

has made us less safe or has stimulated terrorism. I have not had an opportunity to read, obviously, the classified document, which I understand today is now going to become available to all of us, so I want to preface my remarks by noting that I want to read what they actually said. But I do want to offer this observation. To say that somehow that Iraq has fostered Islamic terrorism and that Afghanistan somehow wouldn't have is just counterintuitive to me. If Iraq did it, and we were in Afghanistan alone, which nobody seems to debate, we would still have that same force running through the Islamic world, that same stimulus. It is a reaction, I think, to us legitimately defending ourselves in the case of Afghanistan. It would occur just as surely as it has in Iraq.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank my friend, and I would just like to point out, is it not true, however, that we were told by the intelligence community that even if Iraq did have weapons of mass destruction, that they would most likely use them only if we attacked?

Mr. COLE of Oklahoma. Reclaiming my time, I appreciate my friend's observation, and I would be happy to deal with it, but I think that comment can be handled on your side and I look forward to the discussion.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I think the discussion my good friend has just enunciated is the basis of the frustration of so many of us here in the United States Congress. In fact, we have done a horrible job of oversight and explaining to the American people that we, frankly, this government, this White House, frankly made a horrific mistake. We are not more safe because of the conflict in Iraq, and a lieutenant general of the United States Army, retired, who had been in Vietnam, said we have the exact same mess that we had in Vietnam.

In fact, Iran is the one that is ecstatic, because we actually fought their war for them in terms of the actions of Saddam Hussein against Iran. We have boosted Iran's status in the region. That is, of course, of no interest to the United States. We have created an atmosphere that threatens Israel even more. The longer it goes on, it benefits al Qaeda and the insurgents.

As we speak before this House on the defense appropriations, we remain committed to our U.S. soldiers. We thank them for their service. But in tribute to them, the 2,700 that are dead as we speak, and dying, the 18,000 that have been injured severely, this is not worth staying the course.

And my words are an anecdote that is taken from this lieutenant general: "It is like a person jumping off the Empire State Building, getting down to the 50th floor, waving at those in the window and saying, I am staying the course, and then plopping to the ground having committed suicide."

We are committing suicide in Iraq. We are not safer than we were. This Congress has failed. I support the troops and the appropriations dealing with their issues, but to support and give tribute to those who have died, we need to bring our troops home and bring them home now, claiming victory, transitioning leadership into Iraq and into their surrounding allies and stopping the divide.

We have depleted NATO. We have depleted our military resources. And we realize when we left Vietnam, our standing in the world was higher than it had ever been. When we leave Iraq, we will have a higher standing. We will be able to fight the war on terror.

I am so sad that my colleague keeps saying the same old thing over and over again, staying the course and committing suicide.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I have no further requests for time, and I will proceed to closing.

Mr. Speaker, we had a very spirited debate here today, and those in the Chamber here understand that many important things are happening in this world and in this country. We are dealing here also with this conference report, and this conference report made under this rule is a fair and responsible agreement. It does state clearly our support to the troops and our military.

As Congress considers the remaining appropriation bills later this year, I would urge my colleagues to follow this example. Democrats and Republicans working together to craft a responsible bill providing for the national defense. This agreement and this working together is all the evidence we need that national security is not a political issue, it is an American issue.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, today, in closing, I again want to draw the attention of the Members to the strength of the underlying legislation, H.R. 5631. We have had a vigorous and good debate on the rule and the underlying legislation today, which I believe will help convince the House to support this vital appropriations measure.

Much of our discussion today, frankly, is not centered on the legislation or the rule; it is focused on the conflict in Iraq. I, for one, simply want to state for the record that I think the world is better off without Saddam Hussein, and I think most of the positions that my friends on the other side of the aisle take sort of ignore the question, is the world better or worse off without him. I think it is better, and it took American action to do that.

I think it is better that there is a democracy in Baghdad; that people have gone in much higher percentages in their population to the polls on three occasions, under difficult situations, than frankly our citizens will go to the polls this November.

I think it is better that that government is actually pluralistic, that represents all the different elements in the country. And I think long term there is more hope in Iraq, and it is a better model for the future in the Middle East than Iran, which simply is neither democratic nor peaceful in terms of its neighbors.

Mr. Speaker, the underlying legislation takes critical and incremental steps in funding not only the warfighters' needs of today but the future needs of our warfighters as well. Today, our Nation's soldiers, sailors, airmen, and marines require and rely on the passage of this legislation. And despite the vigorous debate we have had today over Iraq, I have no doubt that that legislation and this funding measure will receive strong bipartisan support in this House. I am very confident that this House will not let them down.

Mr. Speaker, I am sure it is no surprise that I intend to vote for the rule and the underlying legislation, and I would urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1039, I call up the Senate bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 1039, the amendment in the nature of a substitute printed in House Report 109-679 is adopted and the Senate bill, as amended, is considered read.

The text of the Senate bill, as amended, is as follows:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Interstate Abortion Notification Act".

##### SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

Title 18, United States Code, is amended by inserting after chapter 117 the following:

##### "CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec

"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"2432. Transportation of minors in circumvention of certain laws relating to abortion.

**"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion**

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed or induced on the minor, in a State or a foreign nation other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant—

"(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides; or

"(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

"(e) DEFINITIONS.—For the purposes of this section—

"(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

"(2) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision;

"(4) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required; and

"(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

**"§ 2432. Transportation of minors in circumvention of certain laws relating to abortion**

"Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both. For the purposes of this section, the terms 'State', 'minor', and 'abortion' have, respectively, the definitions given those terms in section 2435."

**SEC. 3. CHILD INTERSTATE ABORTION NOTIFICATION.**

Title 18, United States Code, is amended by inserting after chapter 117A the following:

**"CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION**

"Sec

"2435. Child interstate abortion notification

**"§ 2435. Child interstate abortion notification**

"(a) OFFENSE.—

"(1) GENERALLY.—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.

"(2) PARENTAL NOTIFICATION.—A physician who performs or induces an abortion on a minor who is a resident of a State other than the State in which the abortion is performed must provide, or cause his or her agent to provide, at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not possible after a reasonable effort has been made, 24 hours constructive notice must be given to a parent.

"(b) EXCEPTIONS.—The notification requirement of subsection (a)(2) does not apply if—

"(1) the abortion is performed or induced in a State that has, in force, a law requiring parental involvement in a minor's abortion decision and the physician complies with the requirements of that law;

"(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;

"(3) the minor declares in a signed written statement that she is the victim of sexual

abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect;

"(4) the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself, or because in the reasonable medical judgment of the minor's attending physician, the delay in performing an abortion occasioned by fulfilling the prior notification requirement of subsection (a)(2) would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional conditions, but an exception under this paragraph does not apply unless the attending physician or an agent of such physician, within 24 hours after completion of the abortion, notifies a parent in writing that an abortion was performed on the minor and of the circumstances that warranted invocation of this paragraph; or

"(5) the minor is physically accompanied by a person who presents the physician or his agent with documentation showing with a reasonable degree of certainty that he or she is in fact the parent of that minor.

"(c) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

"(2) the term 'actual notice' means the giving of written notice directly, in person, by the physician or any agent of the physician;

"(3) the term 'constructive notice' means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;

"(4) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court;

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(5) the term 'minor' means an individual who is not older than 18 years and who is not emancipated under State law;

"(6) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

as determined by State law;

“(7) the term ‘physician’ means a doctor of medicine legally authorized to practice medicine by the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and

“(8) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.”.

#### SEC. 4. CLERICAL AMENDMENT.

The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:

“117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431

“117B. Child interstate abortion notification ..... 2435”.

