Italy where he was abducted by his pornographer mother.

What is in this morning's newspaper headlines? Supreme Court decides to strike down the Child Pornography Protection Act. This is a clear and present danger to children all over the world.

I am concerned that this decision will allow the manufacture, distribution, and possession of virtual child pornography. We will potentially see a rise in the exploitation of children. Child pornographic material, whether virtual or not, is used to lure and to exploit children. I am concerned about the onerous burden that this is going to place on prosecutors. Prosecutors will now have to prove the identity of the children who are being exploited.

Well, this is a difficult task. The Supreme Court sent a terrible message, one that is terrible to send to the pornographic community that this behavior is okay. We can be sure that the Congressional Caucus on Missing and Exploited Children will do everything within its power to right this wrong and to protect our children from exploitation, and we must bring Ludwig Koons home.

BIPARTISAN DENOUNCEMENT OF UNITED STATES SUPREME COURT DECISION INVOLVING CHILD PORNOGRAPHY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it should be obvious on the floor of the House today that the denouncement of yesterday's decision by the United States Supreme Court is truly bipartisan. As a father of three small children, I do rise to denounce this deplorable decision where the court struck down a 1996 Federal ban on computer-generated child pornography.

The court actually wrote that the law was not sufficiently precise and that the law does not make reference to any crime or the creation of any victims. The promotion and the creation of child pornography by definition creates victims, Mr. Speaker.

I call on my colleagues to move forward expeditiously to right this wrong in the law. While the court has given solace to child pornographers, some protection from the law of man, I would close with reflecting on the law of God to those out there who create this material. The Good Book says that if anyone causes one of these little ones to sin, it would be better for him to have a large millstone hung around his neck and that he would be drowned.

□ 1030

PASSAGE OF H.R. 476, CHILD CUSTODY PROTECTION ACT

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act. H.R. 476 has two important functions. First, it works to make sure that valid parental notification laws will not be circumvented. Second, it secures the right of a parent to be involved in medical decisions regarding their minor daughters.

I think it is important to note that even abortion rights advocates, such as Planned Parenthood and the National Abortion Federation, all encourage minors to consult their parents before having an abortion. Not only can a parent provide the emotional and physical support that their daughter will need, but a parent also knows their daughter's medical history.

There is also widespread support for parental notification among the American people. A 1998 CBS New York Times poll found that 78 percent of those polled favored requiring parental notification.

I come from a State that requires parental notification. Yet, out-of-State clinics try to circumvent this law. It is not uncommon practice for clinics in New Jersey, a State without parental notification law, to advertise in Pennsylvania phone books. These clinics often go as far as to highlight the fact that they will perform an abortion without parental notification.

The passage of H.R. 476 effectively puts an end to this despicable practice. I urge my colleagues to support this legislation.

FOOD STAMP RESTORATION

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, the Congressional Hispanic Caucus has been working hard to restore food stamp benefits to hard-working, tax-paying legal residents; I state, to hard-working, tax-paying legal residents. Unfortunately, the House amendment 2846 would leave thousands of legal residents, permanent residents, without food stamps. This amendment would discriminate against permanent legal residents.

This is a real problem for LPRs and their families. Thirty-seven percent of all children of immigrants live in families that cannot afford enough nutrition on a regular basis. Most immigrant families include at least one child that is an American citizen. These children go to school hungry because their parents cannot afford to pay for food stamps or apply for food stamps. How can these kids study and learn and concentrate in the classroom if they do not have enough to eat?

We talk about ''leave no child behind.'' Well, we are about to do that, through this amendment. It is time for us to assure that all legal immigrants are eligible for food stamps. These are hardworking, legal permanent residents who currently cannot buy food stamps because they are not eligible for assistance under the basic nutritional program.

I urge the President that he must deliver on his promises to the Latino community. We need his leadership and inclusion, not false promises.

CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 476) 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. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a closed rule for H.R. 476, the Child Custody Protection Act. The rule waives all points of order against consideration of the bill. It provides consideration of H.R. 476 in the House with two hours of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenaged daughter. We all hope that our teenaged daughters have the wisdom to avoid pregnancy, but if they make a mistake, a parent is best able to provide advice and counseling. Also, more importantly, the parent knows the child's past medical history.

For these reasons, my home State of North Carolina, along with several other States, requires a parent to know before their child checks into an abortion clinic.

This law is needed because of stories chillingly similar to the story of a Pennsylvania mother and the tragic story of her 13-year-old daughter.

