heather Weisman, a retail worker
871 in Salina, Kansas, was fired because she needed to carry a
872 water bottle to stay hydrated and prevent bladder
873 infections. And Victoria Serednyj, an activity director at
874 a nursing home in Valparaiso, Indiana, was terminated
875 because she required help with some physically strenuous
876 aspects of her job to prevent having another miscarriage.

877 For the well-being of pregnant workers and for the sake
878 of the economic stability of American families, our laws
879 must be updated and clarified. Some States have passed laws

880 like the Pregnant Workers Fairness Act to ensure that
881 pregnant workers have on-the-job protections. In those
882 States -- Alaska, California, Connecticut, Louisiana,
883 Hawaii, Illinois, Texas, and soon Maryland -- pregnant
884 workers already have the peace of mind they deserve.

885 While the bill we are considering today would do no more
886 than to undermine the right of women to use their own money
887 to make private legal healthcare choices, my bill would
888 provide women with the legal protections they need to have a
889 healthy pregnancy and care for their families.

890 It is one thing to attack women's constitutional rights.
891 But just once I would like to see my friends on the other
892 side take just one affirmative step toward promoting healthy
893 pregnancies and healthy children once they are brought into
894 this world.

895 I would love to see these Members support child
896 nutrition programs and housing programs for homeless
897 children. That would be a nice start. It appears that too
898 many Members who label themselves "pro life" cannot bring
899 themselves to do that.

900 Helen Alvare, a witness called by the majority at last

901 week's hearing on this bill, urged us to "move on to a real
902 women's agenda." Here is what she said. "Regular squabbles
903 over Federal funding for abortion across myriad pieces of
904 legislation seem to have taken the place of an actual
905 legislative agenda for women's actual needs. Instead of
906 debating policies supporting women's care work or work-
907 family balances, policies addressing paid leave or Social
908 Security benefits, instead of debating ideas about enabling
909 poor women especially to break the cycle of poverty and
910 nonmarital childbearing, Congress continually debates
911 abortion funding."

912 I agree. Let us start focusing on the needs of families
913 and children instead of engaging in routine and divisive
914 abortion debates that go nowhere. Whatever your views on
915 abortion, I hope we can at least agree that a woman who is
916 hoping to bring a child into this world should be protected
917 from on-the-job harassment and discrimination.

918 I urge Members on both sides of this issue to support
919 this amendment, and I yield back.

920 Chairman Goodlatte. Does the gentleman from Arizona
921 insist on his point of order?

922 Mr. Franks. Yes, I do, Mr. Chairman. This amendment
923 contains provisions that are outside of the Judiciary
924 Committee's jurisdiction and would implicate the
925 jurisdiction of the Education and Workforce Committee, the
926 House Administration Committee, and the Oversight and
927 Government Reform Committee.

928 The amendment also goes outside of the subject matter of
929 the bill at hand by dealing with pregnant women in the
930 workforce. Mr. Chairman, the subject of this bill is
931 taxpayer funding for abortion, and as such, this committee
932 should not entertain this amendment, and I must insist on my
933 point of order.

934 Chairman Goodlatte. Does the gentleman from New York
935 offering the amendment wish to speak on the point of order?

936 Mr. Nadler. I do, Mr. Chairman.

937 Chairman Goodlatte. The gentleman is recognized.

938 Mr. Nadler. Thank you, Mr. Chairman.

939 I think that my amendment is entirely germane. It goes
940 to the very heart of this legislation and the concerns it
941 raises. The proponents, the supporters argue that they are
942 protecting life and protecting women. I do not doubt their

943 sincerity, but I do not believe that this legislation would
944 accomplish that.

945 Indeed, by limiting access to lawful healthcare not just
946 for the poor, who have been disgracefully targeted by this
947 Congress for decades, but for the middle class as well, this
948 legislation is actually an assault on women and their
949 families. There are many things the Congress could do to
950 help women and families. The Pregnant Workers Fairness Act
951 is just one of those things.

952 Instead of starving poor children, this House could
953 ensure that food stamps are available to all who need it and
954 in adequate amounts to provide proper nutrition. Starving
955 little children is not pro life or pro child.

956 We could also ensure that we provide enough housing aid
957 to shelter homeless families, but we don't. The majority's
958 witness last week, Helen Alvare, also mentioned paid leave,
959 but I don't think we are going to do that.

960 So I think this amendment is directly germane to what we
961 are talking about -- how to promote healthy families.
962 Perhaps if we could get past the abortion obsession, we
963 could start dealing with some of these issues. At the very

964 least, could I get the chairman to commit to holding a
965 hearing on the Pregnant Workers Fairness Act?

966 Whether this amendment is ultimately ruled in order, I
967 think it would be a worthy topic, and perhaps we could find
968 common ground even among Members who hold very different
969 views on abortion.

970 Chairman Goodlatte. The chair is prepared to rule on
971 the point of order raised by the gentleman from Arizona.
972 The amendment is subject to both a Rule 10 point of order
973 that gets into other committees' jurisdiction and a
974 germaneness point of order for going beyond the subject of
975 the bill. And accordingly, the amendment is not in order.

976 Mr. Nadler. Mr. Chairman?

977 Chairman Goodlatte. For what purpose does the gentleman
978 from New York seek recognition?

979 Mr. Nadler. I move to appeal the ruling of the chair.

980 Chairman Goodlatte. The --

981 Mr. Sensenbrenner. Mr. Chairman?

982 Chairman Goodlatte. For what purpose does the gentleman
983 from Wisconsin seek recognition?

984 Mr. Sensenbrenner. Mr. Chairman, I move to table the

985 appeal.

986 Chairman Goodlatte. The gentleman from Wisconsin moves
987 to table the appeal of the ruling of the chair.

988 All those in favor of the motion, respond by saying aye.

989 Those opposed, no.

990 In the opinion of the chair, the ayes have it, and the
991 appeal of the ruling of the chair is tabled.

992 Mr. Nadler. May I have a roll call vote, please?

993 Chairman Goodlatte. A roll call vote is requested by
994 the gentleman from New York. The clerk will call the roll
995 on the motion of the gentleman from Wisconsin to table the
996 appeal of the ruling of the chair.

997 Ms. Deterding. Mr. Goodlatte?

998 Chairman Goodlatte. Aye.

999 Ms. Deterding. Mr. Goodlatte votes aye.

1000 Mr. Sensenbrenner?

1001 Mr. Sensenbrenner. Aye.

1002 Ms. Deterding. Mr. Sensenbrenner votes aye.

1003 Mr. Coble?

1004 [No response.]

1005 Ms. Deterding. Mr. Smith of Texas?

1006 Mr. Smith of Texas. Aye.

1007 Ms. Deterding. Mr. Smith of Texas votes aye.

1008 Mr. Chabot?

1009 Mr. Chabot. Aye.

1010 Ms. Deterding. Mr. Chabot votes aye.

1011 Mr. Bachus?

1012 Mr. Bachus. Aye.

1013 Ms. Deterding. Mr. Bachus votes aye.

1014 Mr. Issa?

1015 [No response.]

1016 Ms. Deterding. Mr. Forbes?

1017 Mr. Forbes. Aye.

1018 Ms. Deterding. Mr. Forbes votes aye.

1019 Mr. King?

1020 Mr. King. Aye.

1021 Ms. Deterding. Mr. King votes aye.

1022 Mr. Franks?

1023 Mr. Franks. Aye.

1024 Ms. Deterding. Mr. Franks votes aye.

1025 Mr. Gohmert?

1026 [No response.]

1027 Ms. Deterding. Mr. Jordan?

1028 Mr. Jordan. Yes.

1029 Ms. Deterding. Mr. Jordan votes aye.

1030 Mr. Poe?

1031 [No response.]

1032 Ms. Deterding. Mr. Chaffetz?

1033 [No response.]

1034 Ms. Deterding. Mr. Marino?

1035 [No response.]

1036 Ms. Deterding. Mr. Gowdy?

1037 Mr. Gowdy. Yes.

1038 Ms. Deterding. Mr. Gowdy votes aye.

1039 Mr. Labrador?

1040 [No response.]

1041 Ms. Deterding. Mr. Farenthold?

1042 [No response.]

1043 Ms. Deterding. Mr. Holding?

1044 Mr. Holding. Aye.

1045 Ms. Deterding. Mr. Holding votes aye.

1046 Mr. Collins?

1047 Mr. Collins. Aye.

1048 Ms. Deterding. Mr. Collins votes aye.
1049 Mr. DeSantis?
1050 Mr. DeSantis. Aye.
1051 Ms. Deterding. Mr. DeSantis votes aye.
1052 Mr. Smith of Missouri?
1053 Mr. Smith of Missouri. Aye.
1054 Ms. Deterding. Mr. Smith of Missouri votes aye.
1055 Mr. Conyers?
1056 Mr. Conyers. No.
1057 Ms. Deterding. Mr. Conyers votes no.
1058 Mr. Nadler?
1059 Mr. Nadler. No.
1060 Ms. Deterding. Mr. Nadler votes no.
1061 Mr. Scott?
1062 Mr. Scott. No.
1063 Ms. Deterding. Mr. Scott votes no.
1064 Ms. Lofgren?
1065 [No response.]
1066 Ms. Deterding. Ms. Jackson Lee?
1067 Ms. Jackson Lee. No.
1068 Ms. Deterding. Ms. Jackson Lee votes no.

1069 Mr. Cohen?

1070 Mr. Cohen. No.

1071 Ms. Deterding. Mr. Cohen votes no.

1072 Mr. Johnson?

1073 [No response.]

1074 Ms. Deterding. Mr. Pierluisi?

1075 Mr. Pierluisi. No.

1076 Ms. Deterding. Mr. Pierluisi votes no.

1077 Ms. Chu?

1078 [No response.]

1079 Ms. Deterding. Mr. Deutch?

1080 Mr. Deutch. No.

1081 Ms. Deterding. Mr. Deutch votes no.

1082 Mr. Gutierrez?

1083 [No response.]

1084 Ms. Deterding. Ms. Bass?

1085 [No response.]

1086 Ms. Deterding. Mr. Richmond?

1087 Mr. Richmond. No.

1088 Ms. Deterding. Mr. Richmond votes no.

1089 Ms. DelBene?

1090 Ms. DelBene. No.

1091 Ms. Deterding. Ms. DelBene votes no.

1092 Mr. Garcia?

1093 Mr. Garcia. No.

1094 Ms. Deterding. Mr. Garcia votes no.

1095 Mr. Jeffries?

1096 Mr. Jeffries. No.

1097 Ms. Deterding. Mr. Jeffries votes no.

1098 Chairman Goodlatte. The gentleman from Texas, Mr.

1099 Gohmert?

1100 Mr. Gohmert. No.

1101 Ms. Deterding. Mr. Gohmert votes no.

1102 Mr. Conyers. Ms. Chu on this end, sir.

1103 Mr. Gohmert. I am sorry. How am I recorded?

1104 Ms. Deterding. Mr. Gohmert votes no.

1105 Mr. Gohmert. I meant to vote aye.

1106 Ms. Deterding. Mr. Gohmert votes aye.

1107 Chairman Goodlatte. The gentleman from North Carolina?

1108 Mr. Coble. Aye.

1109 Ms. Deterding. Mr. Coble votes aye.

1110 Chairman Goodlatte. The gentlewoman from California?

1111 Ms. Chu. No.

1112 Ms. Deterding. Ms. Chu votes no.

1113 Chairman Goodlatte. The gentleman from Pennsylvania?

1114 Mr. Marino. Yes.

1115 Ms. Deterding. Mr. Marino votes aye.

1116 Chairman Goodlatte. The gentleman from Idaho?

1117 Mr. Labrador. Yes.

1118 Ms. Deterding. Mr. Labrador votes aye.

1119 Chairman Goodlatte. Are there any Members who have not
1120 voted who wish to vote?

1121 [No response.]

1122 Chairman Goodlatte. The clerk will report.

1123 Ms. Deterding. Mr. Chairman, 18 Members voted aye; 12
1124 Members voted nay.

1125 Chairman Goodlatte. And the tabling of the appeal of
1126 the ruling of the chair is agreed to.

1127 The committee will now stand in recess for the lunch
1128 hour and will reconvene at 1:00 p.m.

1129 [Recess.]

1130 Chairman Goodlatte. The committee will reconvene, and
1131 under consideration are amendments to H.R. 7. For what

1132 purpose does the gentleman from Georgia seek recognition?

1133 Mr. Johnson. Thank you, Mr. Chairman. I have an
1134 amendment at the desk.

1135 Chairman Goodlatte. The clerk will report the
1136 amendment.

1137 Ms. Deterding. Amendment to H.R. 7, offered by Mr.
1138 Johnson of Georgia --

1139 Mr. Johnson. I ask that it be reported as read.

1140 Chairman Goodlatte. Without objection, the amendment
1141 will be considered as read.

1142 [The amendment of Mr. Johnson follows:]

1143

1144 Chairman Goodlatte. And the gentleman is recognized for
1145 5 minutes on his amendment.

1146 Mr. Johnson. Thank you, Mr. Chairman. This amendment
1147 would delay implementation of this legislation until the
1148 Attorney General submits a report to Congress setting forth
1149 the effects of the bill on women's access to abortion and
1150 health benefits coverage that includes coverage of abortion.

1151 Today the Republican war on women again threatens
1152 women's reproductive rights. H.R. 7, the No Tax Payer
1153 Funding for Abortion Act, is a dangerous bill that restricts
1154 healthcare options for women. Its goal is to enact
1155 substantial barriers to reproductive health so that abortion
1156 becomes unavailable.