#### SEC. 5. SEVERABILITY AND EFFECTIVE DATE.

(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) This Act and the amendments made by this Act shall take effect 45 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill, S. 403, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 403, the Child Custody Protection Act. As amended by the rule, the legislation before us contains provisions substantially similar to H.R. 748, the Child Interstate Abortion Notification Act, which overwhelmingly passed the House in April of 2005 by a vote of 270-157.

□ 1645

Laws that require parental notification of a minor's abortion are overwhelmingly supported by the American people. A 2005 poll by Pew Research Center found that large majorities believe that girls under 18 should receive parental consent before an abortion. According to the poll, half of self-described liberal Democrats favor requiring young women to get the consent of at least one parent before getting an abortion, and nearly three-quarters of moderate or conservative Democrats favor requiring parental consent.

Across the country, parental consent is required before performing routine medical services, such as providing as-

pirin, before permitting children to go on field trips or participate in contact sports, or before a minor can get a tattoo or body piercing. Yet people other than parents can secretly take children across State lines for abortion without their parents' knowledge.

The legislation we consider on the floor today addresses this absurd dichotomy by establishing clear rules to protect the health and physical safety of young girls, while safeguarding fundamental parental rights.

The Child Interstate Abortion Notification Act, or CIANA, for short, contains two central provisions. The first makes it a Federal crime to transport a minor across State lines to obtain an abortion in another State or foreign country in order to avoid a State law requiring parental involvement in a minor's abortion decision. Twenty-six States currently have such parental involvement laws. This provision will prevent abusive boyfriends and older men who may have committed rape from pressuring young girls into receiving secret out-of-State abortions to keep the abuser's sexual crimes hidden from authorities.

It is crucial to emphasize that the first section of CIANA does not apply to the minors themselves, nor to their parents, nor does it apply in life-threatening emergencies that may require an immediate abortion.

The second section of CIANA contains a parental notification rule that applies in cases in which a minor is a resident of one State and presents herself for an abortion in another State that does not have a parental involvement law. In these circumstances, CIANA makes it a Federal crime for the abortion provider to fail to give one of the minor's parents or legal guardian 24 hours' notice of the minor's abortion decision before the abortion is performed. This section protects fundamental parental rights by giving parents a chance to help their young daughters in difficult circumstances. This includes giving a health care provider the daughter's medical history to ensure that she receives safe medical care.

The second section of CIANA would not apply if an applicable parental law in the State where the abortion is being performed is complied with. In addition, Section 2 would not apply if the physician is presented with documentation that a court in the minor's home State has authorized an abortion.

Further exceptions to this section include if the minor states that she has been the victim of abuse by a parent and the abortion provider informs the State authorities of such abuse, or if a life-threatening or other medical emergency requires that the abortion be performed immediately.

As previously noted, the amendment in the nature of a substitute to S. 403 is substantially similar to H.R. 748 but also includes clarifying provisions adopted in the other body and other technical changes which further improve the legislation.

The amendment would prevent a parent who has committed incest from being able to obtain money damages under the bill's provisions, and it makes it a Federal crime for someone who has committed incest to transport a minor across a State line to obtain an abortion.

In addition, the substitute contains an exception to the notification requirement if a parent is physically present when the minor obtains the abortion. The amendment also makes clear that the parental notification need not be provided by the abortion provider personally but by an agent of the abortion provider.

The amendment also contains a technical change to the definition of abortion that excludes treatment for potentially dangerous pregnancies and creates a new medical emergency exception to ensure that the legislation will withstand any constitutional challenge.

Finally, it makes clear that the bill's provisions apply when State lines are crossed to enter any foreign nation or Tribal lands.

Mr. Speaker, I urge my colleagues to support this crucial legislation to protect the health and safety of America's minor daughters.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, which we have already considered in this Congress, poses a real threat to the lives and health of young women. It would require a minor who is pregnant, possibly as a result of parental abuse, incest, to carry the parental notification laws of her home State on her back to another State and hold doctors, grandparents, clergy and anyone else who tries to help her a criminal. The sponsors, not satisfied with extending State laws into other States, now want to enforce those State laws in other countries.

Not since the enactment of the Fugitive Slave Act in 1850 have we used the power of the Federal Government to enforce the laws of one State on the territory of another.

This latest crazy quilt of restrictions obviously has but one purpose, to impede the practice of medicine, to ensure that young women will have as few options as possible, to make criminals of relatives and adults, or minors, for that manner, who try to help them, and to teach those States, such as mine, that do not believe that these laws promote adolescent health, that Congress knows best and our citizens and our States do not.

Often, that adult assisting the minor is a grandparent, a sibling or member of the clergy. In some cases, the young woman may not be able to go to her parents because the parents are a danger to her.

We all agree that, ideally, a young woman faced with a choice of having abortion should go to her parents. But

in some cases she may not be able to. That is what happened to Spring Adams, a 13-year-old from Idaho. She was shot to death by her father after he found out that she planned to terminate a pregnancy, a pregnancy caused by his own act of incest. But, under this bill, anyone who helped her cross the State line to get an abortion without telling her father so she could get shot would be guilty of a crime.

This bill also uses a narrow definition of medical emergency that seems to have been lifted from one of Attorney General Gonzalez's infamous torture memos. The prohibition "does not apply if the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself or because in the reasonable medical judgment of the minor's attending physician the delay in performing the abortion occasioned by fulfilling the prior requirement would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional condition," so long as the physician notifies the parent within 24 hours.

The bill now also excludes ectopic pregnancies and the removal of a dead fetus, for which I suppose civilized people should be grateful.

It is progress, although it still falls far short of the protection for a woman's health required by the Constitution, which the courts have ruled requires an explicit exception to protect the life or health of the woman, not just those few conditions a few extremists find acceptable.

No mental health exception? That is the only justification for helping a young woman who has been raped by her father. There is certainly no physical risk, yet this bill would require a doctor to seek that father's permission.

There are many things far short of death or a substantial and irreversible impairment of a major bodily function that can endanger a young woman. She deserves prompt and professional medical care, and no matter how much some people don't like it, the Constitution protects her right to receive that care.

In a perfect world, loving, supportive and understanding families would join together to face these challenges. That is what happens in the majority of cases, with or without a law.

But we do not live in a perfect world. Some parents are violent. Some parents are rapists. Some young people can turn only to their clergy or to a grandparent or a sibling or some other trusted adult. And this bill would turn those people into criminals.

If a 16-year-old girl was accompanied across a State line by her 16-year-old boyfriend for an abortion, this would make the boyfriend a criminal. If a rabbi or priest or minister helped her

across the State line, knowing that her father or mother were violent and therefore they couldn't dare ask for parental notification, this would turn them into a criminal. The same thing with a grandfather or a brother or a sister. We should not be turning people who are helping people in distress into criminals. That is wrong.

This bill, although slightly modified, is as wrong and as dangerous today as it was when this House considered this last time.

There is another thing, too. We believe in 50 different States in this country. We believe in State sovereignty within the Federal limits. We call the States laboratories of democracy.

Many States, I think more than half, have chosen to have parental consent notification laws. Other States have chosen not to. We ought to respect the States that have chosen not to, as well as those that have chosen to do so. And to say that because someone comes from a State with a parental notification law, if she goes to a State without a parental notification law, someone who helps her to go there is committing a crime, I think that is unconstitutional and is a violation of the right to interstate commerce, to interstate travel.

But it also, as I said before, is an attempt to say to New York, which does not require parental notification and consent, that the law of some other State which does must prevail in your State as long as the person comes from that State. She can't escape it. She carries it with her on her back.