Several years ago, a stranger took Joyce Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified medical records at the abortion clinic, and abandoned her in a town 30 miles away, frightened and bleeding. Why? Because this stranger's adult son had raped Joyce Farley's teenaged daughter, and she was desperate to cover up her son's tracks.

Even worse, this may all have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. In fact, many abortion providers in States where there are no parental consent laws actually advertise in the yellow pages in States where consent laws have been passed. It is wrong, and it has to be stopped.

The Child Custody Protection Act would put an end to this child abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Right now, a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin. They have to call and give permission for their child to have an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to Maryland, for instance, for an abortion. It is total nonsense.

So let us do something to protect the thousands of children in this country. Let us pass the child custody Protection Act, and put a stop to the absurd notion that there is some sort of constitutional right for an adult stranger to be able to secretly take someone's teenaged child into a different State for an abortion.

I applaud my friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for continuously fighting this fight. I urge my colleagues to support this rule and to support the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I oppose this closed rule and I oppose the bill that underlies it. The Committee on the Judiciary has handed us yet once again a bill that is blatantly unconstitutional and will never see the light of day because the Senate is not going to touch it.

The attempt here today is to interfere with the rights of American citizens to go from one State line across the other. It is never going to work. In addition, and the most surprising thing to me, is by a vote of 16 to 12, the rapist or person who commits incest has the right of court action if anyone interferes with a pregnancy that he has caused.

I think I need to say that again. A subcommittee of the Committee on the Judiciary voted 12 to 16 to protect the right of a rapist or someone committing incest, and give them the right of court action if anyone interferes with the pregnancy that they have caused, taking away all the rights of the child.

I want to reiterate again that abortion is legal in the country. To prohibit anyone's right to across a State line for a legal purpose in the United States is foolish on the face of it, and flies in the face of the freedom that we enjoy.

Are we going to put border crossings at the State lines? Are we going to stop people and check their cars and make sure that no minor is in there? Are we really willing to put people's grandmother in prison? Are we really willing to allow a rapist or someone who commits incest to go to court to sue if a pregnancy caused by their action ensues? Surely not.

But this bill, again, in addition to it being terribly bad policy and its flagrant unconstitutionality, is closed, so no one could even amend it. But frankly, I do not know why anyone would want to. It is hard to amend an unconstitutional bill in such a way that we could make it constitutional. But we are talking about a fundamental right here, not something superficial. This measure tramples that right by imposing substantial new obstacles and dangers in the path of a minor seeking an abortion.

It violates the rights of States. And this Congress has gone on record time after time after time believing States are far more bright than we are. If they should have the right to pass their own laws, this tramples on the rights of States to enact and enforce their own laws that govern conduct within their own State boundaries.

The assaults on the Constitution do not stop there. One fundamental principle of our Federal system is a State may not project its laws onto other States. Every citizen has a right to cross a border into another State, and it has been so since the founding of this Republic. But we can do it in favor of the laws of the State that we are visiting, as long as we do not infringe upon those laws.

This bill undermines this fundamental principle, saying that young women are bound by the laws of their home States, even as they traverse the Nation. On the face of it, that is absolutely foolish. Because something is legal in New York and illegal in another State, should all New Yorkers be allowed to go there and freely fly in the face of a law of the other State? Absolutely not. The Supreme Court has consistently held that States cannot prohibit the lawful out-of-State conduct of their citizens. That is a simple premise simply put, but it is absolutely one of the basics of our freedoms. Nor may they impose criminal sanctions on that behavior. That has been the law of this land for a long, long time, about 200 years, I suspect. This bill does exactly that, imposing criminal sanctions on what is literally a freedom for a United States citizen.

As Professor Lawrence Tribe of Harvard Law School and Peter Rubin of Georgetown University Center explained, the bill ''. . . amounts to a statutory attempt to force the most vulnerable class of young women to carry the restrictive laws of their home States strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go.''

□ 1045

Why is this body singling out young women for this treatment? I want to urge my colleagues to stop for a moment and think what are we doing here. We swore an oath to uphold the Constitution, but instead we are abandoning it, and indeed we are trashing it to satisfy some of the most extreme elements of the majority party.

Moreover, I want my colleagues to take a close look at this bill. As noted, it would criminalize the act to bring in the minor across State lines to obtain an abortion without parental consent, but the bill does not stop there. It goes on to provide prison time for grandparents or an adult sibling or members of the clergy who may have tried to help a minor obtain medical care and subjects them to civil action by a parent who may have raped and impregnated the minor. Even a cab driver, even a cab driver who drove this minor is subject to criminal penalty.

We had one amendment trying to remove that in the Committee on Rules and it was not allowed.