1157 This bill is emblematic of a Republican Party that is
1158 utterly and completely out of touch with America. Americans
1159 want to grow jobs, and they want to grow our economy. The
1160 House Republicans response? Another anti-women's bill that
1161 has no chance of being signed into law. Both women and
1162 women's issues were critical in the presidential election.
1163 The House Republican response? They cut anti-poverty
1164 programs that are critical to helping women. They do

1165 nothing to help women in our workforce through income
1166 equality or paid maternal leave. They continue to
1167 recklessly slash the budget in a way that hurts women and
1168 children.

1169 Today House Republicans say that they have an answer to
1170 women's top legislative priorities. That answer, ladies and
1171 gentlemen, unfortunately is "too bad." This bill fails to
1172 protect abortions necessary to protect a woman's health.
1173 This is true even for women with serious medical conditions.

1174 It is laughably ironic that the same Republican Party
1175 that prides itself as anti-government is now inserting
1176 itself into the individual, extremely personal choices of
1177 America's women. These Republicans believe that the
1178 government should stay out of your wallet and out of the
1179 private contours of your home, but women's reproductive
1180 health, open season.

1181 The Republicans know better. Numerous polls show that
1182 the majority of voters think anti-choice legislation is the
1183 wrong issue for this legislature to focus on. That is
1184 because the decision about whether or not to have an
1185 abortion is a difficult choice for women. This is not a

1186 choice that is made lightly. This is a decision that women
1187 should have the right to make without government intrusion.
1188 Yet the majority is pushing a bill to eliminate abortion
1189 access and undermine a woman's ability to make personal
1190 decisions about her own health.

1191 I am particularly concerned about this bill and that it
1192 will affect the most vulnerable women in our society.
1193 Restricting public funding for abortion hits low income
1194 women the hardest. Laws like H.R. 7 leave low income women
1195 without safe or legal alternatives. Whether carrying an
1196 unintended pregnancy to term or seeking a dangerous
1197 clandestine abortion, the result affects low income women
1198 the most.

1199 The majority has already pushed through an omnibus
1200 budget that will harm all women through its continuous ban
1201 on the use of Federal funding to perform most abortions,
1202 including abortions in D.C. and for Federal prisoners. But
1203 that is not good enough. They still want H.R. 7. Now the
1204 majority wants to push through a bill that puts another
1205 roadblock in front of women when seeking healthcare
1206 coverage.

1207 All of this amounts to nothing more than a full-fledged
1208 attack on women and their access to healthcare. Judging by
1209 the number on this bill, it is a top priority of the
1210 majority, H.R. 7. At a time when America is digging itself
1211 out of a recession and millions are out of work and still
1212 seek employment, we should not be prioritizing bills that
1213 limit and restrict a woman's access to healthcare services.
1214 We should be focused on growing the economy and creating
1215 jobs.

1216 Where I come from, actions speak louder than words. The
1217 majority has stated that one of its top priorities is job
1218 creation and ensuring that every American who can work is
1219 able to find a job. This bill does nothing to create a
1220 single job. Let us focus on getting Americans back to work
1221 instead of restricting their healthcare choices. With that,
1222 Mr. Chairman, I yield back the balance of my time.

1223 Chairman Goodlatte. For what purpose does the gentleman
1224 from Arizona seek recognition?

1225 Mr. Franks. Mr. Chairman, in opposition to the
1226 amendment.

1227 Chairman Goodlatte. The gentleman is recognized for 5

1228 minutes.

1229 Mr. Franks. Mr. Chairman, this amendment should be
1230 defeated because it, in fact, gives Attorney General Eric
1231 Holder carte blanche to gut the bill entirely. The Supreme
1232 Court held in *Harris v. McRae*, it indeed affirmed it, that
1233 *Roe v. Wade* had created a limitation on government, but not
1234 a government entitlement. The Supreme Court has also held
1235 that the alleged constitutional right to an abortion
1236 "implies no limitation on the authority of a State to make a
1237 value judgment favoring child birth over abortion and to
1238 implement that judgment by the allocation of public funds."

1239 The Supreme Court said it this way. "By subsidizing the
1240 medical expenses of indigent women who carry their
1241 pregnancies to term while not subsidizing the comparable
1242 expenses of women who undergo abortions, except those whose
1243 lives are threatened, Congress has established incentives
1244 that make childbirth a more attractive alternative than
1245 abortion for persons eligible for Medicaid. These
1246 incentives bear a direct relationship to the legitimate
1247 congressional interest in protecting potential life."
1248 "Abortion is inherently different," the Court went on to

1249 say, "from other medical procedures because no other
1250 procedure involves the purposeful termination of a potential
1251 life." And for that reason, Mr. Chairman, I hope my
1252 colleagues will defeat the amendment.

1253 Chairman Goodlatte. Would the gentleman yield?

1254 Mr. Franks. Yes, certainly.

1255 Chairman Goodlatte. I thank the gentleman for yielding.
1256 I just want to take note of a couple of things. First of
1257 all, the gentleman from Georgia suggested that those who
1258 support this legislation are not in tune with the American
1259 people, and I think the evidence is quite to the contrary.
1260 An International Communications Research poll specifically
1261 asked if the choice were up to you, would you want your own
1262 insurance policy to include abortion. Only 24 percent yes,
1263 68 percent of U.S. adults, and 69 percent of women said no.
1264 Also saying no were 82 percent of those who were uninsured,
1265 presumably the primary target audience for healthcare
1266 reform.

1267 In addition, I would suggest that it is very much the
1268 case that those of us in the majority support this
1269 legislation because it is the morally right thing to do, but

1270 it also is very, very true that having a growing population
1271 and having new children brought into the world is not
1272 harmful to job creation. It very much promotes job creation
1273 for all the care and services and so on that need to be
1274 provided by a lot of people to raise children. So I thank
1275 the gentleman for his opposition to this amendment, and I
1276 join him.

1277 Mr. Johnson. Well, would the gentleman yield?

1278 Mr. Franks. Yes, Mr. Chairman, I will yield.

1279 Mr. Johnson. Yes. Sixty-nine percent of people asked
1280 would prefer that their own insurance not cover abortion.
1281 Is that what I heard you say, Mr. Chairman?

1282 Chairman Goodlatte. That is correct.

1283 Mr. Johnson. Sixty-nine percent. I wonder what
1284 percentage of that 69 would respect the rights of others to
1285 have that kind of coverage.

1286 Chairman Goodlatte. Well, that question was also asked.
1287 If the gentleman from Arizona would yield, in a December
1288 2009 Quinnipiac University poll, 72 percent expressed
1289 opposition to allowing abortions to be paid for by public
1290 funds under a healthcare reform. And in that same

1291 International Communications Research poll, 67 percent,
1292 including 60 percent of those who were supporting healthcare
1293 reform legislation, opposed measures that would require
1294 people to pay for abortion coverage with their Federal
1295 taxes. I thank the gentleman for yielding.

1296 Mr. Johnson. Well, that is for government funds, and I
1297 would question the sample that the poll was derived from.

1298 Chairman Goodlatte. Those are actually two different
1299 polls, but I thank the gentleman for yielding.

1300 The question occurs on the amendment offered by the
1301 gentleman from Georgia.

1302 Mr. Nadler. Mr. Chairman?

1303 Chairman Goodlatte. For what purpose does the gentleman
1304 from New York seek recognition?

1305 Mr. Nadler. Strike the last word on this amendment.

1306 Chairman Goodlatte. The gentleman is recognized for 5
1307 minutes.

1308 Mr. Nadler. Mr. Chairman, regardless of what percentage
1309 of people do or do not and regardless of the accuracy of
1310 these polls, which I am not familiar with, regardless of the
1311 accuracy of what, or the percentage, I should say, of people

1312 who have insurance who prefer that it be covered,
1313 historically the vast majority of insurance plans typically
1314 have covered abortion services.

1315 And the fact that insurance companies, not being notable
1316 charitable institutions, at least in my experience, have
1317 covered abortion tells me that their market research says
1318 that they see the market that people wanted coverage. And
1319 the fact of the matter is since approximately 60 percent of
1320 women of reproductive age, 37 million women, get their
1321 healthcare coverage through private insurance, this
1322 legislation would have a very far-reaching effect.

1323 It represents more than just meddling in their personal
1324 decisions. By making it unaffordable, it would effectively
1325 ban abortions for many, many women who have nothing to do
1326 with tax dollars. And that is, I think, one of the real
1327 intents of this bill is to greatly broaden the effects. So
1328 it is one thing to talk about no Federal tax dollars for
1329 abortion. It is another thing to pressure the insurance
1330 companies, which this bill does, to say stop providing
1331 insurance coverage in the policies that you do provide, paid
1332 for entirely by private money. That is one of the effects

1333 of this bill. And that will deprive 37 million women
1334 apparently of coverage they now have without talking about
1335 tax dollars.

1336 This is a radically expansive bill to radically expand
1337 the command of the Federal government not to cover abortion
1338 services to private insurance companies, to private women,
1339 with private money.

1340 Chairman Goodlatte. I yield back, my good people.

1341 The question occurs on the amendment offered by the
1342 gentleman from Georgia.

1343 All those in favor, respond by saying aye?

1344 Those opposed, no.

1345 In the opinion, the noes have it, and the amendment is
1346 not agreed to.

1347 Mr. Johnson. Ask for a recorded vote.

1348 Chairman Goodlatte. A recorded vote is requested, and
1349 the clerk will call the roll.

1350 Ms. Deterding. Mr. Goodlatte?

1351 Chairman Goodlatte. No.

1352 Ms. Deterding. Mr. Goodlatte votes no.

1353 Mr. Sensenbrenner?

1354 [No response.]

1355 Ms. Deterding. Mr. Coble?

1356 [No response.]

1357 Ms. Deterding. Mr. Smith of Texas?

1358 [No response.]

1359 Ms. Deterding. Mr. Chabot?

1360 Mr. Chabot. No.

1361 Ms. Deterding. Mr. Chabot votes no.

1362 Mr. Bachus?

1363 Mr. Bachus. No.

1364 Ms. Deterding. Mr. Bachus votes no.

1365 Mr. Issa?

1366 [No response.]

1367 Ms. Deterding. Mr. Forbes?

1368 Mr. Forbes. No.

1369 Ms. Deterding. Mr. Forbes votes no.

1370 Mr. King?

1371 [No response.]

1372 Ms. Deterding. Mr. Franks?

1373 Mr. Franks. No.

1374 Ms. Deterding. Mr. Franks votes no.

1375 Mr. Gohmert?

1376 Mr. Gohmert. No.

1377 Ms. Deterding. Mr. Gohmert votes no.

1378 Mr. Jordan?

1379 [No response.]

1380 Ms. Deterding. Mr. Poe?

1381 [No response.]

1382 Ms. Deterding. Mr. Chaffetz?

1383 Mr. Chaffetz. No.

1384 Ms. Deterding. Mr. Chaffetz votes no.

1385 Mr. Marino?

1386 Mr. Marino. No.

1387 Ms. Deterding. Mr. Marino votes no.

1388 Mr. Gowdy?

1389 Mr. Gowdy. No.

1390 Ms. Deterding. Mr. Gowdy votes no.

1391 Mr. Labrador?

1392 [No response.]

1393 Ms. Deterding. Mr. Farenthold?

1394 [No response.]

1395 Ms. Deterding. Mr. Holding?

1396 Mr. Holding. No.

1397 Ms. Deterding. Mr. Holding votes no.

1398 Mr. Collins?

1399 Mr. Collins. No.

1400 Ms. Deterding. Mr. Collins votes no.

1401 Mr. DeSantis?

1402 [No response.]

1403 Ms. Deterding. Mr. Smith of Missouri?

1404 Mr. Smith of Missouri. No.

1405 Ms. Deterding. Mr. Smith of Missouri votes no.

1406 Mr. Conyers?

1407 Mr. Conyers. Aye.

1408 Ms. Deterding. Mr. Conyers votes aye.

1409 Mr. Nadler?

1410 Mr. Nadler. Aye.

1411 Ms. Deterding. Mr. Nadler votes aye.

1412 Mr. Scott?

1413 Mr. Scott. Aye.

1414 Ms. Deterding. Mr. Scott votes aye.

1415 Ms. Lofgren?

1416 Ms. Lofgren. Aye.

1417 Ms. Deterding. Ms. Lofgren vote aye.

1418 Ms. Jackson Lee?

1419 [No response.]

1420 Ms. Deterding. Mr. Cohen?

1421 [No response.]

1422 Ms. Deterding. Mr. Johnson?

1423 Mr. Johnson. Aye.

1424 Ms. Deterding. Mr. Johnson votes aye.

1425 Mr. Pierluisi?

1426 Mr. Pierluisi. Aye.

1427 Ms. Deterding. Mr. Pierluisi votes aye.

1428 Ms. Chu?

1429 Ms. Chu. Aye.

1430 Ms. Deterding. Ms. Chu votes aye.

1431 Mr. Deutch?

1432 Mr. Deutch. Aye.

1433 Ms. Deterding. Mr. Deutch votes aye.

1434 Mr. Gutierrez?

1435 Mr. Gutierrez. Aye.

1436 Ms. Deterding. Mr. Gutierrez votes aye.

1437 Ms. Bass?

1438 [No response.]