We have never tried to enforce the laws of one State in another like that since the Fugitive Slave Act of the 1850s. It is not a good precedent. This bill deserves to be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the author of the bill, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank our distinguished chairman of the Judiciary Committee for his leadership throughout the years that this bill has been before us.

I rise in support of S. 403, the Child Custody Protection Act, a bill that has indeed passed the House in 1998, in 1999 and in 2002, making it a Federal offense to transport a minor across State lines in order to circumvent that State's abortion parental notification laws.

The legislation before us today, Mr. Speaker, is a commonsense one. It protects minors from exploitation from the abortion industry, it promotes strong family ties, and it helps foster respect for State laws.

A minor who is forbidden to drink alcohol, to stay out past a certain hour or to get her ears pierced without parental consent is certainly not prepared to make a life-altering, hazardous and potentially fatal decision such as an abortion without the consultation or consent of at least one parent.

Language included in this legislation will also require that an abortion provider notify a parent when a minor is transported to a State where no parental notification laws exist. This provision is a central component to my legislation, the Child Interstate Abortion Notification Act, CIANA, which passed in the House with a vote of 270 in favor and 157 against.

I am truly pleased and honored that my colleagues in the House and Mr. SENSENBRENNER have given this important bill further consideration, and I urge them once again to join me in supporting legislation that speaks to the well-being of all of our daughters.

This legislation will put an end to the abortion clinics and family planning organizations that are really exploiting young, vulnerable girls by luring them to recklessly disobey State laws.

About 80 percent of the public favors parental notification laws. Over 50 percent of our States have enacted such laws. Yet sometimes these laws can be evaded by interstate transportation of minors, openly encouraging them to do so in advertising by abortion providers.

Parental consent and parental notification laws may vary from State to State, but they have all been made with the same purpose in mind, Mr. Speaker, to protect frightened and confused adolescent girls from harm.

I urge my colleagues to once again support this vital piece of legislation, uphold the safety laws designed by individual States and protect the parents' rights to be involved in decisions involving their minor daughters.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman from New York for yielding and for his steadfast support on behalf of women's health and a woman's right to choose.

I rise today to defend once again a woman's right to choose what is best for her own body. Prohibiting interstate travel for an abortion and punishing those who participated in that travel fails to protect the health and safety of women and their children.

This bill subjects taxi drivers and bus drivers and other transportation professionals to jail time, mind you, jail time, although they had no knowledge of the activity. Are we in good conscience going to legislate penalties against innocent people who do not have knowledge or control over the actions of their customers? Are we encouraging cabbies and bus drivers to start asking every person, every woman that gets into a cab or on a bus, if they are pregnant or are they going to have an abortion, because they want to limit their liability?

□ 1700

Furthermore, Mr. Speaker, how could anyone support this bill knowing that some of these minors, knowing this, that some of these minors may have

decided to have an abortion because they have been raped by a family member or a guardian? This is simply bad public policy. It will turn back the clock not only on choice but on privacy for young women.

The best way to reduce the number of abortions is to prevent unintended pregnancies, and the best way to do that is through access to contraception and comprehensive sex education. So if my colleagues really wanted to reduce abortions, they would support H.R. 2553, the Responsible Education About Life Act, or REAL Act, which would allow full and comprehensive sex education for our young people. Unfortunately, many of my colleagues would rather put cabbies and drivers in jail than take real steps to reduce the number of unwanted pregnancies in this Nation.

This bill is nothing short of a public misinformation campaign from the conservative religious right to hinder the safety and the health of women and girls throughout the country. This bill is intentionally dangerous, it is vague, it is harmful to women, it is harmful to women's health and the decisions that she must make about her body.

I urge a "no" vote on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I appreciate the gentleman's work on this bill and many bills throughout the years. I rise today in support of the Child Custody Protection Act because it returns the fundamental right of parenting back where it belongs: to parents.

Eight in 10 Americans favor parental notification laws. Forty-four States have recognized the important role of parents in a minor child's decision to have an abortion by enacting parental involvement statutes. Even so, many of these laws are being circumvented by individuals who simply transport girls across State lines to another State without parental notification laws. And, too often, these individuals are grown men who have sexually preyed on underaged girls and use abortions to cover up their crimes.

The U.S. Supreme Court has recognized that a parent's right to control the care of their children is among the most the fundamental of all liberty interests. The Supreme Court has consistently recognized that parents have a legal right to be involved in their minor daughter's decision to seek medical care, including abortion.

The Supreme Court has also observed that, and I quote, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting. It seems unlikely that the minor will obtain adequate counsel and support from the attending physician at an abortion clinic where the abortions for pregnant minors frequently take place."

The Supreme Court has also stated that, and I quote, "minors often lack the experience, perspective, and judg-

ment to recognize and avoid choices that could be detrimental to them."

Mr. Speaker, no one has a child's best interest at heart more than their parents. Minors have to have parental permission to be given an aspirin by the school nurse. Twenty-six States have laws requiring parental consent before minors can get body piercings or tattoos. Parents must be able to play a role when their minor daughter is contemplating such an important decision as what to do with an unplanned pregnancy.

Please join me in supporting the Child Custody Protection Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding and for his great leadership on this bill.

Mr. Speaker, young girls desperately need the modest protections against exploitation contained in the Child Interstate Abortion Notification Act, and they need these protections now, without any further delay.

It is inhumane and unjust that abortion mills in New Jersey and some other States aggressively advertise and market secret abortions for pregnant minors living in States that have enacted and enforce parental involvement statutes. The Yellow Pages in Pennsylvania, for example, are filled with ads for children to procure secret abortions in my home State. That is unconscionable.

The fact that older men, including statutory rapists, can secretly transport and perhaps pressure or coerce teenagers to go to abortion mills for an abortion even as late as 6 months is wrong.

Who protects the teenagers from abuse? The abortionist? The male who wants the baby dead to evade responsibility?

Policies that enable abortion clinics to circumvent State parental involvement laws recklessly and irreversibly endanger the health, safety, and well-being of young girls.

Mr. Speaker, not only are babies being slaughtered at abortion clinics, and let's not kid ourselves, the soothing rhetoric of the abortion industry has anesthetized many people to the inherent violence against children of every abortion. Chemical poison and dismemberment is violence against children. But minor girls as well have become physically wounded and emotionally wounded by the abortion. They become the walking wounded.

Ask yourselves, when health or emotional complications occur, do we really think a young girl and her shocked and broken parents return to the abortion mill? I think not.

Finally, I want to commend Chairman SENSENBRENNER and his staff for the exemplary work they have done on this bill, especially the highly persuasive, heavily footnoted majority commentary in the report accompanying the bill. I wish more Members had the

time or made the time to read it. It makes a cogent case for this bill, and I urge support for this important bill.

Mr. SENSENBRENNER. I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I strongly rise in support of the Child Custody Protection Act.

Every State has laws that require minors to get parental consent before they are allowed to do simple things like getting an aspirin or going on field trips. In many States, parents must give permission before their children can get tattoos and body piercings. There are reasons for placing these restrictions on minors' freedom, because minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them. One of the main roles of parents is to protect children from their own inexperience, lack of perspective, and judgment.

Twenty-six States have considered this issue and determined that it is not appropriate for minors to have abortions without any parental involvement. Yet the considered judgment of those State legislatures and parents in general are easily circumvented by the simple act of driving across a State line.

It is time to restore the rights of parents and States. As a wife and a mother, I agree. We in Congress have a duty. I ask for your support.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have two questions about this bill that are completely aside from the merits. One is, why are we doing this bill? We passed the bill earlier. We passed essentially this bill earlier this session, the Senate passed a bill, and now we are passing a bill that isn't the same as the Senate bill. Why? So that no law, so nothing becomes law this year.