Let me put this another way: The bill allows the father who rapes or anybody who is carting this child, rapes or impregnates his minor daughter, to sue, to sue for damages. Can my colleagues imagine that? Do my colleagues want to go back home and tell people that that is what they voted for in the House of Representatives? It locks the victim of incest into requiring consent from an incestuous parent. That is the quality of the legislation we are considering today and the leadership ought to be ashamed.

Several amendments were offered in the Committee on Rules to address some of these egregious provisions, but none were allowed. The closed rule is a final slap in the face of our colleagues, and the victims of these crimes.

Vulnerable young women, deserve better. We all want active and supportive parents involved in their children's major decisions, but many young women have a justifiable fear that they will be physically abused if they are forced to disclose their pregnancy to their parent. Nearly one-third of minors who choose not to consult their parents have experienced violence in the family. Forcing young women in these circumstances to notify the parent of their pregnancies may only exacerbate the dangerous cycle of violence in these families.

This is the cruel lesson of one young Idaho teenager who was shot to death by her father after he learned she was planning to terminate a pregnancy caused by his act of incest. Shot to death by the man who had raped her. Despite our noblest intentions, Congress cannot legislate health and family communications.

The political cynicism this rule embraces today would be comical if young women's lives were not at stake. Congress once again is placing its political agenda ahead of a woman's ability to have access to safe and appropriate medical care.

As a Member of Congress and mother of three daughters and long-time advocate of women's health, I strongly believe that the health of American women matter, and I urge my colleagues to vote no on this rule and on the underlying bill. Please do not go home and say that we put the rights of the rapist or the perpetrator of incest above other citizens of the United States and tried to restrict their right to move across State lines.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), who also serves on the Committee on Rules.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would ask the visitors in the gallery to desist from conversations.

Mr. DIAZ-BALART. Mr. Speaker, I want to commend, first of all, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time and my dear colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing and shepherding and leading the effort on this important legislation.

When I was listening to my distinguished friend on the other side of the aisle, I thought that at times she was referring to another piece of legislation. Twenty-seven States require parental notification, recognizing the need for parental involvement when daughters face the confusing and sometimes frightening reality of an unexpected pregnancy. Strangers should not be allowed to deprive parents from the right to at least try to protect their daughters from harm by taking these children to another State in violation precisely of the State laws that have been passed to protect the parents' rights and to try to protect the rights of their daughters.

What this legislation tries to do is to punish those who smuggle children across State lines to, in effect, dodge the home State laws which are designed to protect the health and safety of children and the rights of the parents. In essence, what we are trying to do today with this legislation is to protect as much as possible the States' rights to have their wishes, as made law by their legislatures, enforced. That is, in essence, what we are trying to do.

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

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding the time to me, and I want to commend her on her extraordinary testimony. I think no one could have addressed more carefully and better the issues underlying this bill than she did. I do not want to repeat what she said. I just strongly endorse it and hope that our colleagues are listening and will oppose this bill.

I want to speak personally for just about a minute, Mr. Speaker. I am the mother of a 26-year-old daughter and a 17-year-old daughter. I am also the mother of a 28-year-old son and a 19-year-old son. I work very hard to earn their trust, and I try very hard to provide for them a moral framework in which they will make wise choices for their lives.

When I first learned about this issue some years back, my immediate instinct was to oppose the notion that parents could not or should not be consulted when a daughter makes a decision about an abortion, not just across State lines but in a State. I then consulted my own daughters and they said, Mom, we would talk to you, but think about all the kids who cannot talk to their parents.

Our colleague from New York has spelled out those circumstances. They are dreadful and shameful, and my view after consulting my own children is that for the children of others, we must stop this vicious legislation. For children of others, to make sure that in safety they can seek out their constitutional right to an abortion in an emergency, for the children of others who will seek adult consultation but possibly not from dysfunctional or evil parents.

Mr. Speaker, I urge support of the position of the gentlewoman from New York. I urge us to think about the children of others. I urge a no vote on this legislation.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act.

Unfortunately, we are hearing lots of dramatic stories about young women who may be victims of incest and young women who may be victims of other terrible crimes as a motivator for us to prevent what so many States think is important and what so many people think is important, and that is, that children and their medical care and their guidance be in the hands of their parents.

This bill would simply respect that. It would respect what 43 States have already done in requiring parental consent or notification before a young woman can receive an abortion. So this is not a dramatic change of any kind. In fact, this is something that would respect States' rights.