1439 Ms. Deterding. Mr. Richmond?

1440 Mr. Richmond. Aye.

1441 Ms. Deterding. Mr. Richmond votes aye.

1442 Ms. DelBene?

1443 Ms. DelBene. Aye.

1444 Ms. Deterding. Ms. DelBene votes aye.

1445 Mr. Garcia?

1446 Mr. Garcia. Aye.

1447 Ms. Deterding. Mr. Garcia votes aye.

1448 Mr. Jeffries?

1449 Mr. Jeffries. Aye.

1450 Ms. Deterding. Mr. Jeffries votes aye.

1451 Chairman Goodlatte. The gentleman from Wisconsin?

1452 Mr. Sensenbrenner. No.

1453 Ms. Deterding. Mr. Sensenbrenner votes no.

1454 Chairman Goodlatte. The gentleman from North Carolina?

1455 Mr. Coble. No.

1456 Ms. Deterding. Mr. Coble votes no.

1457 Chairman Goodlatte. The gentleman from Texas?

1458 Mr. Smith from Texas. No.

1459 Ms. Deterding. Mr. Smith of Texas votes no.

1460 Chairman Goodlatte. The gentleman from Iowa?

1461 Mr. King. No.

1462 Ms. Deterding. Mr. King votes on.

1463 Chairman Goodlatte. The gentleman from Idaho?

1464 Mr. Labrador. No.

1465 Ms. Deterding. Mr. Labrador votes no.

1466 Chairman Goodlatte. The gentleman from Tennessee?

1467 Mr. Cohen. Aye.

1468 Ms. Deterding. Mr. Cohen votes aye.

1469 Chairman Goodlatte. Has every member voted who wishes

1470 to vote?

1471 [No response.]

1472 Chairman Goodlatte. The clerk will report.

1473 Ms. Deterding. Mr. Chairman, 14 members voted aye, 17

1474 members voted nay.

1475 Chairman Goodlatte. And the amendment is not agreed to.

1476 Are there further amendments to H.R. 7?

1477 Ms. Chu. Mr. Chair, I have an amendment at the desk.

1478 Chairman Goodlatte. The clerk will report the amendment

1479 offered by the gentlewoman from California, Ms. Chu.

1480 Ms. Deterding. Amendment to H.R. 7, offered by Ms. Chu
1481 of California, page --

1482 Chairman Goodlatte. Without objection, the amendment
1483 will be considered as read.

1484 [The amendment of Ms. Chu follows:]

1485

1486 Chairman Goodlatte. And the gentlewoman is recognized
1487 for 5 minutes on her amendment.

1488 Ms. Chu. Mr. Chair, as one of the 5 female members of
1489 this committee, I am extremely disappointed that the first
1490 bill we will mark up this year is one that is not only
1491 divisive, but one that attacks women's health and
1492 constitutional rights. In fact, in light of this, I joined
1493 our female colleagues, Congress Members DelBene, Lofgren,
1494 Jackson Lee, and Bass, to raise our grave concerns in a
1495 letter to the chairman about this bill expressing our views
1496 that denying women's access to abortion coverage will put
1497 their health at serious risk.

1498 H.R. 7 goes far beyond current law, which already
1499 prohibits Federal funding for abortion. The bill will
1500 practically eliminate insurance coverage for abortion and
1501 other essential reproductive healthcare. This legislation
1502 is not about Federal funding. It is about undermining
1503 women.

1504 The bill interferes with a woman's ability to make
1505 private healthcare decisions. The amendment that I offer
1506 today clarifies that despite this intrusion, women will

1507 still receive reliable information about safe and legal
1508 medical procedures from her physician. It protects a
1509 woman's right to receive full and accurate information from
1510 her healthcare provider. It clarifies that nothing in this
1511 bill would allow a Federal or a non-Federal entity to
1512 restrict the ability of healthcare providers to provide full
1513 disclosure of relevant information to patients or violate
1514 the principles of informed consent.

1515 This bill must make clear that this bill would do
1516 nothing to restrict doctors' ability to fully disclose
1517 treatment options and other healthcare information to their
1518 patients, and that the bill does nothing to violate ethical
1519 standards of healthcare professionals or informed consent
1520 between doctor and patient. I urge an aye vote.

1521 Chairman Goodlatte. The chair recognizes himself in
1522 opposition to the amendment. This amendment threatens to
1523 gut the bill by making it subject to unknown, unnamed
1524 "principles of informed consent and the ethical standards of
1525 healthcare professionals." Certainly it can be argued that
1526 abortion clinics routinely violate principles of informed
1527 consent when they tell women that their baby is simply a

1528 blob of tissue. Abortion is even expressly condemned in the
1529 Hippocratic Oath, which says I will never give a deadly drug
1530 to anybody if asked for, nor will I make a suggestion to
1531 this effect. Similarly, I will not give to a woman an
1532 abortive remedy.

1533 Sadly, this amendment in the hands of President Obama,
1534 Secretary Sebilius, and Attorney General Holder is more
1535 likely to be interpreted to give veto power over its
1536 protections to organizations such as the American College of
1537 OB/GYNs, which has become an advocate for abortion over the
1538 years. In 2007, ACOG's Ethics Committee issued Opinion
1539 Number 385, which specified that pro-life health
1540 professionals must refer for abortion, even if it violates
1541 their conscience, and even if practiced in proximity to
1542 abortionists.

1543 The amendment's requirement to follow the ethical
1544 standards of medicine is dangerously vague. For centuries,
1545 the ethical standards of the Hippocratic Oath have forbidden
1546 physicians to provide abortions at all. Now, some national
1547 medical organizations take the opposite stand and even seek
1548 to limit the conscience rights of any physician who lives by

1549 that traditional ethical standard.

1550 The amendment seems designed to allow the government to
1551 choose among these conflicting ethical standards and impose
1552 one of them on all physicians. This bill does not do that.
1553 It allows all healthcare providers to follow the ethical
1554 standards they believe in.

1555 I would add that after a month of negotiations, Senate
1556 Democratic Appropriations Chairwoman Barbara Mikulski and
1557 House Appropriations Chairman Hal Rogers came to an
1558 agreement on discretionary funding for the Federal
1559 government for Fiscal Year 2014. Throughout that bill are
1560 the same Hyde amendment provisions we are discussing here
1561 today. If any member supports the Hyde amendment provisions
1562 in the Mikulski-Rogers funding bill, they should support
1563 this bill as well as they do the same thing. And,
1564 therefore, they and I should oppose this amendment.

1565 Mr. Conyers. Mr. Chairman?

1566 Chairman Goodlatte. For what purpose does the gentleman
1567 from Michigan seek recognition?

1568 Mr. Conyers. I rise in support of the Chu amendment.

1569 Chairman Goodlatte. The gentleman is recognized for 5

1570 minutes.

1571 Mr. Conyers. Thank you very much. I want to commend
1572 the gentlelady for introducing this provision. I think it
1573 is very important that we get this point of view out. We
1574 are not here to discuss whether we are for abortion or
1575 against abortion. What we are doing here is asking in the
1576 Chu amendment that we can protect a woman's right to
1577 complete and accurate information to the best of our
1578 abilities.

1579 And this is an amendment to a bill that I am not
1580 supportive of, but this amendment safeguards a woman's right
1581 to receive full and accurate information from her healthcare
1582 provider. It clarifies that nothing in this bill will allow
1583 a Federal entity to restrict the ability of healthcare
1584 providers to provide full disclosure of relevant information
1585 to patients or violate the principles of informed consent.
1586 So in effect, it protects the right of women to make
1587 informed private healthcare decisions with the consultation
1588 of her health professional.

1589 And in addition, it ensures existing patient protections
1590 are preserved. And current law prohibits the restriction of

1591 the ability of healthcare providers to provide full
1592 disclosure of all relevant information to patients making
1593 healthcare decisions, and further prohibits violations of
1594 ethical standards of informed consent. This amendment
1595 simply says that even where provisions of H.R. 7 prevent a
1596 facility from offering abortion services, a patient still
1597 has the right to information from her provider on the full
1598 range of healthcare options. And of course, it reaches into
1599 the private healthcare decisions of women by putting
1600 restrictions on funding and availability of medical
1601 procedures.

1602 I encourage my colleagues to support the Chu amendment,
1603 and I yield back the balance of my time.

1604 Chairman Goodlatte. The question occurs -- for what
1605 purpose does the gentleman from New York seek recognition?

1606 Mr. Nadler. Strike the last word.

1607 Chairman Goodlatte. The gentleman is recognized for 5
1608 minutes.

1609 Mr. Nadler. Mr. Chairman, this really is a question of
1610 free speech. This does not say anything about the American
1611 College of Obstetricians and Gynecologists. It does not say

1612 anything pro- or anti-choice. All it says is nothing in
1613 this chapter allows any Federal or non-Federal individual
1614 entity to restrict the ability of healthcare providers to
1615 provide full disclosure of whatever they consider relevant
1616 information to patients making healthcare decisions. And
1617 that is really all it says.

1618 And presumably one would think that every member of this
1619 committee would think that the doctor advising his patient
1620 ought to have the ability and the freedom to advise his
1621 patient as he sees fit, and not have to be subject to
1622 Federal rules as to what he can say, or may not say, or must
1623 say. And that is what this amendment is about, nothing
1624 more, nothing less.

1625 And this -- what is it, Title 9 -- ties Federal funding
1626 to States to various mandated statements and prohibited
1627 statements. And what this says is we are not saying this is
1628 pro-choice or anti-choice. We are saying that the
1629 physician, the healthcare provider, the nurse practitioner,
1630 whoever it may be, that the patient has chosen, must have
1631 full freedom to say whatever his or her conscience and
1632 professional ethics says he should say. We do not when you

1633 go in for cardiac surgery or anything else presume to tell
1634 the doctor what he must say or may not say. All this says
1635 is we should behave the same here. And some of us may like
1636 what the doctor says. Some of us may not like what the
1637 doctor says. Some of us may like what Doctor A says, but
1638 not what Doctor B says. But that is not our job as Federal
1639 legislators, nor is it the job of the Federal government.

1640 And, therefore, Ms. Chu has an excellent amendment, and
1641 I commend it for her, and I urge its adoption. I yield
1642 back.

1643 Chairman Goodlatte. For what purpose does the gentleman
1644 from Louisiana seek recognition?

1645 Mr. Richmond. I move to strike the last word.

1646 Chairman Goodlatte. The gentleman is recognized for 5
1647 minutes.

1648 Mr. Richmond. Mr. Chairman, I hope to not use much of
1649 the time, but I did want to take a second to get us sort of
1650 back on message on this amendment, which is purely an
1651 amendment to give women the best information possible so
1652 that they can make the right decision in regards to their
1653 health and for their circumstances. But in the text that

1654 you just read, and I do not know if you were quoting when
1655 you said it or whether it was your own words, but you
1656 alluded to advocates for abortion. And I am not sure if you
1657 were talking about me. If you were talking about me, then I
1658 take offense to it because I respect a woman's right to make
1659 a very difficult personal decision, and I support the right
1660 to choose.

1661 And I think that sometimes we get involved in these
1662 conversations and things come out that are not necessarily
1663 meant to come out. But we have heard this bill referred to
1664 as a job creation bill a few minutes ago. This is a gut-
1665 wrenching decision made by people in their lives. And I
1666 think that both sides come at this issue with a lot of
1667 passion, and I would never take to know whether the passion
1668 is genuine or not genuine from either side. But I think
1669 that this is a very serious issue which not only is it gut
1670 wrenching for the woman that has to make a choice, it is a
1671 gut-wrenching decision for men who have to sit and make a
1672 decision on it.

1673 So I do not want us to be as cavalier as to say that
1674 because we respect or decide as a man that it is a woman's

1675 choice that all of a sudden I am an advocate for abortion.
1676 What I would like to see is a Federal government that was so
1677 concerned with the life of children and potential children
1678 that we create programs that make abortion the last choice
1679 and a choice that is never chosen. So when we develop our
1680 budgets, we would put money in for foster care, for adoption
1681 services, for women's health, for pregnancy assistance, for
1682 all of those things.

1683 So if you want to talk about in those circumstances,
1684 then I am very willing to do that. But what I will do not
1685 do is sit back and take shots because of my position. And I
1686 am not asking for, seeking, nor desire an apology. But I at
1687 least want to have my point clear that I am pro-choice, and
1688 I am pro-children, and I am not just pro-choice and pro-
1689 children until birth. I think that obligation goes beyond
1690 that in terms of policy and all of the decisions that we
1691 make to make sure that a child from birth to age 18 has all
1692 the opportunity and circumstances to be successful.

1693 So with that, Mr. Chairman, I will again say that I do
1694 not attempt to know what people on the other side, what
1695 their motivation is. I will assume and always assume that

1696 they are guided by their faith and their beliefs, and I will
1697 respect the fact that we disagree on a gut-wrenching
1698 decision. But I do take offense to be called an abortion
1699 advocate. And with that, I yield back.

1700 Chairman Goodlatte. The question occurs on the
1701 amendment offered by the gentlewoman from California.

1702 All those in favor, respond by saying aye?

1703 Those opposed, no.

1704 In the opinion of the chair, the noes have it, and the
1705 amendment is not agreed to.

1706 Ms. Chu. I request a recorded vote.

1707 Chairman Goodlatte. A recorded vote is requested, and
1708 the clerk will call the roll.

1709 Ms. Deterding. Mr. Goodlatte?

1710 Chairman Goodlatte. No.

1711 Ms. Deterding. Mr. Goodlatte votes no.

1712 Mr. Sensenbrenner?

1713 [No response.]

1714 Ms. Deterding. Mr. Coble?

1715 [No response.]