So I would like to ask the chairman, the distinguished chairman, why we are not passing the same bill the Senate passed? Because, otherwise, there is no possibility, as I see it, of getting an agreement before we leave.

I will yield.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

The Senate bill has loopholes wide enough to drive a 18-wheeler through. If we are doing something, we might as well do something that means a bit rather than simply passing a piece of paper.

Mr. NADLER. Then why are we passing a bill again that we already passed earlier this year if the Senate bill is not the same and is not satisfactory?

Mr. SENSENBRENNER. If the gentleman will further yield, this is in the hopes that the Senate will look at this modified bill in prayerful reflection and send it on to the President.

Mr. NADLER. Reclaiming my time. In other words, we pass the bill, the Senate passed a different bill which the distinguished chairman thinks has



many loopholes, and may have, I haven't read it, and so we are coming back.

Here we are, the last week before we adjourn, we haven't passed any of the appropriations bills into law, not one, and we are spending time on this bill when we have already passed it. And if the Senate has not passed it and they want to, they should negotiate with the Senate, they should have a conference committee. Instead, we are passing it again.

And I have to assume that the real reason we are doing it is just for political reasons, to rev up the troops of the antiabortion people for the election, and there is no real intent to pass a bill.

I have another question. This bill says in the key line: Whoever knowingly transports a minor across a State line with the intent that such minor obtains an abortion, blah, blah shall be fined or imprisoned.

My question, sir, and I will yield to you, is what does "transport" mean?

Mr. SENSENBRENNER. If the gentleman will yield, it means the same thing as the transportation of someone across the State line in violation of the Mann Act.

Mr. NADLER. Well, then reclaiming my time, I think that this bill is simply not very well drafted in that case, because in the Mann Act certain things are obvious.

Let's assume that you have a young woman and a young man, her boyfriend, who jointly go across State lines to get her an abortion. She is driving. She is transporting him, not the other way around. Should someone be guilty or not guilty depending on who is driving and who is not driving? That doesn't seem to make sense.

Mr. Speaker, the arguments against this bill are manifold.

Number one, the arguments against parental notification and consent are where you have a violent parent or where you have a parent that the child cannot confide in, you shouldn't require that. Ninety percent of the time there is no problem, it is fine. Sometimes there is, and you risk the life or the health of the child to require that she tell the parent that she is pregnant.

Number two, in such a situation, the child may confide, hopefully, there is someone she can confide in, her brother, her sister, her best friend, her clergyman, her teacher, and we would make them criminals if they help her.

The gentleman from New Jersey talked about the abortionist conspiring to take her across State lines. It is not the abortionist. It is a friend or a colleague or a clergyman or a grandparent. You shouldn't make criminals of them. Nor should we seek to enforce the law of one State in another State.

Mr. SMITH of New Jersey. Would the gentleman yield?

Mr. NADLER. And. Finally, and after this statement I will yield, this law also says that if someone is asked to

perform, if a doctor is asked to perform an abortion on a young woman, on a minor from another State, he must notify the parents in that State whether or not that State requires parental notification. So we are expanding, we are now putting the Federal Government and saying to a State when only two States are involved, neither which have a parental notification law, you must because we say so. There is no justification for that.

I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Let me make it very clear. What I just said was that if you go to the Yellow Pages and look at some of the ads and in newspapers and in other media, the abortionists actively try to solicit young girls 13, 14, 15, 16, to go across State lines. And you know as well as I do adult males, including predatory males, read those ads and act. All they have to do is go to New Jersey or some State other than Pennsylvania, where there is no parental involvement law, and thereby circumvent the parental notification, parental consent in that particular State.

Mr. NADLER. Reclaiming my time. I can understand that particular concern if this bill made it a crime to transport a minor across State lines for the purpose of getting an abortion, et cetera, et cetera, for money. If that person transporting that young girl were being paid to do it, then I think that there might be something we would want to do about that. But we are not talking about that. Well, we may be talking about that, but the bill is certainly not limited to that.

The bill applies to the situation where the person, quote, unquote, transporting her may be her boyfriend, her brother or sister, her grandmother, her uncle, her aunt, her best friend or clergyman or a teacher. Anyone who is doing it with the best motives to help her, with whom some of us here may disagree that that is the best motive, but it is not a predatory motive.

So if you want to write a bill against a predatory person, write a bill against the predatory person. Write a bill against someone who does it for a commercial reason, for pay, but not against all these other people.

I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have been waiting for a while to yield a minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. I want to thank the chairman for his leadership on this issue and his perseverance in allowing this bill to come to the floor.

Imagine a nation that has to rush to embrace abortion so much that a parent isn't notified that an individual that that family doesn't know is transporting their child, their minor teenager across State lines. It is the idea that the parents don't know who may be transporting their children and the parents don't know that their child is

having an abortion that we debate today. This measure brings parental rights back into reasonable norms.

There are many groups out there working to influence our children. As the gentleman from New Jersey talked about, there is one Web site right now from the Coalition for Positive Sexuality, a charade that informs teens about abortions by stating, "usually you can get around telling your parents by going to a clinic in a State without these restrictions or explaining your situation to a judge. But this takes time. So call us right away."

In my own State of Arizona, there is currently a parental consent law that requires permission of at least one parent. So even if you do have a violent parent, you can still go to one of your other parents. But it means nothing. Because you can go to our neighboring States, California and New Mexico, and have an abortion. In many cases, our teenagers are being driven by people their parents don't even know.

This is reasonable to protect the rights of our children. Let's pass the bill.

□ 1715

Mr. NADLER. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time and commend him for his leadership in this area. I rise in strong support of this amendment.

Despite widespread support for parental involvement laws and clear public policy considerations justifying them, substantial evidence exists that such laws are regularly evaded by individuals who transport minors to abortion providers in States that do not have parental notification and consent laws.

Confused and frightened young girls are routinely assisted by adults in obtaining abortions and are encouraged to avoid parental involvement by crossing State lines. Often these girls are guided by those who do not share the love and affection that most parents have for their children. Personal accounts indicate that sexual predators recognize the advantage they have over their victims and use this influence to encourage abortions in order to eliminate critical evidence of their criminal conduct and in turn allowing the abuse to continue undetected.

Although not an interstate abortion, in my district in Cincinnati there is an ongoing court case involving parental rights. A teenage girl, 13 at the time of the abortion, was given parental consent by a man posing as her stepbrother. This man, her abuser, was later convicted on seven charges of sexual battery.

Most recently, a judge ordered Planned Parenthood to turn over medical records in determining whether there was a pattern and practice within the clinic of violating parental consent laws.

Public policy is clear that parents should be involved in decisions that their daughters make regarding abortions. CIANA will assist in enforcing existing parental involvement laws that meet the relevant constitutional criteria and will provide for parental involvement when minors cross State lines to have abortions.

I urge my colleagues to support CIANA. There is no question that parents are the ones that should be involved in this type of critical decision. It shouldn't be the abuser or the rapist. I thank the chairman for pushing this legislation.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, first, this bill does nothing to prevent unwanted pregnancies and does nothing to stop a minor from crossing State lines to get an abortion on her own. Rather, it creates criminal penalties for those trusted confidants whom the woman turns to when she find herself in a difficult situation.

In an ideal world, young women should turn to their parents for advice, guidance, and comfort. But in the real world, this is not always the case. And in some scenarios, parental involvement is not even in the best interest of the girl.

This bill would impose criminal penalties on anyone who assists a young woman to cross a State line in order to obtain an abortion, whether it is a grandparent, an aunt, older sibling, or trusted friend. In addition, because of the way the law is written, it would even impose criminal penalties on a cab driver who drops off a young woman at an abortion clinic if that clinic happens to be across the State line.