This bill has nothing to do with consenting adults who have made a decision about what to do with a pregnancy. It solely focuses on young girls who are the most susceptible to confusion and difficulty of making a decision on their own health care and decision about ending a pregnancy.

Most of these young women are not in situations that have been presented dramatically to us. As a State senator, I worked on legislation in Pennsylvania where parental consent requirements gained wide support, and I know that they have obviously gained wide support throughout the Nation because of those 43 States with such laws.

The Child Custody Protection Act would make it a criminal offense to transport a child across a State line to avoid parental consent for the purpose of having an abortion. That means a person who is not the parent is taking a child that is a minor across a State line to violate the law basically. I am not sure why anyone would support that, but unfortunately, many here today are.

It is important for us to stand up for families in the United States. It is important for us to stand up also for the rights of parents to be counselors to their children.

Some of the opponents have argued that our approach is wrong and these young girls who are involved in these tremendous life-altering decisions should be taken away from their parents, transported across State lines for a very serious medical procedure, without their parents notification consent, without any necessarily records of their health in the past. This defies all logic. It usurps parents' vital role, and I think it is playing a dangerous game with the lives of young girls.

These girls should not be whisked away from their problems. We should not be finding more ways for them to avoid getting help from their families. We should be focused on finding ways where we can help them and their families.

This bill would certainly lead us in that direction as 43 of our 50 States have already gone. It is not for the Federal Government to change that.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time, and let me add my appreciation as well for her very eloquent defense and advocacy for issues of choice and particularly her work in the Committee on Rules.

It is interesting that my colleagues speak about States' rights and are very apt to involve themselves in the rights of Oregonites who have supported euthanasia through State law, but yet the Federal Government and Republicans want to intrude upon those State rights.

On the other hand, in this instance, dealing with an individual's probably

necessity to secure assistance somewhere, the child who may happen to be 16 or 17, this legislation that we have today undermines the very sense of privacy and the rights of a child to secure help from a grandparent, an uncle, an aunt or a sibling who is that child's confidante, who is able to take them somewhere to assist them in a choice that is intelligently made.

This has nothing to do with programs that deal with abstinence or deal with the issues of not engaging in premarital sex. This is not what this legislation is about, and I am very disappointed that the Committee on Rules would argue for a closed rule so that those of us who had amendments dealing with others who would give advice to our young people so that we would not have a murderous condition, a child losing their life because of a back room botched circumstance and procedure.

This is absolutely, I believe, without mercy because what it says is that if a child has someone that they are able to confide in and they can assist them in a very troubling time of their life, to make a choice about their body, an intelligent choice, comforted with the counsel of their religious person, and that particular individual that they have confidence in, they cannot do it.

This is a bad rule. I hope my colleagues will support the motion to recommit, and I would hope that we would be a consistent Congress. If we are fighting the Oregonites, and we are overlooking their State laws, then why are we now making a Federal law or insisting that we have to affirm Federal laws or State laws that intrude on the right to privacy?

Mrs. MYRICK. Mr. Speaker, I yield so much time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN). She is the author of this legislation and we thank her for that.

Ms. ROS-LEHTINEN. Mr. Speaker, abortion is perhaps one of the most life altering and life threatening of procedures. It leaves lasting medical, emotional and psychological consequences and is so noted by the Supreme Court, particularly so when the patient is immature.

Although Roe v. Wade legalized abortion in 1973, it did not legalize the right for persons other than the parent or a guardian to decide what is best for our child nor did it legalize the right of strangers to place our children in a dangerous situation that is often described as being potentially fatal.

□ 1100

Mr. Speaker, my legislation, the Child Custody Protection Act, will make it a Federal misdemeanor to transport an underaged child across State lines in circumvention of State local parental notification or consent laws for the purpose of obtaining an abortion. It is very simple.

Last year in the 106th Congress, I introduced this legislation; and it passed the House with a vote of 270 to 159, almost a two-thirds majority.

In the 105th Congress, this legislation also passed with a vote of 276 to only 150 against. Significant support for this legislation is not surprising because according to Zogby International, 66 percent of people surveyed believe that doctors should be legally required to notify the parents of a girl under the legal age who requests an abortion.

In addition, a 1999 fact sheet created by the Planned Parenthood Federation of America, one of the most adamant opponents of my bill entitled, ''Teenagers, Abortion, and Government Intrusion Laws'' cites: ''Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with an unwanted pregnancy.''