1716 Ms. Deterding. Mr. Smith of Texas?

1717 [No response.]

1718 Ms. Deterding. Mr. Chabot?

1719 Mr. Chabot. No.

1720 Ms. Deterding. Mr. Chabot votes no.

1721 Mr. Bachus?

1722 [No response.]

1723 Ms. Deterding. Mr. Issa?

1724 [No response.]

1725 Ms. Deterding. Mr. Forbes?

1726 Mr. Forbes. No.

1727 Ms. Deterding. Mr. Forbes votes no.

1728 Mr. King?

1729 Mr. King. No.

1730 Mr. Deterding. Mr. King votes no.

1731 Mr. Franks?

1732 Mr. Franks. No.

1733 Ms. Deterding. Mr. Franks votes no.

1734 Mr. Gohmert?

1735 Mr. Gohmert. No.

1736 Ms. Deterding. Mr. Gohmert votes no.

1737 Mr. Jordan?

1738 Mr. Jordan. No.

1739 Ms. Deterding. Mr. Jordan votes no.

1740 Mr. Poe?

1741 [No response.]

1742 Ms. Deterding. Mr. Chaffetz?

1743 Mr. Chaffetz. No.

1744 Ms. Deterding. Mr. Chaffetz votes no.

1745 Mr. Marino?

1746 Mr. Marino. No.

1747 Ms. Deterding. Mr. Marino votes no.

1748 Mr. Gowdy?

1749 Mr. Gowdy. No.

1750 Ms. Deterding. Mr. Gowdy votes no.

1751 Mr. Labrador?

1752 Mr. Labrador. No.

1753 Ms. Deterding. Mr. Labrador votes no.

1754 Mr. Farenthold?

1755 [No response.]

1756 Ms. Deterding. Mr. Holding?

1757 Mr. Holding. No.

1758 Ms. Deterding. Mr. Holding votes no.

1759 Mr. Collins?

1760 Mr. Collins. No.

1761 Ms. Deterding. Mr. Collins votes no.

1762 Mr. DeSantis?

1763 Mr. DeSantis. No.

1764 Ms. Deterding. Mr. DeSantis votes no.

1765 Mr. Smith of Missouri?

1766 Mr. Smith of Missouri. No.

1767 Ms. Deterding. Mr. Smith of Missouri votes no.

1768 Mr. Conyers?

1769 Mr. Conyers. Aye.

1770 Ms. Deterding. Mr. Conyers votes aye.

1771 Mr. Nadler?

1772 Mr. Nadler. Aye.

1773 Ms. Deterding. Mr. Nadler votes aye.

1774 Mr. Scott?

1775 Mr. Scott. Aye.

1776 Ms. Deterding. Mr. Scott votes aye.

1777 Ms. Lofgren?

1778 Ms. Lofgren. Aye.

1779 Ms. Deterding. Ms. Lofgren vote aye.

1780 Ms. Jackson Lee?

1781 Ms. Jackson Lee. Aye.

1782 Ms. Deterding. Ms. Jackson Lee votes aye.

1783 Mr. Cohen?

1784 Mr. Cohen. Aye.

1785 Ms. Deterding. Mr. Cohen votes aye.

1786 Mr. Johnson?

1787 Mr. Johnson. Aye.

1788 Ms. Deterding. Mr. Johnson votes aye.

1789 Mr. Pierluisi?

1790 Mr. Pierluisi. Aye.

1791 Ms. Deterding. Mr. Pierluisi votes aye.

1792 Ms. Chu?

1793 Ms. Chu. Aye.

1794 Ms. Deterding. Ms. Chu votes aye.

1795 Mr. Deutch?

1796 Mr. Deutch. Aye.

1797 Ms. Deterding. Mr. Deutch votes aye.

1798 Mr. Gutierrez?

1799 Mr. Gutierrez. Aye.

1800 Ms. Deterding. Mr. Gutierrez votes aye.

1801 Ms. Bass?

1802 [No response.]

1803 Ms. Deterding. Mr. Richmond?

1804 Mr. Richmond. Aye.

1805 Ms. Deterding. Mr. Richmond votes aye.

1806 Ms. DelBene?

1807 Ms. DelBene. Aye.

1808 Ms. Deterding. Ms. DelBene votes aye.

1809 Mr. Garcia?

1810 Mr. Garcia. Aye.

1811 Ms. Deterding. Mr. Garcia votes aye.

1812 Mr. Jeffries?

1813 Mr. Jeffries. Aye.

1814 Ms. Deterding. Mr. Jeffries votes aye.

1815 Chairman Goodlatte. The gentleman from Wisconsin?

1816 Mr. Sensenbrenner. No.

1817 Ms. Deterding. Mr. Sensenbrenner votes no.

1818 Chairman Goodlatte. The gentleman from North Carolina?

1819 Mr. Coble. No.

1820 Ms. Deterding. Mr. Coble votes no.

1821 Chairman Goodlatte. The gentleman from Texas?

1822 Mr. Smith of Texas. No.

1823 Ms. Deterding. Mr. Smith of Texas votes no.

1824 Chairman Goodlatte. The gentleman from Alabama?

1825 Mr. Bachus. No.

1826 Ms. Deterding. Mr. Bachus votes no.

1827 Chairman Goodlatte. Are there any members who have not
1828 voted who wish to vote?

1829 [No response.]

1830 Chairman Goodlatte. The clerk will report.

1831 Ms. Deterding. Mr. Chairman, 15 members voted aye, 19
1832 members voted nay.

1833 Chairman Goodlatte. And the amendment is not agreed to.
1834 Are there further amendments to H.R. 7?

1835 Ms. Jackson Lee. Mr. Chairman, I have an amendment at
1836 the desk.

1837 Chairman Goodlatte. The clerk will report the amendment
1838 offered by the gentlewoman from Texas.

1839 Ms. Deterding. Amendment to H.R. 7, offered by Ms.
1840 Jackson Lee of Texas, page 5, line --

1841 Chairman Goodlatte. Without objection, the amendment
1842 will be considered as read.

1843 [The amendment of Ms. Jackson Lee follows:]

1844

1845 Chairman Goodlatte. And the gentlewoman is recognized
1846 for 5 minutes on her amendment.

1847 Ms. Jackson Lee. Mr. Chairman, this hearing has not
1848 proceeded with any hostility, and I think that is right.
1849 But I do think it is important to note that some of the
1850 women of the House took to standing outside of this hearing
1851 room because of their enormous opposition to moving forward
1852 on legislation that would undermine the reproductive health
1853 of women.

1854 I want to thank Congresswoman Slaughter and
1855 Congresswoman DeGette for their leadership, along with men
1856 and women who stood outside this hearing room, almost as if
1857 we stood outside of a courtroom. And I want to acknowledge
1858 the women of this committee from Suzanne DelBene and Karen
1859 Bass, myself, Sheila Jackson Lee, Judy Chu, and Zoe Lofgren,
1860 and ask unanimous consent to place in the record a letter
1861 that we wrote to the chairman on our opposition to this
1862 legislation.

1863 [The information follows:]

1864

1865 Ms. Jackson Lee. It is dangerous and the bill is
1866 misleading. And rather than focus on the 48 million
1867 American women that are on the brink of poverty and the 22
1868 million children, we are now taking away the rights of these
1869 individuals.

1870 I have offered an amendment that will not make this bill
1871 perfect, but hopefully it will be reasonable to acknowledge
1872 that it protects the health of women. It creates an
1873 exception from the provisions of the bill where continuing
1874 the pregnancy could result in severe and long-lasting damage
1875 to a woman's health, including lung disease, heart disease,
1876 or diabetes.

1877 Every year, 10 to 15 million women suffer severe or
1878 long-lasting damage to their health during pregnancy. My
1879 amendment corrects a shortcoming in the bill which only
1880 considers a woman's health when she is faced with death. My
1881 amendment is consistent with the Hyde amendment. This bill
1882 is not. It has been standing law that you do not use
1883 taxpayer dollars for utilizing a woman's right to choose.
1884 This present state of the law, the Affordable Care Act,
1885 complies with the Hyde amendment, but this bill says you

1886 cannot use your own money. Small businesses cannot use
1887 their own money. And, in fact, we will tax you. We will
1888 penalize you. We will punish you.

1889 This Congress should not be in the business of
1890 interfering with a woman's health, nor should we ever single
1891 out women who choose not to endure long-lasting health
1892 defect or disease due to a pregnancy. Without this
1893 amendment, this Congress will submit millions of women to
1894 face serious and long-lasting health issues. And as I
1895 indicated, my amendment reflects the 1978 version of the
1896 Hyde amendment by incorporating an exemption of severe and
1897 long-lasting damage the woman's health in continuing a
1898 pregnancy.

1899 This amendment is supported by professionals,
1900 physicians, the American Congress of Obstetricians and
1901 Gynecologists. Women must receive the best healthcare ever
1902 and disease prevention and have access to all medically
1903 appropriate legal medical procedures. But most importantly,
1904 they should be able to consult their family, their God, and
1905 the medical professional which they rely upon.

1906 This is fairness, and it is reasonable judicial economy.

1907 I just simply ask the question to my colleagues, while
1908 millions of women today are financially vulnerable when so
1909 many other women are breaking the glass ceiling, while
1910 millions of women are struggling to make ends meet, while
1911 millions of women are more likely to be poor than working
1912 men, how much more of a burden can women take in this
1913 Nation?

1914 I ask my colleagues to support the Jackson Lee
1915 amendment, which is only a fair interpretation of the Hyde
1916 amendment, and to be able to respect the life and dignity
1917 and rights of women. With that, I yield back.

1918 Chairman Goodlatte. For what purpose does the gentleman
1919 from Ohio seek recognition?

1920 Mr. Chabot. Move to strike the last word.

1921 Chairman Goodlatte. The gentleman is recognized for 5
1922 minutes.

1923 Mr. Chabot. Thank you, Mr. Chairman. I oppose this
1924 amendment. The Hyde amendment does not contain a broader
1925 exception for health, and there is no reason to add one
1926 here. Such language is not part of the Hyde amendment or
1927 any parallel provision for Federal employees or military

1928 hospitals. A general long-lasting health exception would
1929 gut the provisions because courts have interpreted the word
1930 "health" to include virtually any reason for desiring an
1931 abortion, and this exception would swallow the rule.

1932 In *Doe v. Bolton*, the Supreme Court, for example,
1933 interpreted "health" to mean all factors, physical,
1934 emotional, psychological, family, and the woman's age,
1935 relevant to the well-being of the patient. And the
1936 difficult cases described, life affirming solutions will be
1937 funded and supported under this act. But abortion remains
1938 legal under *Roe*, and that fact is unlikely to change in the
1939 near future.

1940 Under H.R. 7, abortion would still be available and
1941 legally -- excuse me -- legal using private dollars. This
1942 bill simply prohibits abortions using taxpayer funding. I
1943 would add that after a month of negotiations, Senate
1944 Democratic Appropriations chairwoman Barbara Mikulski and
1945 House Appropriations chairman Hal Rogers came to the
1946 agreement on discretionary funding for the Federal
1947 government for Fiscal Year 2014. And throughout that bill
1948 are the very same Hyde amendment provisions that we are

1949 discussing here today. If any member supports the Hyde
1950 amendment provisions in the Mikulski-Rogers funding bill,
1951 they should support this bill as well as they do the same
1952 thing.

1953 And I would urge my colleagues to oppose this amendment.
1954 I yield back.

1955 Chairman Goodlatte. The question occurs --

1956 Mr. Conyers. Wait. Could I --

1957 Chairman Goodlatte. For what purpose does the gentleman
1958 from Michigan seek recognition?

1959 Mr. Conyers. I rise in support of the Jackson Lee
1960 amendment.

1961 Chairman Goodlatte. The gentleman is recognized for 5
1962 minutes.

1963 Mr. Conyers. And I would like to ask the gentlelady to
1964 enlarge briefly on the fact that this amendment is really
1965 more extreme than the Hyde amendment.

1966 Ms. Jackson Lee. I am so glad you asked the question,
1967 Mr. Chairman. As you well know, through the years of our
1968 service on the committee, and certainly your years of
1969 service even as chairman, you adhered to the Hyde amendment.

1970 This is a punitive punishment which indicates that if
1971 you do not comply, you are penalized through a tax penalty.
1972 In essence, the small businesses that are operating either
1973 independently or under the Affordable Care Act cannot use
1974 their own money to provide for good healthcare for their
1975 women employees. If they do so, they will be penalized,
1976 which is not what the Hyde amendment suggests. And I
1977 believe it is unconstitutional because it tells the American
1978 people that if you desire to use your own money -- your own
1979 money. In the Affordable Care Act, you are using your own
1980 money. You are accessing the exchange to get health
1981 insurance. If you want to use your own money, you are
1982 likewise penalized and prohibited from insurance that would
1983 provide this enhanced healthcare for the American woman.

1984 So I am overwhelmed with the interpretation that this
1985 will pass constitutional muster, and I thank the gentleman
1986 for the question.

1987 Mr. Conyers. Well, I thank the gentlelady for the
1988 answer. And I think that underscores the importance for us
1989 to support the Jackson Lee amendment to protect women from
1990 severe and lasting health damage. And, Mr. Chairman, I

1991 yield back the balance of my time.