Further, there are unrealistic and unworkable mandates involving the notice provisions in the bill which also potentially violate principles of confidentiality. And so this bill threatens to increase the risk of harm to young women in difficult family situations by delaying access to appropriate medical care, and that is why the bill is opposed by the American Academy of Pediatrics, the Society for Adolescent Medicine, the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association.

Mr. Speaker, finally, the bill raises numerous constitutional questions. The Supreme Court has made clear that any valid abortion law must have an adequate medical emergency exception. The Court has also ruled that access to medical care in emergencies must also be maintained. The provisions contained in the bill have limited access in situations, and so the bill is clearly inconsistent with established constitutional law.

Mr. Speaker, this bill sets a dangerous precedent. It does not prevent unwanted pregnancies or abortions.

Rather, it encourages young girls to make difficult decisions on their own without help, increasing the potential harm to their physical and emotional well-being. That is why it is not supported by medical organizations with expertise in this field. Furthermore, it raises serious constitutional questions. I urge my colleagues to oppose the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, just in reference to comments that were made several times by people on the other side of the aisle that this would cover a cab driver or bus driver, I would hope that they would look at the language of the bill. It says whoever knowingly transports a minor across State line with the intent that the minor obtain an abortion, and thereby in fact abridges the right of a parent. So that is not just someone who gives them transportation, someone who intentionally brings them across a State line with the intent that they obtain an abortion.

Mr. Speaker, since merely identical legislation passed the House in April 2005 by a vote of 270-157, there have been several developments that make it clearer of the need to pass this bill. First, a Pew Research Center poll found that large majorities in all religious groups and about two-thirds of nonchurchgoers believe girls under 18 should receive parental consent before an abortion.

According to the Pew Research Center poll, as has been the case for more than a decade, most of the public favors requiring women under age 18 to obtain the consent of at least one parent before being allowed to get an abortion. Nearly three-quarters of Americans support such a requirement, while just 22 are opposed.

The point I make on this is that this bill is not out of the mainstream. This bill is right in the mainstream. This bill is to allow the enforcement of State laws that are constitutional with respect to parental notification. To evade parental notification laws by means of taking a young girl across a State line is what this bill is aimed at. Nothing more, nothing less than that. It is appropriate. It is consistent with the vast majority of people in the United States. It is consistent with the 33 States in the Union that have enacted such legislation.

What it does is it requires intent on the part of the actor, that is, they must intentionally act to evade the law in order to assist in procuring an abortion for a young person in a State where notification is required. Nothing more, nothing less.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, our colleagues that are listen-

ing to this debate will probably claim its defining moment as redundancy. It is redundant because this is a bill that has been debated and discussed, and now it is an amendment to S. 403 which creates a lack of opportunity for any legislative initiative to get to the President's desk.

Far be it for any of us who happen to be parents and have young women as daughters in our family to try to allow legislation to drive a barrier between a child and her parents. Nor can we morally allow the creation of chilling factors that prevent a youth from seeking help when they desperately need it. There lies the angst and the confusion and the misrepresentation of this debate.

This is not a helpful legislative initiative. This is, in fact, a divisive initiative because we find that more than 61 percent of parents in States without mandatory parental consent or at least 61 percent with notice laws have knowledge of their daughter's pregnancy. The normal relationship of child and parent proceeds along a very helpful manner as long as we do not provide unnecessary intrusion beyond what has been accepted by the individual States.

The State of Texas has provided that kind of barrier. Twenty-three States have, but another 23 have not committed to dividing parent from child.

The greatest downside of this particular legislation is that it doesn't come to this floor with clean hands. If it did, it would have allowed us to have amendments, and this was a closed rule.

I offered just a year ago or so an amendment with Mr. NADLER that expanded the exceptions to the prohibitions in this act of being able to assist a young lady in her time of trouble, to give exemptions to clergy, godparents, aunts, uncles, and first cousins, family members and clergy that would be giving comfort to this particular individual who may be a victim of incest or rape and afraid and confused about the utilization or the act of going to their parents. Although I said that 61 percent do have that relationship, there may be others that don't.

And so that would have been a responsible approach so that clergy would not become felons, as well as godparents and aunts or uncles, close family members. This country is used to and welcomes an extended family, families of different configurations. And so this legislation attempts to ignore that.

And, sadly, what it does is it makes a political point just days away from elections, but it doesn't help our young people who may be suffering with the decision that they have to make. It may be because of incest or rape, or maybe they have been brutalized or they may be frightened, and the comfort this particular relative can give them is the kind of nurturing advice that will help them make a right decision.

Maybe we want to subject our young people who may be subjected to decisions by parents who are forcing an abortion. It happens on either side, and it happened in the case of a 19-year-old girl from Maine because she was impregnated by an incarcerated person. So this is not a question of getting an abortion or not getting an abortion. This is a question of imploding family relations, and also altering the health system of America.

It is a health issue. It is a health issue if the individual is injured, a health issue if it is jeopardizing the life of the young lady. And the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association, all oppose mandatory involvement laws because of the dangers they pose to young women and the need for confidential access to physicians.

So we are being redundant because this is around and around and around. This is over and over again. But there is no sincerity in passing this legislation because instead of taking S. 403, we have offered an alternative. That alternative will have to go back to the Senate. There is some tongue-in-cheek comment about we hope the Senate will consider our bill. Well, they are four days before the end of the session before we go off for our work in the district. Then, of course, there is a lame duck because this majority, Republican majority, has not finished its work, as usual. I don't think this is a reality that is going to happen.

My prayer is that we will come together for the young people and for those impacted by this great tragedy and allow families to make decisions as they should. Vote down this bill. It serves no purpose, and it hurts the young people of America and divides families.

Mr. Speaker, I oppose the legislation before the House, S. 403, the Child Custody Protection Act. The provisions contained within this proposal are very inflexible and unreasonably punitive.

Given the usual slant of my good colleagues on the other side of the aisle to favor uniformity in legislation, this bill is inconsistent with that purpose. Overall, S. 403 would force physicians to learn and enforce 49 other States' laws with respect to parental-involvement requirements. On its face, one of the policies that this bill seeks to enforce, the mandate that every parent will receive notice and can get involved when their daughter faces a crisis pregnancy, is a good one. However, one of its harmful effects is that it is unnecessarily punitive. In the absence of laws mandating parental involvement, young women come to their parents before or while they consider abortion. A study found that 61 percent of parents in States without mandatory parental consent or notice laws had knowledge of their daughter's pregnancy.

Major health associations such as the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the

American Public Health Association strongly oppose mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. This legislation poses such a risk by increasing the risk of harm to adolescents by obstructing their access to healthcare that could save their lives.

In addition, well-respected organizations such as Planned Parenthood, Pro Choice America, and People for the American Way have expressed their opposition to this bill, which effectively isolates young women in need of help, and forces to seek alternative illegal and unsafe venues for terminating their pregnancy. After all, if you cannot trust your parents or your doctor to help you, what are your alternatives?

According to an article by Lawrence B. Finer and Stanley K. Henshaw, only 13 percent of U.S. counties have abortion providers. Therefore, the fact that many young women seek abortions outside of their home state is not solely attributable to an avoidance of home state law.