1992 Chairman Goodlatte. The chair thanks the gentleman. We
1993 have votes on the floor, I believe 2 votes.

1994 Ms. Jackson Lee. Can we vote, please? Are we going to
1995 vote?

1996 Chairman Goodlatte. We will reconvene after --

1997 Ms. Jackson Lee. Mr. Chairman, I am in another meeting
1998 at that time, I think.

1999 Chairman Goodlatte. There may be other members who wish
2000 to speak on this who have already headed to the floor to
2001 vote.

2002 Ms. Jackson Lee. Thank you, Mr. Chairman.

2003 Chairman Goodlatte. We will reconvene following the
2004 votes and 20 minutes after. Some members of the minority
2005 want to meet quickly, and we will accommodate that. So 20
2006 minutes after the conclusion of the final vote in this
2007 series, the committee will reconvene.

2008 [Recess.]

2009 Chairman Goodlatte. The committee will reconvene, and
2010 the clerk will call a quorum to ascertain whether we have a
2011 quorum present to continue business.

2012 Ms. Deterding. Mr. Goodlatte?

2013 Chairman Goodlatte. Present

2014 Mr. Sensenbrenner?

2015 Mr. Coble?

2016 Mr. Coble. Present.

2017 Ms. Deterding. Mr. Smith of Texas?

2018 Mr. Chabot?

2019 Mr. Bachus?

2020 Mr. Bachus. Present.

2021 Ms. Deterding. Mr. Issa?

2022 Mr. Issa. Here.

2023 Ms. Deterding. Mr. Forbes?

2024 Mr. Forbes. Here.

2025 Ms. Deterding. Mr. King?

2026 Mr. Franks?

2027 Mr. Franks. Here.

2028 Ms. Deterding. Mr. Gohmert?

2029 Mr. Gohmert. Here.

2030 Ms. Deterding. Mr. Jordan?

2031 Mr. Jordan. Here.

2032 Ms. Deterding. Mr. Poe?

2033 Mr. Chaffetz?

2034 Mr. Chaffetz. Present.

2035 Ms. Deterding. Mr. Marino?

2036 Mr. Marino. Present.

2037 Ms. Deterding. Mr. Gowdy?

2038 Mr. Gowdy. Present.

2039 Ms. Deterding. Mr. Labrador?

2040 Mr. Farenthold?

2041 Mr. Farenthold. Present.

2042 Ms. Deterding. Mr. Holding?

2043 Mr. Holding. Present.

2044 Ms. Deterding. Mr. Collins?

2045 Mr. DeSantis?

2046 Mr. Smith of Missouri?

2047 Mr. Smith of Missouri. Present.

2048 Ms. Deterding. Mr. Conyers?

2049 Mr. Nadler?

2050 Mr. Scott?

2051 Ms. Lofgren?

2052 Ms. Jackson Lee?

2053 Mr. Cohen?

2054 Mr. Johnson?

2055 Mr. Pierluisi?

2056 Mr. Pierluisi. Present.

2057 Ms. Deterding. Ms. Chu?

2058 Mr. Deutch?

2059 Mr. Gutierrez?

2060 Ms. Bass?

2061 Mr. Richmond?

2062 Ms. DelBene?

2063 Mr. Garcia?

2064 Mr. Jeffries?

2065 Mr. Poe?

2066 Mr. Poe. Present.

2067 Chairman Goodlatte. The gentleman from Iowa?

2068 Ms. Deterding. Mr. King?

2069 Mr. King. Present.

2070 Chairman Goodlatte. The committee has a sufficient

2071 quorum to proceed with business, but not to report the bill.

2072 So at this point in time, we will proceed. And the item

2073 under consideration by the committee when we recessed for

2074 the vote was the amendment offered by the gentlewoman from

2075 Texas, Ms. Jackson Lee.

2076 Any further discussion on the amendment offered by the
2077 gentlewoman from Texas?

2078 If not, the question is on the amendment.

2079 All those in favor, respond by saying aye.

2080 All those opposed, no.

2081 In the opinion of the chair, the noes have it. But the
2082 chair --

2083 Mr. Pierluisi. I ask for a recorded vote.

2084 Chairman Goodlatte. Thank you. I was going to ask for
2085 one myself.

2086 The clerk will call the roll.

2087 Ms. Deterding. Mr. Goodlatte?

2088 Chairman Goodlatte. No

2089 Ms. Deterding. Mr. Goodlatte votes no.

2090 Mr. Sensenbrenner?

2091 [No response.]

2092 Ms. Deterding. Mr. Coble?

2093 Mr. Coble. No.

2094 Ms. Deterding. Mr. Coble votes no.

2095 Mr. Smith of Texas?

2096 [No response.]

2097 Ms. Deterding. Mr. Chabot?

2098 [No response.]

2099 Ms. Deterding. Mr. Bachus?

2100 Mr. Bachus. No.

2101 Ms. Deterding. Mr. Bachus votes no.

2102 Mr. Issa?

2103 [No response.]

2104 Ms. Deterding. Mr. Forbes?

2105 Mr. Forbes. No.

2106 Ms. Deterding. Mr. Forbes votes no.

2107 Mr. King?

2108 Mr. King. No.

2109 Ms. Deterding. Mr. King votes no.

2110 Mr. Franks?

2111 Mr. Franks. No.

2112 Ms. Deterding. Mr. Franks votes no.

2113 Ms. Deterding. Mr. Gohmert?

2114 [No response.]

2115 Ms. Deterding. Mr. Jordan?

2116 Mr. Jordan. No.

2117 Ms. Deterding. Mr. Jordan votes no.

2118 Mr. Poe?

2119 Mr. Poe. No.

2120 Ms. Deterding. Mr. Poe votes no.

2121 Mr. Chaffetz?

2122 Mr. Chaffetz. No.

2123 Ms. Deterding. Mr. Chaffetz votes no.

2124 Mr. Marino?

2125 Mr. Marino. No.

2126 Ms. Deterding. Mr. Marino votes no.

2127 Mr. Gowdy?

2128 Mr. Gowdy. No.

2129 Ms. Deterding. Mr. Gowdy votes no.

2130 Mr. Labrador?

2131 [No response.]

2132 Ms. Deterding. Mr. Farenthold?

2133 Mr. Farenthold. No.

2134 Ms. Deterding. Mr. Farenthold votes no.

2135 Mr. Holding?

2136 [No response.]

2137 Ms. Deterding. Mr. Collins?

2138 [No response.]

2139 Ms. Deterding. Mr. DeSantis?

2140 [No response.]

2141 Ms. Deterding. Mr. Smith of Missouri?

2142 Mr. Smith of Missouri. No.

2143 Ms. Deterding. Mr. Smith of Missouri votes no.

2144 Mr. Conyers?

2145 [No response.]

2146 Ms. Deterding. Mr. Nadler?

2147 [No response.]

2148 Ms. Deterding. Mr. Scott?

2149 [No response.]

2150 Ms. Deterding. Ms. Lofgren?

2151 [No response.]

2152 Ms. Deterding. Ms. Jackson Lee?

2153 [No response.]

2154 Ms. Deterding. Mr. Cohen?

2155 [No response.]

2156 Ms. Deterding. Mr. Johnson?

2157 [No response.]

2158 Ms. Deterding. Mr. Pierluisi?

2159 Mr. Pierluisi. Pass.

2160 Ms. Deterding. Mr. Pierluisi pass.

2161 Ms. Chu?

2162 [No response.]

2163 Ms. Deterding. Mr. Deutch?

2164 Mr. Deutch. Pass.

2165 Ms. Deterding. Mr. Deutch pass.

2166 Mr. Gutierrez?

2167 [No response.]

2168 Ms. Deterding. Ms. Bass?

2169 [No response.]

2170 Ms. Deterding. Mr. Richmond?

2171 Mr. Richmond. Pass.

2172 Ms. Deterding. Mr. Richmond pass.

2173 Ms. DelBene?

2174 [No response.]

2175 Ms. Deterding. Mr. Garcia?

2176 [No response.]

2177 Ms. Deterding. Mr. Jeffries?

2178 [No response.]

2179 Chairman Goodlatte. The gentleman from Ohio?

2180 Mr. Chabot. No.

2181 Ms. Deterding. Mr. Chabot votes no.

2182 Chairman Goodlatte. The gentleman from Georgia?

2183 Mr. Collins. Mr. Chairman, how am I recorded?

2184 Ms. Deterding. Not recorded, sir.

2185 Mr. Collins. No.

2186 Ms. Deterding. Mr. Collins votes no.

2187 Chairman Goodlatte. The gentleman from Texas?

2188 Mr. Gohmert. No.

2189 Ms. Deterding. Mr. Gohmert votes no.

2190 Chairman Goodlatte. The gentleman from Florida?

2191 Mr. DeSantis. No.

2192 Ms. Deterding. Mr. DeSantis votes no.

2193 Chairman Goodlatte. The gentlewoman from California?

2194 Ms. Chu. Aye.

2195 Ms. Deterding. Ms. Chu votes aye.

2196 Chairman Goodlatte. The gentleman from Wisconsin?

2197 Mr. Sensenbrenner. No.

2198 Ms. Deterding. Mr. Sensenbrenner votes no.

2199 Mr. Pierluisi. Mr. Chairman, how am I recorded?

2200 Ms. Deterding. Not recorded, sir.

2201 Mr. Pierluisi. Aye.

2202 Ms. Deterding. Mr. Pierluisi votes aye.

2203 Chairman Goodlatte. The chair would inquire of the
2204 gentleman from Louisiana if he knows how far behind him the
2205 other members of the committee are?

2206 Mr. Richmond. Mr. Chairman, I do not know, but I know
2207 that there are two members that are about a minute away.

2208 Chairman Goodlatte. Okay, we are going to wait at least
2209 a minute.

2210 Mr. Richmond. Aye.

2211 Ms. Deterding. Mr. Richmond votes aye.

2212 Mr. Richmond. Thank you, Mr. Chairman.

2213 Chairman Goodlatte. The gentleman from Florida?

2214 Mr. Garcia. Aye.

2215 Ms. Deterding. Mr. Garcia votes aye.

2216 Ms. DelBene. Aye.

2217 Ms. Deterding. Ms. DelBene votes aye.

2218 Chairman Goodlatte. Are there any other members who
2219 have not voted who wish to vote?

2220 Mr. Deutch. How am I recorded?

2221 Ms. Deterding. Not recorded, sir.

2222 Mr. Deutch. Aye.

2223 Ms. Deterding. Mr. Deutch votes aye.

2224 Chairman Goodlatte. The clerk will report.

2225 Mr. Deutch. Change that to a no vote.

2226 Ms. Deterding. Mr. Deutch votes no.

2227 Chairman Goodlatte. The clerk will report.

2228 Ms. DelBene. Mr. Chair, I would like to make a motion
2229 for us to hold the votes until after all the amendments are
2230 debated, so that other members are allowed to participate.

2231 Chairman Goodlatte. I think Mr. Deutch has set up the
2232 opportunity for him to make a motion to reconsider, since he
2233 switched his vote.

2234 Mr. Deutch. Mr. Chairman, I have, but I believe that my
2235 colleague's suggestion is better.

2236 Chairman Goodlatte. Well, it may be, but we have a lot
2237 of members here who want to move on.

2238 Ms. DelBene. I know many members would like to be here
2239 to be able to vote.

2240 Chairman Goodlatte. I know, and we are almost 30
2241 minutes beyond when we said we would start.

2242 Ms. DelBene. We can debate the other amendments while

2243 they return, and then do all the votes at the end.

2244 Chairman Goodlatte. I haven't had a request from the
2245 minority to roll the votes so far, but we will take that as
2246 a good suggestion, and we will suspend this vote.

2247 And without objection, we will proceed to the amendment
2248 offered by the gentleman from Florida, Mr. Deutch.

2249 Ms. DelBene. Thank you, Mr. Chair.

2250 Mr. Deutch. Thank you, Mr. Chairman.

2251 I have an amendment at the desk, Deutch No. 40.

2252 Chairman Goodlatte. The clerk will report the
2253 amendment.

2254 Ms. Deterding. Amendment to H.R. 7 offered by Mr.
2255 Deutch of Florida. Beginning on page 2, line 8, strike --

2256 Mr. Franks. Mr. Chairman, I reserve a point of order.

2257 Chairman Goodlatte. A point of order has been reserved.

2258 Without objection, the amendment will be considered as
2259 read.

2260 [The amendment of Mr. Deutch follows:]

2261

2262 Chairman Goodlatte. And the gentleman from Florida has
2263 5 minutes to explain his amendment.

2264 Mr. Deutch. Thank you, Mr. Chairman.

2265 Mr. Chairman, my amendment strikes Title I of the bill.

2266 It is a title that does nothing to protect taxpayers
2267 from funding abortions because, as we discussed both last
2268 week at our hearing and as we have discussed further today,
2269 the protection already exists.

2270 And what we do, instead, Mr. Chairman, is we replace
2271 Title I with something that actually will help the women
2272 that everyone is concerned with, those who have supported
2273 this bill. It will also help children, something else that
2274 we have heard a great deal of conversation about throughout
2275 the day, as we have debated this bill.

2276 The way that we are going to help them is we are going
2277 to replace Title I of the bill with a 3-month extension of
2278 unemployment compensation.

2279 Mr. Chairman, we are debating what is a divisive attack
2280 on a constitutionally protected right of American women, and
2281 we are doing it at a time when there are millions of women
2282 who are affected by the expiration of emergency unemployment

2283 compensation.

2284 In fact, if you look at the 1.3 million Americans whose
2285 emergency unemployment benefits have stopped, if you look at
2286 the 73,000 workers in Florida, you realize that the
2287 expiration of unemployment comp without the extension
2288 doesn't just affect those who are searching for work, which
2289 includes many women. It includes the women in the
2290 households. It includes the children in the households.