The last time we saw this bill, I offered an amendment with Mr. NADLER of New York that expanded the exceptions to the prohibitions of this act to include "conduct by clergy, godparents, aunts, uncles, or first cousins." This amendment was a very simple but necessary dampening of the excessive punitive nature of this legislation. This amendment is also demonstrative of the negative consequences this bill would directly and inadvertently cause. A young woman should not lose her right to seek counsel and guidance from a member of the clergy, her godparent, or the family member if she so desires.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follow old provisions of the "Child Custody Protection Act" which make it a Federal crime for an adult to accompany a minor across State lines for abortion services if a woman comes from a State with a strict parental-involvement mandate. There are 10 States (CO, DE, IA, ME, MD, NC, OR, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 States (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case.

Given the disparity in State law requirements for the parental-notification requirement, not giving a young woman the right to seek assistance in deciding from a member of the clergy, a godparent, or family member could increase the health risks that she faces.

Young women as a population group are more likely to seek abortion later in their pregnancy. The Centers for Disease Control (CDC) have shown that adolescents obtain 30 percent of all abortions after the first trimester, and younger women are more likely to obtain an abortion at 21 weeks or more gestation. The provisions of S. 403 will exacerbate this dangerous trend.

Mr. Speaker, this bill will add an unnecessary layer of legality, travel time, and manda-

tory delay to the already difficult job that physicians have in providing quality care to their patients. My colleagues on the other side of the aisle have consistently advocated for protection of health care providers by way of tort reform. This legislation flies in the face of that initiative and is totally inconsistent with it.

We cannot let legislation drive a barrier between a child and her parents, nor can we morally allow the creation of chilling factors that prevents a youth from seeking help when it is desperately needed. I ask my colleagues to reject this bill.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, as I said before, some States have chosen to enact parental consent and notification laws, others haven't. There is a case against parental notification laws and consent laws because basically there are a certain number of parents, certain families where you can't ask the young girl to confide in her parents because they may subject her to violence. Or she feels she can't.

But you do want a young woman to confide in somebody, not to be alone in this time of great strain for her. You want her to be able to confide in a brother or sister or clergyman or priest or rabbi or uncle or aunt or grandparent or a teacher. And those people want to be able to help her.

Now, as I said before, there may be room for legislation to say that you shouldn't take people across State lines for the purpose of getting an abortion for commercial purposes.

□ 1730

But to make a criminal out of anybody who is trying to help a young girl, as they see helping her, as she sees helping her because she cannot confide in her parents, and especially if that helper may be the grandparent or the brother or the sister or a clergyman is simply wrong.

So this legislation is far too broad. It will place young women who need help in a situation where they cannot get help. It doesn't serve any useful purpose, and it should be defeated.

I urge my colleagues to vote against this bill, again.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is fairly simple and straightforward. It says that if a minor woman who is a resident of a State that requires some type of parental involvement is taken to another State that does not have a parental involvement law, it is a crime to do that. And it is as simple as that.

Now the only reason why a woman would be taken from a State with a parental involvement law to one that doesn't is to prevent the parents from knowing that the woman is having an



abortion. Now we are talking about minors here, girls under the age of 18. A parent is responsible for providing for the health, safety, and welfare of minor children that are either their own children or that they have been named as guardians of by a competent court; and to avoid the parents' responsibility of providing medical care by hiding the fact that the woman is going across a State line to have an abortion is wrong.

Now I think a lot of people don't like parental involvement laws. The polling shows exactly the opposite. In my opening remarks, I pointed out that half the people who call themselves liberal Democrats believe that the parents ought to be involved in this decision; and three-quarters of those who call themselves moderate or conservative Democrats feel the same way.

I think that this House ought to empower parents to at least know about these decisions, particularly if their minor daughters are taken across a State line; and the way to deal with that issue is to pass the bill.

I urge an "aye" vote.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Child Custody Protection Act, which purports to "give parents a chance to help their daughters during their most vulnerable times" and would require doctors to give 24 hours' notice to a minor's parent before allowing her to have an abortion.

I would like to remind my colleagues that what we are talking about are young girls who are in trouble, young girls who are unmarried, young girls who invariably, according to the statistics, have been impregnated by older men exploiting them. While it should be common for parents to be responsible, to be nurturing and not to be punitive, unfortunately that is not always the case or quite as simple.

In a perfect world, teenagers would be able to tell their parents that they are pregnant, but many are unable to due to fear of rejection at home, threats of physical and emotional abuse, and in the most troubling of situations, because it was a family member, such as a stepfather, that put them in that position in the first place.

These teenage girls should have a right to seek help from a trusted adult, such as a grandmother or a member of the clergy.

This bill will create a complicated patchwork of State and Federal law that will apply differently depending on the minor's state of residence and the state where the abortion is performed.

It will be nearly impossible for teenagers and physicians alike to understand.

This measure would make it a Federal crime for a caring adult other than a parent to accompany a young woman across State lines for an abortion. In addition, the Child Custody Protection Act, goes even further by mandating that doctors be fully aware and knowledgeable of the mandatory parental involvement laws in each of the 50 States, under the threat of fines and prison sentences.

The Child Custody Protection Act would make it a Federal crime for a doctor to perform an abortion on a minor who is a resident of another State unless the doctor notifies the minor's parent, in person, a minimum of 24 hours before the procedure, unless she is accompanied by a parent.

It is also disturbing that this measure, not unlike the partial-birth abortion ban law, does not include an exception for emergency circumstances where a minor's health would be threatened by this delay. It is no wonder that the constitutionality of this law is being challenged in Federal courts as we speak.

The intent of this measure is not to ensure that caring parents have access to their teenage daughters who are contemplating having an abortion. The true intent is to make it so difficult for doctors to comply with this law that they simply give up.

Instead of debating a bill that may not meet constitutional muster, we should be considering the Prevention First Act which would help to reduce the number of unintended teenage pregnancies by providing annual funding to both public and private entities to establish or expand teenage pregnancy prevention programs.

This measure would also require these entities to incorporate teenage pregnancy prevention programs that have been proven to delay sexual activity or reduce teenage pregnancy, through programs such as comprehensive sexual education.

Why are we not doing more to help the 820,000 teen girls who get pregnant each year?

I urge all my colleagues to vote against the Child Custody Protection Act, a regressive measure, which will have no impact on reducing the number of unintended teenage pregnancies and will do more harm than good.

Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortion and protecting parental rights), today the Congress could potentially move our Nation one step closer to a national police state by further expanding the list of Federal crimes and usurping power from the States to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those Members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across state lines for ignoble purposes.

As an obstetrician of almost 40 years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this "medical" procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the States. In the name of protecting parental rights, this bill usurps States' rights by creating yet another Federal crime.

Our Federal Government is, constitutionally, a government of limited powers, Article one, Section eight, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights

to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass S. 403. S. 403 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents' rights to not have their children taken across State lines for contemptible purposes? Absolutely. Can a State pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the Federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some States. To the extent the Federal and State laws could co-exist, the necessity for a Federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for Federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more Federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in State courts . . . threatens to change entirely the nature of our Federal system." Meese stated that Congress' tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a Federal police force is that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for

preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to State autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate Federal law, or an "adequate" Federal law improperly interpreted by the Supreme Court, preempts States' rights to adequately address public health concerns. *Roe v. Wade* should serve as a sad reminder of the danger of making matters worse in all States by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the Federal Government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to the point where it reads "It's ten o'clock; does the Federal Government know where your children are?" Further socializing and burden shifting of the responsibilities of parenthood upon the Federal Government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, S. 403.

Mr. GRAVES. Mr. Speaker, I rise in strong support of this rule and the underlying bill, S. 403—the Child Custody Protection Act.

For too long, individuals have exploited State borders to disrupt and undercut important parental involvement laws that have been enacted to protect minors.