2291 And, Mr. Chairman, it seems to me that it ought to be
2292 our goal here in Congress to take action necessary,
2293 especially in this committee, which rightfully spends a good
2294 amount of time talking about the importance of protecting
2295 children and protecting women, that here we have an
2296 opportunity to do that by ensuring that the lights will stay
2297 on, the heat will be provided, that people can put food on
2298 their table even as they continue to search for work,
2299 something that they are required to do in order to qualify
2300 for emergency unemployment compensation.

2301 This, Mr. Chairman, would be an important step forward
2302 for the women, children, and, frankly, all of America, who
2303 will benefit when people who are actively engaged in

2304 searching for work in a very difficult environment are able
2305 to continue to do that at the same time knowing that they
2306 are in a position that the heat in their home will not get
2307 turned off, that electricity will continue, and that they
2308 will be able to put food on the table.

2309 We care, Mr. Chairman, in this committee about taking
2310 care of women and children. Unemployment compensation,
2311 emergency unemployment compensation, should be extended, so
2312 that we can prove that we care about women and children.

2313 That is what my amendment does, Mr. Chairman. And I
2314 yield back the balance of my time.

2315 Chairman Goodlatte. Does the gentleman from Arizona
2316 insist on his point of order?

2317 Mr. Franks. Mr. Chairman, I do.

2318 The amendment deals with a different subject matter than
2319 the bill under consideration. The amendment addresses
2320 unemployment compensation while the bill only addresses
2321 taxpayer funding for abortion.

2322 And for this reason, I must insist on my point of order.

2323 Chairman Goodlatte. Does the gentleman from Florida
2324 wish to speak on the point of order?

2325 Mr. Deutch. I do, Mr. Chairman.

2326 I would just suggest to my colleagues that this is a
2327 bill that we have been told repeatedly is a bill about women
2328 and children, and protecting women and children. And
2329 clearly, substituting a provision that really does not
2330 accomplish what the supporters of the bill suggest we want
2331 to do and substituting for it something that will ensure
2332 that the women who are actively searching for work, their
2333 husbands in other settings, the children of those who are at
2334 risk since these benefits have now cut off -- more of them
2335 at risk every week, if Congress fails to act -- that is what
2336 we ought to be doing.

2337 That is why think it is actually germane and consistent
2338 with what so many have spoken to here today.

2339 Chairman Goodlatte. The chair thanks the gentleman and
2340 is prepared to rule on the point of order.

2341 The amendment does go beyond the subject of the bill.
2342 And, therefore, in the opinion of the chair, the amendment
2343 is not germane.

2344 Are there other amendments?

2345 Mr. Deutch. Mr. Chairman, may I ask for a vote? It is

2346 not germane; I can't ask for a vote.

2347 Mr. Chairman, I have another amendment at the desk.

2348 Chairman Goodlatte. The clerk will report the

2349 amendment.

2350 Ms. Deterding. Amendment to H.R. 7 offered by Mr.

2351 Deutch of Florida. Page 2, line --

2352 Chairman Goodlatte. Without objection, the amendment

2353 will be considered as read.

2354 [The amendment of Mr. Deutch follows:]

2355

2356 Chairman Goodlatte. And the gentleman is recognized 5
2357 minutes on his amendment.

2358 Mr. Deutch. Thank you, Mr. Chairman.

2359 Mr. Chairman, this is an amendment that, and I
2360 appreciate the opportunity to offer it, it is an amendment
2361 to this legislation that, as I have expressed over the past
2362 couple of weeks my opposition, my concern with this
2363 legislation, one of my chief concerns is that H.R. 7 doesn't
2364 actually seek to keep Federal funds from being used for
2365 abortions.

2366 The law, as I have said, as many of us have already
2367 pointed out, ensures that taxpayers don't foot the bill for
2368 abortions. That problem has been solved.

2369 What the proponents of this bill are actually trying to
2370 do is to use Federal tax policy to chip away at a
2371 constitutionally protected right of women to access abortion
2372 services with their own private health insurance.

2373 Now, my colleagues have claimed that section 305 of the
2374 bill does nothing of the sort. They say that nothing in the
2375 legislation reduces the availability of abortion services in
2376 the private marketplace. And they claim that that is not

2377 the bill's intent. I disagree.

2378 It is, frankly, absurd on its face to think that women's
2379 constitutional right to access abortion services won't be
2380 undermined by eliminating tax deductions for insurance plans
2381 just because they include coverage of such services,
2382 regardless of whether or not they are ever used.

2383 The bill's intent, as I said last week, and I think the
2384 point needs to be made again, this bill's intent is to use
2385 the power of the Federal Government to reduce the pool of
2386 comprehensive health insurance options for women until no
2387 private insurance company actually offers coverage for
2388 abortion services.

2389 That is the goal. Let's have no illusions about that.

2390 Why else would we strike the ability of small businesses
2391 to claim their existing deductions under the small business
2392 tax credit if they offer their employees health insurance
2393 that includes abortion services, regardless of whether any
2394 employee ever chooses to have an abortion?

2395 Why else would we prevent a woman from using her
2396 flexible spending, her health savings account, to cover the
2397 medical costs of an abortion just as she would any other

2398 health-related expense?

2399 Many things are eligible for tax deductions. In fact,
2400 taxpayers subsidize other Americans' private donations to
2401 churches, to temples, to mosques, to charities that they may
2402 not endorse.

2403 And as I said, Mr. Chairman, I respect the religious
2404 beliefs of everyone in this House of Representatives. But
2405 the fact that the United States is a multicultural society
2406 that draws great strength from its religious diversity, that
2407 is why I am afraid that H.R. 7 seeks to impose specific
2408 religious beliefs on all Americans by using the massive
2409 power of Federal tax policy to do it.

2410 If supporters of the legislation claim that the bill
2411 does absolutely nothing to roll back a woman's right to
2412 choose, certainly they cannot object to my amendment. My
2413 amendment ensures that the legislation acknowledges that
2414 women, indeed, have a constitutionally protected right to
2415 choose.

2416 My colleagues in support of this legislation should be
2417 pleased to know that this amendment would make no functional
2418 changes to the bill. I merely worked through the

2419 legislation line by line, highlighted every reference to
2420 abortion and added the words "to which women have a
2421 constitutionally protected right."

2422 This bill must reaffirm the constitutional rights of
2423 America's women to make choices about their own bodies.
2424 They have the authority to make their own private health
2425 care decisions.

2426 And again, my amendment makes absolutely no functional
2427 changes to the bill. It merely makes clear that H.R. 7's
2428 references of abortion include recognition that access to
2429 abortion services, that protecting a woman's right to
2430 choose, is, in fact, a constitutionally protected right.

2431 Since there are no substantive changes being made with
2432 this amendment, since my amendment simply reiterates that
2433 women have a constitutionally protected right to choose
2434 unrelated to the use of Federal dollars, I hope that
2435 supporters of this bill will join me in reaffirming settled
2436 case law. And I ask that they support this amendment.

2437 Thank you, Mr. Chairman. I yield back the balance of my
2438 time.

2439 Chairman Goodlatte. The chair thanks the gentleman and

2440 recognizes himself in opposition to the amendment.

2441 This amendment should be defeated because it is deeply
2442 misleading. That this bill is constitutional is beyond
2443 question. The Supreme Court has held that the alleged
2444 constitutional right to an abortion, and I quote, "implies
2445 no limitation on the authority of a State to make a value
2446 judgment favoring childbirth over abortion and to implement
2447 that judgment by the allocation of public funds. As the
2448 U.S. Supreme Court has said, by subsidizing the medical
2449 expenses of indigent women who carry their pregnancies to
2450 term, while not subsidizing the comparable expenses of women
2451 who undergo abortions, except those whose lives are
2452 threatened, Congress has established incentives that make
2453 childbirth a more attractive alternative than abortion for
2454 persons eligible for Medicaid. These incentives bear a
2455 direct relationship to the legitimate congressional interest
2456 in protecting potential life. Nor is it irrational that
2457 Congress has authorized Federal reimbursement for medically
2458 necessary services generally, but not for certain medically
2459 necessary abortions. Abortion is inherently different from
2460 other medical procedures because no other procedure involves

2461 the purposeful termination of a potential life.”

2462 As the Supreme Court held in *Rust v. Sullivan*, in
2463 upholding Federal limits on abortion funding, “by requiring
2464 that the grantee engage in abortion-related activity
2465 separately from activity receiving Federal funding, Congress
2466 has, consistent with our teachings, not denied it the right
2467 to engage in abortion-related activities. Congress has
2468 merely refused to fund such activities out of the public
2469 fisc.”

2470 And when a challenge to the constitutionality of the
2471 Hyde Amendment reached the Supreme Court in 1980 in the case
2472 of *Harris v. McRae*, they affirmed that *Roe v. Wade* had
2473 created a limitation on Government, not a Government
2474 entitlement.

2475 Three years earlier, the Supreme Court had also ruled
2476 that the Government’s refusal to fund abortion placed no
2477 restriction on the right to choose abortion.

2478 This amendment should be defeated.

2479 Is there further discussion?

2480 For what purpose does the gentleman from New York seek
2481 recognition?

2482 Mr. Nadler. To strike the last word, Mr. Chairman.

2483 Chairman Goodlatte. The gentleman is recognized for 5
2484 minutes.

2485 Mr. Nadler. Thank you, Mr. Chairman.

2486 It seems to me that some of the remarks that we just
2487 heard are, frankly, beating a red herring. Or is that
2488 mixing metaphors? Beating a dead horse, whatever.

2489 They are off point, is the point.

2490 Several things are clear. Number one, constitutionally,
2491 it is clear there is a constitutional right to an abortion.
2492 That is not debatable. The Supreme Court has said so
2493 repeatedly. It has also said that States have the right to
2494 put restrictions on the rights to abortion so long as they
2495 are not an undue burden, and we have debated what an undue
2496 burden means.

2497 But the fact that the fundamental right to an abortion
2498 is a constitutional right is not debatable, number one.

2499 Number two, neither is it debatable, as the chairman has
2500 said, that Congress has the right to limit Federal funding
2501 for abortions. The Supreme Court has told us that also.

2502 So it is clear that abortion is a fundamental

2503 constitutional right. Women have a constitutionally
2504 protected right to choose is an exact statement of the
2505 constitutional law.

2506 Congress has the right to restrict Federal funding is
2507 also a statement of constitutional law. Whether it should
2508 or not, obviously, is another question.

2509 This bill, however, as has been repeatedly stated, goes
2510 beyond Congress exercising its right to, whether wisely or
2511 not, restrict Federal funding of abortion. It goes to
2512 restricting private funding of abortion, to pressuring
2513 insurance companies not to offer insurance policies to
2514 people paying for those insurance policies with their own
2515 money.

2516 All of this is undebatable. You can debate whether that
2517 is a good idea or a bad idea, but it is clear those three
2518 propositions are clear: one, that a right to abortion is
2519 constitutionally protected; two, that Congress has the right
2520 to restrict Federal funding for abortion; three, that this
2521 bill does the latter, but also goes further and restricts,
2522 in practical terms, private funding for abortion.

2523 Those are all clear.

2524 Now, Mr. Deutch's amendment comes up and simply says
2525 that we should make clear, wherever the word "abortion"
2526 appears in the bill, to clarify even though women have a
2527 constitutionally protected right to choose, we are doing
2528 this, that, or the other thing.

2529 Absolutely true. Women do have a constitutionally
2530 protected right to choose. You cannot quibble with that.
2531 That is clear constitutional law.

2532 I see no harm in saying that in the bill. I am not sure
2533 that it changes the bill very much, or makes it very better.
2534 But at least you are admitting the obvious.

2535 So I support the amendment. I heard some of the
2536 chairman's objections. And, frankly, they are off the
2537 point, because this amendment has nothing to do with
2538 Congress' right to restrict Federal funding for abortion.
2539 It has nothing to do -- period. It doesn't have anything to
2540 do with that. It simply says that we should admit that
2541 women have a constitutionally protected right to choose,
2542 which undeniable.

2543 I yield back.

2544 Chairman Goodlatte. The question occurs on the

2545 amendment offered by the gentleman from Florida.

2546 All those in favor, respond by saying aye.

2547 Those opposed, no.

2548 In the opinion of the chair, the noes have it.

2549 Mr. Deutch. Mr. Chairman, I ask for a recorded vote.

2550 Chairman Goodlatte. A recorded vote has been requested.

2551 Pursuant to the chair's authority under committee rule 2(j),

2552 further proceedings on the amendment are postponed.

2553 For what purposes does the gentlewoman from Washington

2554 seek recognition?

2555 Ms. DelBene. I have an amendment at the desk.

2556 Chairman Goodlatte. The clerk will report the

2557 amendment.

2558 Ms. Deterding. Amendment to H.R. 7 offered by Ms.

2559 DelBene of Washington. Page 5, line 18 --

2560 Chairman Goodlatte. Without objection, the amendment

2561 will be considered as read.

2562 [The amendment of Ms. DelBene follows:]

2563

2564 Chairman Goodlatte. And the gentlewoman is recognized
2565 for 5 minutes on her amendment.

2566 Ms. DelBene. Thank you, Mr. Chair.

2567 My amendment would insert an exception to the bill that
2568 ensures that a pregnant woman diagnosed with cancer who
2569 needs lifesaving treatment that is incompatible with
2570 continuing her pregnancy would be able to receive
2571 appropriate care.