A teenage girl needs a parent's consent to get an aspirin at school. The decision to kill an unborn child is life-altering, and often results in unintended psychological and physical problems. So, I find it unconscionable that an individual would deliberately transport a minor across State lines for an abortion without a parent's consent. This type of exploitation has rendered State laws toothless, and in light of this situation, there is a strong demand for Congressional action.

In my home State of Missouri, we have a parental consent law that requires the involvement of a parent when a minor is seeking an abortion. Across the State line from my district is Kansas.

In Kansas, there is a parental notification law but not a consent law. This means that if the parent of a minor in Missouri denies permission for that minor to have an abortion in Missouri, that same minor—usually with the

aid of a co-conspirator—can go to Kansas, notify that parent of the intention to have an abortion, and go forward against the will of the parent. In Illinois, it was reported that the mother of a 14-year-old from Missouri was denied the opportunity to even speak with her daughter as she waited for an abortion in an Illinois clinic just over the State line.

Congress must act to prevent the evasion of parental involvement laws. In Missouri, you can bring a civil action against any individual that assists a minor in evading the State parental consent law, but that is not enough, Mr. Speaker. Only a tough, Federal criminal statute will deter individuals from transporting teenagers across state lines in order to willfully violate the parental involvement laws of the teenager's home State.

Mr. Speaker, I was pleased to support H.R. 748, the Child Interstate Abortion Notification Act when it was considered by the House in April of last year. This rule gives us the opportunity to restore an important provision that was not included in S. 403, specifically the provision that places responsibility on the abortion provider to give a parent or guardian 24 hours' notice of a minor's abortion decision.

I urge my colleagues to pass this resolution and the Child Custody Protection Act. It is time for Congress to take action against all those who assist minors in circumventing a parent's right of involvement in the most serious decision a minor can make.

Mr. DINGELL. Mr. Speaker, the bill before us is a tangled web of legal intricacies which I found to be a muddled attempt to impose specific laws of individual States. After a careful reading of the bill, I am forced to rise in opposition to the legislation.

H.R. 748 is a two-part bill. The first part makes it a crime for anybody other than a parent to accompany a minor across State lines for an abortion if the minor's State of residence has parental notification laws. We have seen this language, known as the Child Custody Protection Act, in past Congresses, and I have hesitantly voted in favor of it. I say hesitantly because I have always been concerned that:

- (1) The bill violates the Constitutional principles of federalism;
- (2) There are no exceptions for another responsible adult family member to accompany the minor; and
- (3) The language is so broad that it would allow a cab or bus driver to be prosecuted.

You are probably wondering, Mr. Speaker, why I voted for the bill even with these concerns. Well, as a parent, I feel strongly that parents should be involved in major decisions concerning the health and well-being of their children. The most knowledgeable resource regarding the minor's medical history is often their parent. Moreover, as is the case with any medical procedure, it is important that someone in the household be aware of the situation should there be side effects. Thus, I voted to move the process forward with the hope that my concerns would be addressed before the final legislation was sent to the President for signature. This did not happen because the Senate has never acted on the legislation.

The second part of the bill is new and would hold a doctor criminally liable for performing an abortion on a minor from another State. This, Mr. Speaker, is where the web gets really tangled. You see, in some cases, the minor would have to comply with the laws of two

States, and in all cases, the doctor would have to get consent from the parent in person and a mandatory 24-hour waiting period would be instituted.

Probably the most striking scenario would be a minor who traveled between States with no parental consent law. In this case, the doctor would have to obtain consent in person from the parent, the mandatory 24-hour waiting period would be instituted, and in this specific case there would be no judicial bypass option.

This creates quite a burden on doctors, who would be required to have a near-encyclopedic knowledge of the parental involvement laws in each of the 50 States, their specific requirements and their judicial procedures.

Some States have strict parental consent laws, some have parental consent laws with reasonable bypass mechanisms, and some States have no consent laws at all. If this bill passes, we are saying to some States, "Your law is good." To others we are saying, "Your law is okay, but it is not quite good enough." And to still other States we are saying, "Your law, or lack thereof, is wholly inadequate." This is no way to legislate in our federalist system.

While reading over the bill, Mr. Speaker, I tried to think of what precedent there is for this kind of law. It took a while, but the only law I could come up with was the Fugitive Slave Act. Going back to laws like this, Mr. Speaker, is not something this Congress should even consider.

Mr. Speaker, I often wonder why we don't focus more of our effort on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. As such, I would ask that all of my colleagues come to the table to discuss the ways we can further this mutual goal.

Mr. Speaker, I urge my colleagues to vote "yes" on the Scott and Jackson-Lee amendments and "no" on the underlying bill.

Mr. CROWLEY. Mr. Speaker, I feel like I am in a time warp today. We already voted on and debated basically the same bill last year. We must be close to an election if this Republican Congress is bringing up an anti-choice piece of legislation that they have already passed.

While these types of bills may make good politics for some, they make bad policy for all.

We should all be in agreement on the need to lower the numbers of unintended pregnancies and abortions in the U.S.

While this bill purports to put the interests of minors and their parents first, as well as reduce the number of abortions—the facts over the last few years of the Bush Administration have demonstrated that the numbers of abortions increased from the numbers during the previous 8 years of policymaking under President Bill Clinton.

In fact, studies show the abortion rate, which hit a 24-year low when President Bush took office, and has risen throughout President Bush's first term of so-called anti-abortion policymaking.

Instead of focusing on this fact, addressing why hundreds of millions of taxpayer dollars have been spent on abstinence only programs with little result, and pushing programs to expand contraception, this majority wants to criminalize aunts and cousins. It just doesn't make any sense.

Fortunately, there are laudable programs that work with young people to help ensure that they get accurate and relevant information on how to protect themselves from pregnancy.

We should work to find common ground on real solutions to the problems of unintended pregnancies and abortions.

I urge my colleagues to join me in voting against this mean-spirited legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). All time for debate has expired.

Pursuant to House Resolution 1039, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of Senate 403 will be followed by 5-minute votes on passage of H.R. 2679, motion to suspend the rules and adopt House Resolution 723, and motion to suspend the rules and adopt House Resolution 992.

The vote was taken by electronic device, and there were—yeas 264, nays 153, not voting 15, as follows:

[Roll No. 479]

YEAS—264

Aderholt	Chabot	Foxx
Akin	Chandler	Franks (AZ)
Alexander	Chocola	Frelinghuysen
Bachus	Coble	Gallely
Baker	Cole (OK)	Garrett (NJ)
Barrett (SC)	Conaway	Gerlach
Barrow	Cooper	Gibbons
Bartlett (MD)	Costa	Gillmor
Barton (TX)	Costello	Gingrey
Beauprez	Cramer	Gohmert
Berry	Crenshaw	Goode
Bilbray	Cubin	Goodlatte
Bilirakis	Cuellar	Gordon
Bishop (GA)	Culberson	Granger
Bishop (UT)	Davis (AL)	Graves
Blackburn	Davis (KY)	Gutknecht
Blunt	Davis (TN)	Hall
Boehner	Davis, Jo Ann	Harris
Bonilla	Davis, Tom	Hart
Bonner	Deal (GA)	Hastings (WA)
Bono	Dent	Hayes
Boozman	Diaz-Balart, L.	Hayworth
Boren	Diaz-Balart, M.	Hefley
Boswell	Doolittle	Hensarling
Boustany	Doyle	Herger
Boyd	Drake	Hinojosa
Bradley (NH)	Dreier	Hobson
Brady (TX)	Duncan	Hoekstra
Brown (SC)	Edwards	Holden
Brown-Waite,	Ehlers	Hostettler
Ginny	Emerson	Hulshof
Burgess	English (PA)	Hunter
Burton (IN)	Etheridge	Hyde
Buyer	Everett	Inglis (SC)
Calvert	Feeney	Issa
Camp (MI)	Ferguson	Jenkins
Campbell (CA)	Fitzpatrick (PA)	Jindal
Cannon	Flake	Johnson (IL)
Cantor	Foley	Johnson, Sam
Capito	Forbes	Jones (NC)
Cardoza	Fortenberry	Kanjorski
Carter	Fossella	Keller

Kelly	Murtha	Saxton
Kennedy (MN)	Musgrave	Schmidt
Kildee	Myrick	Schwarz (MI)
King (IA)	Neugebauer	Sensenbrenner
King (NY)	Northup	Sessions
Kingston	Norwood	Shadegg
Kline	Nunes	Shaw
Knollenberg	Oberstar	Sherwood
Kolbe	Obey	Shimkus
Kuhl (NY)	Ortiz	Shuster
LaHood	Osborne	Simpson
Langevin	Otter	Skelton
Latham	Oxley	Smith (NJ)
LaTourette	Pearce	Smith (TX)
Leach	Pence	Snyder
Lewis (CA)	Peterson (MN)	Sodrel
Lewis (KY)	Peterson (PA)	Souder
Linder	Petri	Spratt
Lipinski	Pickering	Stearns
LoBiondo	Pitts	Stupak
Lucas	Platts	Sullivan
Lungren, Daniel	Poe	Sweeney
E.	Pomeroy	Tancredo
Lynch	Porter	Tanner
Mack	Price (GA)	Taylor (MS)
Manzullo	Pryce (OH)	Taylor (NC)
Marchant	Putnam	Terry
Marshall	Radanovich	Thomas
Matheson	Rahall	Thornberry
McCaul (TX)	Ramstad	Tiahrt
McCotter	Regula	Tiberi
McCrery	Rehberg	Turner
McHenry	Reichert	Upton
McHugh	Renzi	Walden (OR)
McIntyre	Reyes	Walsh
McKeon	Reynolds	Wamp
McMorris	Rogers (AL)	Weldon (FL)
Rodgers	Rogers (KY)	Weldon (PA)
McNulty	Rogers (MI)	Weller
Melancon	Rohrabacher	Westmoreland
Mica	Ros-Lehtinen	Whitfield
Miller (FL)	Ross	Wicker
Miller (MI)	Royce	Wilson (NM)
Miller, Gary	Ryan (OH)	Wilson (SC)
Mollohan	Ryan (WI)	Wolf
Moran (KS)	Ryun (KS)	Young (AK)
Murphy	Salazar	Young (FL)

NAYS—153

Abercrombie	Green, Al	Nadler
Ackerman	Green, Gene	Napolitano
Allen	Grijalva	Neal (MA)
Andrews	Gutierrez	Olver
Baca	Harman	Owens
Baird	Hastings (FL)	Pallone
Baldwin	Hereth	Pascarell
Bass	Higgins	Pastor
Bean	Holt	Paul
Becerra	Hinchey	Payne
Berkley	Honda	Pelosi
Berman	Coble	Price (NC)
Biggert	Hoyer	Rangel
Bishop (NY)	Insee	Rothman
Blumenauer	Israel	Roybal-Allard
Boehlert	Jackson (IL)	Ruppersberger
Boucher	Jackson-Lee	Rush
Brady (PA)	(TX)	Sabo
Goode	Johnson (CT)	Sánchez, Linda
Butterfield	Johnson, E. B.	T.
Capps	Jones (OH)	Sanchez, Loretta
Capuano	Kaptur	Sanders
Cardin	Kennedy (RI)	Schakowsky
Carnahan	Kilpatrick (MI)	Schiff
Carson	Kind	Schwartz (PA)
Case	Kirk	Scott (GA)
Clay	Kucinich	Scott (VA)
Cleaver	Lantos	Serrano
Clyburn	Larsen (WA)	Shays
Crowley	Larson (CT)	Sherman
Cummings	Lee	Simmons
Davis (CA)	Levin	Slaughter
Davis (IL)	Lofgren, Zoe	Smith (WA)
DeFazio	Lowe	Solis
DeGette	Maloney	Stark
Delahunt	Markey	Tauscher
DeLauro	Matsui	Thompson (CA)
Dicks	McCarthy	Thompson (MS)
Dingell	McCollum (MN)	Tierney
Doggett	McDermott	Towns
Emanuel	McGovern	Udall (CO)
Engel	McKinney	Udall (NM)
Eshoo	Meek (FL)	Van Hollen
Farr	Meeks (NY)	Velázquez
Flake	Michaud	Visclosky
Filner	Miller (NC)	Wasserman
Frank (MA)	Miller, George	Schultz
Gilchrest	Moore (KS)	Waters
Gonzalez	Moore (WI)	Watson
	Moran (VA)	Watt

Waxman	Wexler	Wu
Weiner	Woolsey	Wynn

NOT VOTING—15

Brown (OH)	Istook	Ney
Castle	Jefferson	Nussle
Davis (FL)	Lewis (GA)	Pommo
Evans	Meehan	Strickland
Ford	Millender-McDonald	
Green (WI)		

□ 1800

Messrs. BUTTERFIELD, NEAL of Massachusetts, PASCARELL, Ms. LINDA T. SANCHEZ of California, Mrs. JOHNSON of Connecticut, and Mrs. JONES of Ohio changed their vote from “yea” to “nay.”

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

The SPEAKER pro tempore (Mr. KUHLMAN of New York). The pending business is the vote on passage of H.R. 2679, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 173, not voting 15, as follows:

[Roll No. 480]

YEAS—244

Aderholt	Conaway	Graves
Akin	Costa	Gutknecht
Alexander	Cramer	Hall
Bachus	Crenshaw	Harris
Baker	Cubin	Hart
Barrett (SC)	Cuellar	Hastings (WA)
Barrow	Culberson	Hayes
Bartlett (MD)	Davis (KY)	Hayworth
Barton (TX)	Davis (TN)	Hefley
Bass	Davis, Jo Ann	Hensarling
Beauprez	Davis, Tom	Herger
Berry	Deal (GA)	Herseth
Bilbray	Dent	Hinojosa
Bilirakis	Diaz-Balart, L.	Hobson
Bishop (UT)	Diaz-Balart, M.	Hoekstra
Blackburn	Doolittle	Hostettler
Blunt	Drake	Hulshof
Boehner	Dreier	Hunter
Bonilla	Duncan	Hyde
Bonner	Ehlers	Inglis (SC)
Bono	Emerson	Issa
Boozman	English (PA)	Jenkins
Boren	Everett	Jindal
Boustany	Feeney	Johnson (CT)
Boyd	Ferguson	Johnson (IL)
Bradley (NH)	Fitzpatrick (PA)	Johnson, Sam
Brady (TX)	Flake	Jones (NC)
Brown (SC)	Foley	Keller
Brown-Waite,	Forbes	Kelly
Ginny	Fortenberry	Kennedy (MN)
Burgess	Fossella	King (IA)
Burton (IN)	Foxx	King (NY)
Buyer	Franks (AZ)	Kingston
Calvert	Frelinghuysen	Kline
Camp (MI)	Gallely	Knollenberg
Campbell (CA)	Garrett (NJ)	Kolbe
Cannon	Gerlach	Kuhl (NY)
Cantor	Gibbons	LaHood
Capito	Gillmor	Latham
Cardoza	Gingrey	LaTourette
Carter	Gohmert	Leach
Chabot	Goode	Lewis (CA)
Chocola	Goodlatte	Lewis (KY)
Coble	Gordon	Linder
Cole (OK)	Granger	Lipinski