2572 Unfortunately, this bill fails to consider the real
2573 circumstances and complications women can face during
2574 pregnancy. An abortion is a medical decision that should be
2575 made between a woman, her family, and her doctor, whether
2576 they are Federal employees on Federal employee health
2577 benefits or women who purchase insurance plan from State
2578 health care exchanges, all women should have the option to
2579 pursue lifesaving treatment before carrying a pregnancy to
2580 term.

2581 According to the National Cancer Institute at the
2582 National Institutes of Health, breast cancer is the most
2583 common cancer in pregnant women, occurring in about one in
2584 3,000 pregnant women. There are very aggressive forms of

2585 cancer that require immediate chemotherapy and radiation
2586 that are incompatible with pregnancy.

2587 Each patient is different, and legislators simply cannot
2588 know the circumstances of every pregnancy and should not
2589 interfere in personal, private medical decisions.

2590 While this bill provides a narrow exception for a woman
2591 who is in danger of death unless abortion is performed, my
2592 amendment is an important clarification to ensure that women
2593 are not forced to delay lifesaving cancer treatment that is
2594 incompatible with continuing a pregnancy.

2595 These are decisions that must be based on science and
2596 health, and they are questions of life and death that
2597 require women to have the ability to consult with their
2598 health care providers to determine the proper course of
2599 treatment.

2600 Government does not belong in these decisions. Politics
2601 should never come between a patient's relationship with her
2602 doctor. And I urge my colleagues to support this amendment.

2603 And with that, I yield back my time.

2604 Chairman Goodlatte. The chair thanks the gentlewoman
2605 and recognizes himself in opposition to the amendment.

2606 The bill establishes an exception to the prohibitions on
2607 abortion funding for cases of rape and incest and when
2608 necessary to save the life of the mother. Insofar as cancer
2609 presents a life-threatening situation in any case, the bill
2610 text already exempts it, and an abortion could be performed
2611 and federally funded.

2612 By adopting this amendment, it would invite courts to
2613 read the base text of the life exception as having
2614 previously not allowed for a life exception when the
2615 underlying illness is cancer, which makes no sense.

2616 Adopting this amendment would invite courts to read the
2617 base text of the life exception as doing something it does
2618 not do. That could actually cause Federal programs that
2619 currently fund abortions to save the life of the mother
2620 under existing policies to actually stop funding life-of-
2621 the-mother abortions in any cancer case.

2622 This amendment would expand the Hyde Amendment
2623 exceptions. Such language has never been part of the Hyde
2624 Amendment, or any parallel provision for Federal employees
2625 or military hospitals. It is not only unnecessary but also
2626 potentially dangerous. And I oppose the amendment,

2627 accordingly.

2628 The question occurs on the amendment offered by the
2629 gentlewoman from Washington.

2630 All those in favor, respond by saying aye.

2631 Those opposed, no.

2632 In the opinion of the chair, the noes have it, and the
2633 amendment is not agreed to.

2634 Ms. DelBene. I ask for a recorded vote.

2635 Chairman Goodlatte. A recorded vote has been requested.

2636 Pursuant to the chair's authority under committee rule
2637 2(j), further proceedings on the amendment are postponed.

2638 So when we moved to rolling votes, we were in the midst
2639 of consideration of the vote on the amendment offered by the
2640 gentlewoman from Texas, Ms. Jackson Lee. Those members who
2641 were here at that time, votes are recorded. Those members
2642 who are not recorded may record at this time.

2643 And the clerk will call the roll of those who have not
2644 yet voted.

2645 Ms. Deterding. Mr. Smith of Texas?

2646 [No response.]

2647 Ms. Deterding. Mr. Issa?

2648 [No response.]

2649 Ms. Deterding. Mr. Labrador?

2650 [No response.]

2651 Ms. Deterding. Mr. Holding?

2652 Mr. Holding. No.

2653 Ms. Deterding. Mr. Holding votes no.

2654 Mr. Conyers?

2655 [No response.]

2656 Ms. Deterding. Mr. Nadler?

2657 Mr. Nadler. Aye.

2658 Ms. Deterding. Mr. Nadler votes aye.

2659 Mr. Scott?

2660 [No response.]

2661 Ms. Deterding. Ms. Lofgren?

2662 Ms. Lofgren. Aye.

2663 Ms. Deterding. Ms. Lofgren votes aye.

2664 Ms. Jackson Lee?

2665 [No response.]

2666 Ms. Deterding. Mr. Cohen?

2667 Mr. Cohen. Aye.

2668 Ms. Deterding. Mr. Cohen votes aye.

2669 Mr. Johnson?

2670 [No response.]

2671 Ms. Deterding. Mr. Gutierrez?

2672 [No response.]

2673 Ms. Deterding. Ms. Bass?

2674 Ms. Bass. Aye.

2675 Ms. Deterding. Ms. Bass votes aye.

2676 Mr. Jeffries?

2677 Mr. Jeffries. Aye.

2678 Ms. Deterding. Mr. Jeffries votes aye.

2679 Chairman Goodlatte. Are there other members who have

2680 not voted who wish to vote?

2681 The gentleman from Ohio?

2682 Mr. Jordan. How am I recorded?

2683 Ms. Deterding. Mr. Jordan votes no.

2684 Chairman Goodlatte. The gentleman from Florida?

2685 Mr. DeSantis. How am I recorded?

2686 Ms. Deterding. Mr. DeSantis votes no.

2687 Chairman Goodlatte. Gentleman from North Carolina, I

2688 think, has already voted no. But the clerk will --

2689 Ms. Deterding. Mr. Coble votes no.

2690 Chairman Goodlatte. The gentleman from Texas?

2691 Mr. Gohmert. No.

2692 Ms. Deterding. Mr. Gohmert votes no.

2693 Mr. Deutch. Mr. Chairman, how am I recorded?

2694 Ms. Deterding. Mr. Deutch votes no.

2695 Mr. Deutch. I vote aye.

2696 Ms. Deterding. Mr. Deutch votes aye.

2697 Chairman Goodlatte. The gentlewoman from California?

2698 Ms. Chu. How am I recorded?

2699 Ms. Deterding. Ms. Chu votes aye.

2700 Chairman Goodlatte. The clerk will report.

2701 Mr. Nadler. Mr. Chairman?

2702 Chairman Goodlatte. For what purpose does the gentleman

2703 from New York seek recognition?

2704 Mr. Nadler. Mr. Chairman, how am I recorded, please?

2705 Ms. Deterding. Mr. Nadler votes aye.

2706 Mr. Nadler. I voted aye?

2707 Ms. Deterding. Yes, sir.

2708 Mr. Nadler. I was correct.

2709 Mr. Chairman?

2710 Chairman Goodlatte. For what purpose does the gentleman

2711 from New York seek recognition?

2712 Mr. Nadler. We have a number of members, I am told, who
2713 are crossing the street on their way here now.

2714 Chairman Goodlatte. We have been very patient with
2715 this, and we will be a little bit more patient, but they
2716 need to get here quick, since we are 50 minutes past when we
2717 said we would reconvene.

2718 The gentlewoman from California?

2719 Ms. Lofgren. How am I recorded?

2720 Ms. Deterding. Ms. Lofgren votes aye.

2721 Chairman Goodlatte. The gentlewoman from Texas?

2722 Ms. Jackson Lee. Aye.

2723 Ms. Deterding. Ms. Jackson Lee votes aye.

2724 Chairman Goodlatte. Are there additional members who
2725 have not voted who wish to vote?

2726 The clerk will report.

2727 The gentleman from Texas, Mr. Smith?

2728 Mr. Smith of Texas. No.

2729 Ms. Deterding. Mr. Smith from Texas votes no.

2730 Chairman Goodlatte. The clerk will report.

2731 Ms. Deterding. Mr. Chairman, 12 members voted aye; 20

2732 members voted nay.

2733 Chairman Goodlatte. And the amendment is not agreed to.

2734 The question is now on the amendment offered by the

2735 gentleman from Florida, Mr. Deutch.

2736 All those in favor of the amendment, respond by saying

2737 aye.

2738 Those opposed, no.

2739 In the opinion of the chair, the noes have it, and the

2740 amendment is not agreed to.

2741 Mr. Deutch. Mr. Chairman, I ask for a recorded vote.

2742 Chairman Goodlatte. The clerk will call the roll.

2743 Ms. Deterding. Mr. Goodlatte?

2744 Chairman Goodlatte. No.

2745 Ms. Deterding. Mr. Goodlatte votes no.

2746 Mr. Sensenbrenner?

2747 Mr. Sensenbrenner. No.

2748 Ms. Deterding. Mr. Sensenbrenner votes no.

2749 Mr. Coble?

2750 Mr. Coble. No.

2751 Ms. Deterding. Mr. Coble votes no.

2752 Mr. Smith of Texas?

2753 Mr. Smith of Texas. No.

2754 Ms. Deterding. Mr. Smith of Texas votes no.

2755 Mr. Chabot?

2756 Mr. Chabot. No.

2757 Ms. Deterding. Mr. Chabot votes no.

2758 Mr. Bachus?

2759 Mr. Bachus. No.

2760 Ms. Deterding. Mr. Bachus votes no.

2761 Mr. Issa?

2762 [No response.]

2763 Ms. Deterding. Mr. Forbes?

2764 Mr. Forbes. No.

2765 Ms. Deterding. Mr. Forbes votes no.

2766 Mr. King?

2767 Mr. King. No.

2768 Ms. Deterding. Mr. King votes no.

2769 Mr. Franks?

2770 Mr. Franks. No.

2771 Ms. Deterding. Mr. Franks votes no.

2772 Ms. Deterding. Mr. Gohmert?

2773 Mr. Gohmert. No.

2774 Ms. Deterding. Mr. Gohmert votes no.
2775 Mr. Jordan?
2776 Mr. Jordan. No.
2777 Ms. Deterding. Mr. Jordan votes no.
2778 Mr. Poe?
2779 Mr. Poe. No.
2780 Ms. Deterding. Mr. Poe votes no.
2781 Mr. Chaffetz?
2782 Mr. Chaffetz. No.
2783 Ms. Deterding. Mr. Chaffetz votes no.
2784 Mr. Marino?
2785 Mr. Marino. No.
2786 Ms. Deterding. Mr. Marino votes no.
2787 Mr. Gowdy?
2788 Mr. Gowdy. No.
2789 Ms. Deterding. Mr. Gowdy votes no.
2790 Mr. Labrador?
2791 [No response.]
2792 Ms. Deterding. Mr. Farenthold?
2793 Mr. Farenthold. No.
2794 Ms. Deterding. Mr. Farenthold votes no.

2795 Mr. Holding?

2796 Mr. Holding. No.

2797 Ms. Deterding. Mr. Holding votes no.

2798 Mr. Collins?

2799 Mr. Collins. No.

2800 Ms. Deterding. Mr. Collins votes no.

2801 Mr. DeSantis?

2802 Mr. DeSantis. No.

2803 Ms. Deterding. Mr. DeSantis votes no.

2804 Mr. Smith of Missouri?

2805 Mr. Smith of Missouri. No.

2806 Ms. Deterding. Mr. Smith of Missouri votes no.

2807 Mr. Conyers?

2808 [No response.]

2809 Ms. Deterding. Mr. Nadler?

2810 Mr. Nadler. Aye.

2811 Ms. Deterding. Mr. Nadler votes aye.

2812 Mr. Scott?

2813 [No response.]

2814 Ms. Deterding. Ms. Lofgren?

2815 Ms. Lofgren. Aye.

2816 Ms. Deterding. Ms. Lofgren votes aye.

2817 Ms. Jackson Lee?

2818 Ms. Jackson Lee. Aye.

2819 Ms. Deterding. Ms. Jackson Lee votes aye.

2820 Mr. Cohen?

2821 Mr. Cohen. Aye.

2822 Ms. Deterding. Mr. Cohen votes aye.

2823 Mr. Johnson?

2824 [No response.]

2825 Ms. Deterding. Mr. Pierluisi?

2826 Mr. Pierluisi. Aye.

2827 Ms. Deterding. Mr. Pierluisi votes aye.

2828 Ms. Chu?

2829 Ms. Chu. Aye.

2830 Ms. Deterding. Ms. Chu votes aye.

2831 Mr. Deutch?

2832 Mr. Deutch. Aye.

2833 Ms. Deterding. Mr. Deutch votes aye.

2834 Mr. Gutierrez?

2835 [No response.]

2836 Ms. Deterding. Ms. Bass?

2837 Ms. Bass. Aye.

2838 Ms. Deterding. Ms. Bass votes aye.

2839 Mr. Richmond?

2840 Mr. Richmond. Aye.

2841 Ms. Deterding. Mr. Richmond votes aye.

2842 Ms. DelBene?

2843 Ms. DelBene. Aye.

2844 Ms. Deterding. Ms. DelBene votes aye.

2845 Mr. Garcia?

2846 Mr. Garcia. Aye.

2847 Ms. Deterding. Mr. Garcia votes aye.

2848 Mr. Jeffries?

2849 Mr. Jeffries. Aye.

2850 Ms. Deterding. Mr. Jeffries votes aye.

2851 Chairman Goodlatte. The gentleman from Idaho?

2852 Mr. Labrador. No.

2853 Ms. Deterding. Mr. Labrador votes no.

2854 Chairman Goodlatte. Are there any members who have not
2855 voted who wish to vote?

2856 The clerk will report.

2857 Ms. Deterding. Mr. Chairman, 12 members voted aye; 21

2858 members voted nay.

2859 Chairman Goodlatte. And the amendment is not agreed to.

2860 And the question is now on the amendment offered by the

2861 gentlewoman from Washington, Ms. DelBene.

2862 And the clerk will call the roll.

2863 Ms. Deterding. Mr. Goodlatte?

2864 Chairman Goodlatte. No.

2865 Ms. Deterding. Mr. Goodlatte votes no.

2866 Mr. Sensenbrenner?

2867 Mr. Sensenbrenner. No

2868 Ms. Deterding. Mr. Sensenbrenner votes no.

2869 Mr. Coble?

2870 Mr. Coble. No.

2871 Ms. Deterding. Mr. Coble votes no.

2872 Mr. Smith of Texas?

2873 Mr. Smith of Texas. No.

2874 Ms. Deterding. Mr. Smith of Texas votes no.

2875 Mr. Chabot?

2876 Mr. Chabot. No.

2877 Ms. Deterding. Mr. Chabot votes no.

2878 Mr. Bachus?

2879 Mr. Bachus. No.

2880 Ms. Deterding. Mr. Bachus votes no.

2881 Mr. Issa?

2882 [No response.]

2883 Ms. Deterding. Mr. Forbes?

2884 Mr. Forbes. No.

2885 Ms. Deterding. Mr. Forbes votes no.

2886 Mr. King?

2887 Mr. King. No.

2888 Ms. Deterding. Mr. King votes no.

2889 Mr. Franks?

2890 Mr. Franks. No.

2891 Ms. Deterding. Mr. Franks votes no.

2892 Mr. Gohmert?

2893 Mr. Gohmert. No.

2894 Ms. Deterding. Mr. Gohmert votes no.

2895 Mr. Jordan?

2896 Mr. Jordan. No.

2897 Ms. Deterding. Mr. Jordan votes no.

2898 Mr. Poe?

2899 Mr. Poe. No.

2900 Ms. Deterding. Mr. Poe votes no.
2901 Mr. Chaffetz?
2902 Mr. Chaffetz. No.
2903 Ms. Deterding. Mr. Chaffetz votes no.
2904 Mr. Marino?
2905 Mr. Marino. No.
2906 Ms. Deterding. Mr. Marino votes no.
2907 Mr. Gowdy?
2908 Mr. Gowdy. No.
2909 Ms. Deterding. Mr. Gowdy votes no.
2910 Mr. Labrador?
2911 [No response.]
2912 Ms. Deterding. Mr. Farenthold?
2913 Mr. Farenthold. No.
2914 Ms. Deterding. Mr. Farenthold votes no.
2915 Mr. Holding?
2916 Mr. Holding. No.
2917 Ms. Deterding. Mr. Holding votes no.
2918 Mr. Collins?
2919 Mr. Collins. No.
2920 Ms. Deterding. Mr. Collins votes no.

2921 Mr. DeSantis?

2922 Mr. DeSantis. No.

2923 Ms. Deterding. Mr. DeSantis votes no.

2924 Mr. Smith of Missouri?

2925 Mr. Smith of Missouri. No.

2926 Ms. Deterding. Mr. Smith of Missouri votes no.

2927 Mr. Conyers?

2928 [No response.]

2929 Ms. Deterding. Mr. Nadler?

2930 Mr. Nadler. Aye.

2931 Ms. Deterding. Mr. Nadler votes aye.

2932 Mr. Scott?

2933 [No response.]

2934 Ms. Deterding. Ms. Lofgren?

2935 Ms. Lofgren. Aye.

2936 Ms. Deterding. Ms. Lofgren votes aye.

2937 Ms. Jackson Lee?

2938 Ms. Jackson Lee. Aye.

2939 Ms. Deterding. Ms. Jackson Lee votes aye.

2940 Mr. Cohen?

2941 Mr. Cohen. Aye.

2942 Ms. Deterding. Mr. Cohen votes aye.

2943 Mr. Johnson?

2944 [No response.]

2945 Ms. Deterding. Mr. Pierluisi?

2946 Mr. Pierluisi. Aye.

2947 Ms. Deterding. Mr. Pierluisi votes aye.

2948 Ms. Chu?

2949 Ms. Chu. Aye.

2950 Ms. Deterding. Ms. Chu votes aye.

2951 Mr. Deutch?

2952 Mr. Deutch. Aye.

2953 Ms. Deterding. Mr. Deutch votes aye.

2954 Mr. Gutierrez?

2955 [No response.]

2956 Ms. Deterding. Ms. Bass?

2957 Ms. Bass. Aye.

2958 Ms. Deterding. Ms. Bass votes aye.

2959 Mr. Richmond?

2960 Mr. Richmond. Aye.

2961 Ms. Deterding. Mr. Richmond votes aye.

2962 Ms. DelBene?

2963 Ms. DelBene. Aye.

2964 Ms. Deterding. Ms. DelBene votes aye.

2965 Mr. Garcia?

2966 Mr. Garcia. Aye.

2967 Ms. Deterding. Mr. Garcia votes aye.

2968 Mr. Jeffries?

2969 Mr. Jeffries. Aye.

2970 Ms. Deterding. Mr. Jeffries votes aye.

2971 Chairman Goodlatte. The gentleman from Virginia?

2972 Mr. Scott. Aye.

2973 Ms. Deterding. Mr. Scott votes aye.

2974 Chairman Goodlatte. The gentleman from Idaho?

2975 Mr. Labrador. No.

2976 Ms. Deterding. Mr. Labrador votes no.

2977 Chairman Goodlatte. Are there any members who have not

2978 voted who wish to vote?

2979 The clerk will report.

2980 Ms. Deterding. Mr. Chairman, 13 members voted aye; 21

2981 members voted nay.

2982 Chairman Goodlatte. And the amendment is not agreed to.

2983 Are there any further amendments to H.R. 7?

2984 A reporting quorum being present, the question is on the
2985 motion to report the bill H.R. 7 favorably to the House.

2986 Those in favor will say aye.

2987 Those opposed, no.

2988 The ayes have it, and the bill is order reported
2989 favorably.

2990 Mr. Nadler. A record vote, please.

2991 Chairman Goodlatte. A record vote is requested, and the
2992 clerk will call the roll.

2993 Ms. Deterding. Mr. Goodlatte?

2994 Chairman Goodlatte. Aye.

2995 Ms. Deterding. Mr. Goodlatte votes aye.

2996 Mr. Sensenbrenner?

2997 Mr. Sensenbrenner. Aye.

2998 Ms. Deterding. Mr. Sensenbrenner votes aye.

2999 Mr. Coble?

3000 Mr. Coble. Aye.

3001 Ms. Deterding. Mr. Coble votes aye.

3002 Mr. Smith of Texas?

3003 Mr. Smith of Texas. Aye.

3004 Ms. Deterding. Mr. Smith of Texas votes aye.

3005 Mr. Chabot?

3006 Mr. Chabot. Aye.

3007 Ms. Deterding. Mr. Chabot votes aye.

3008 Mr. Bachus?

3009 Mr. Bachus. Aye.

3010 Ms. Deterding. Mr. Bachus votes aye.

3011 Mr. Issa?

3012 [No response.]

3013 Ms. Deterding. Mr. Forbes?

3014 Mr. Forbes. Aye.

3015 Ms. Deterding. Mr. Forbes votes aye.

3016 Mr. King?

3017 Mr. King. Aye.

3018 Ms. Deterding. Mr. King votes aye.

3019 Mr. Franks?

3020 Mr. Franks. Aye.

3021 Ms. Deterding. Mr. Franks votes aye.

3022 Mr. Gohmert?

3023 Mr. Gohmert. Aye.

3024 Ms. Deterding. Mr. Gohmert votes aye.

3025 Mr. Jordan?

3026 Mr. Jordan. Aye.

3027 Ms. Deterding. Mr. Jordan votes aye.

3028 Mr. Poe?

3029 Mr. Poe. Yes.

3030 Ms. Deterding. Mr. Poe votes aye.

3031 Mr. Chaffetz?

3032 Mr. Chaffetz. Aye.

3033 Ms. Deterding. Mr. Chaffetz votes aye.

3034 Mr. Marino?

3035 Mr. Marino. Yes.

3036 Ms. Deterding. Mr. Marino votes aye.

3037 Mr. Gowdy?

3038 Mr. Gowdy. Yes.

3039 Ms. Deterding. Mr. Gowdy votes aye.

3040 Mr. Labrador?

3041 Mr. Labrador. Yes.

3042 Ms. Deterding. Mr. Labrador votes aye.

3043 Mr. Farenthold?

3044 Mr. Farenthold. Aye.

3045 Ms. Deterding. Mr. Farenthold votes aye.

3046 Mr. Holding?

3047 Mr. Holding. Aye.

3048 Ms. Deterding. Mr. Holding votes aye.

3049 Mr. Collins?

3050 Mr. Collins. Aye.

3051 Ms. Deterding. Mr. Collins votes aye.

3052 Mr. DeSantis?

3053 Mr. DeSantis. Aye.

3054 Ms. Deterding. Mr. DeSantis votes aye.

3055 Mr. Smith of Missouri?

3056 Mr. Smith of Missouri. Aye.

3057 Ms. Deterding. Mr. Smith of Missouri votes aye.

3058 Mr. Conyers?

3059 [No response.]

3060 Ms. Deterding. Mr. Nadler?

3061 Mr. Nadler. Aye. Oh, no.

3062 [Laughter.]

3063 Ms. Deterding. Mr. Nadler votes no.

3064 Mr. Scott?

3065 Mr. Scott. No.

3066 Ms. Deterding. Mr. Scott votes no.

3067 Ms. Lofgren?

3068 Ms. Lofgren. No.

3069 Ms. Deterding. Ms. Lofgren votes no.

3070 Ms. Jackson Lee?

3071 Ms. Jackson Lee. No.

3072 Ms. Deterding. Ms. Jackson Lee votes no.

3073 Mr. Cohen?

3074 Mr. Cohen. No.

3075 Ms. Deterding. Mr. Cohen votes no.

3076 Mr. Johnson?

3077 [No response.]

3078 Ms. Deterding. Mr. Pierluisi?

3079 Mr. Pierluisi. Aye.

3080 Ms. Deterding. Mr. Pierluisi votes aye.

3081 Ms. Chu?

3082 Ms. Chu. No.

3083 Ms. Deterding. Ms. Chu votes no.

3084 Mr. Deutch?

3085 Mr. Deutch. No.

3086 Ms. Deterding. Mr. Deutch votes no.

3087 Mr. Gutierrez?

3088 [No response.]

3089 Ms. Deterding. Ms. Bass?

3090 Ms. Bass. No.

3091 Ms. Deterding. Ms. Bass votes no.

3092 Mr. Richmond?

3093 Mr. Richmond. No.

3094 Ms. Deterding. Mr. Richmond votes no.

3095 Ms. DelBene?

3096 Ms. DelBene. No.

3097 Ms. Deterding. Ms. DelBene votes no.

3098 Mr. Garcia?

3099 Mr. Garcia. No.

3100 Ms. Deterding. Mr. Garcia votes no.

3101 Mr. Jeffries?

3102 Mr. Jeffries. No.

3103 Ms. Deterding. Mr. Jeffries votes no.

3104 Chairman Goodlatte. Has every member voted who wishes

3105 to vote?

3106 The gentleman from New York?

3107 Mr. Nadler. I just want to make sure how I am recorded.

3108 Ms. Deterding. Mr. Nadler votes no.

3109 Mr. Nadler. Thank you.

3110 Chairman Goodlatte. The clerk will report.

3111 Ms. Deterding. Mr. Chairman, 22 members voted aye; 12
3112 members voted nay.

3113 Chairman Goodlatte. The ayes have it.

3114 Ms. Jackson Lee. Mr. Chairman, would you yield for a
3115 submission into the record?

3116 Chairman Goodlatte. The ayes have it, and the bill is
3117 ordered reported favorably to the House.

3118 For what purpose does the gentlewoman from Texas seek
3119 recognition?

3120 Ms. Jackson Lee. Mr. Chairman, I ask unanimous consent
3121 to submit a page out of the Shriver Report into the record
3122 regarding women, and also a report by the National Women's
3123 Law Center.

3124 Chairman Goodlatte. Without objection, they will be
3125 made a part of the record.

3126 [The information follows:]

3127

3128 Mr. Nadler. Mr. Chairman?

3129 Chairman Goodlatte. Members will have 2 days to submit

3130 views.

3131 [The information follows:]

3132

3133 Chairman Goodlatte. The gentleman from New York?

3134 Mr. Nadler. Mr. Chairman, I just want to say, as you
3135 know, there was a meeting, which called for the attendance
3136 of many members of the minority members of this committee.
3137 And I simply wanted to express our appreciation to you for
3138 accommodating us.

3139 Chairman Goodlatte. I thank the gentleman.

3140 I thank all the members of the committee for their
3141 participation today.

3142 Ms. Jackson Lee. Mr. Chairman, I would like to add my
3143 appreciation, particularly since my amendment was up. But I
3144 also would like to make note that the ranking member, Mr.
3145 Conyers, was further delayed because there were some
3146 additional meeting issues that he had to address. And I
3147 know he appreciates your, if you will, collegiality as well.

3148 Chairman Goodlatte. We appreciate the gentleman from
3149 Michigan as well.

3150 This concludes our business today. Thanks to all our
3151 members for attending.

3152 And the meeting is adjourned.

3153 [Whereupon, at 3:56 p.m., the committee was adjourned.]