Mr. Speaker, few would deny that such guidance ideally should come from the teenagers' parents. Parental consent or parental notification laws may vary from State to State, but they are all made with the same purpose in mind, to protect frightened and confused adolescent girls from harm. This historical legislation will put an end to the abortion clinics and family planning organizations like Planned Parenthood that exploit young, vulnerable, frightened girls by luring them to recklessly disobey State laws with advertisements such as the ones that we will show later today which shout: ''No parental consent, no waiting period.'' The translation: do not worry about your parents. You are a mature 13-year-old, and you know best.

Our society is filled with rules and regulations aimed at ensuring the safety of our Nation's youth through parental guidance. At my alma mater, Southwest Miami High School, and in many of our schools, a child cannot be given an aspirin unless the school has been given consent by at least one parent or guardian. In some States, a minor cannot operate a vehicle until the age of 18. Most schools require permission to take minors on field trips; and in many schools, parents have the ability to decide whether or not to enroll their children in sex education classes.

In fact, a student cannot play football, soccer and even a noncontact sport such as chess without parental consent. Every one of these principles emphasizes that parents should be involved in decisions that can seriously affect our children. And the decision of whether or not to obtain an abortion, a life-altering, potentially fatal and serious medical procedure, should be no exception to these rules. Safety of our Nation's youth is precisely why over 20 States in our Nation have parental consent or notification laws on their books.

Most would agree that the violation or circumventing of any law should be punished. But by making the circumvention of State parental consent and notification laws a Federal misdemeanor, this legislation will do more than just uphold the laws of our country. It will give back to parents the right to be a parent. It will strengthen family bonds; and most importantly, Mr. Speaker, it will ensure that America's youth have a safer, healthier and brighter future.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentlewoman from North Carolina (Mrs. MYRICK), for their hard work on this legislation; and I thank the prolife caucus, the bill's 98 cosponsors, and all of the organizations which have supported H.R. 476 and have worked tirelessly to secure consideration today.

Today, as the House once again votes on this bill, I am hopeful that in reflection of the views of most Americans, the Child Custody Protection Act will pass once again. Passage of this bill will demonstrate our commitment, Congress' commitment to protecting both parents and children, and I ask that my colleagues vote in favor of this rule and later on for the bill itself.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, passage of this bill once again by this House, which we do every Congress, knowing the Senate will not even look at it, will once again demonstrate the conviction of the Republican leadership that this is a good subject to exploit politically; and that is all it will demonstrate.

Mr. Speaker, I will not talk too much about the merits of the bill right now; I will save that for general debate, but let me say a few things.

I am in my 10th year in the House. My first 2 years there was a Democratic majority, and the Republicans used to complain about closed rules. How dare the Democrats refuse to allow Republicans, or anybody else, to bring amendments to the floor.

Well, for the last 8 years, the Republicans have refused to allow amendments of any note to come to the floor on any bills except appropriations bills. Let us take this bill, for example. This bill, which ostensibly is designed to protect young women in situations where they are being lured across State lines by evil people to get them to have abortions without consulting their parents, which is an absurdity, but forget that for a moment, there were a number of amendments introduced in committee but not permitted on the floor, such as an amendment to say this bill should not apply if the person accompanying the minor across State lines was doing so because the reason the minor was pregnant was because she had been impregnated by her father.

Picture a situation where the mother is dead and the father is guilty of incest and rapes the daughter, and now he refuses permission for her to get an abortion, and we are going to prosecute her grandfather or her brother or sister for helping her to go to a State which has a more enlightened law and allows

her to get an abortion that she wants because she is 17 years old, and she wants an abortion lest she bear a child fathered by her father in an act of incestual rape.

Maybe some people can come up with a reason against this amendment; I do not know. There are twisted minds in this world, but not to allow that amendment on the floor because they are afraid it will pass, they are afraid Members in this House will not have twisted minds and the amendment will pass?

The real purpose of this bill is not to protect women, girls 17, 16 years old, not to protect them in situations such as I have just mentioned, the real purpose of this bill is simply to cut away at the right to abortion to the extent possible without falling afoul of Roe v. Wade.

A second amendment not permitted on the floor is the amendment that would exempt clergy and grandparents and aunts and uncles from accompanying a person. I would simply point out also that even in committee the majority refused to allow amendments to be introduced by moving the previous question, an almost unheard of procedure.

Mr. Speaker, what is the Republican majority afraid of?

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

Mr. Speaker, I would remind the House that the minority does have a motion to recommit, as always.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise today in support of the resolution and the rule that we have in front of us, and I would like to commend the sponsor of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for introducing the legislation. I am also proud to be an original cosponsor of this legislation.

This legislation makes it a Federal offense to knowingly transport a minor across State lines with the intent to obtain an abortion in circumvention of State law and parental consent or parental notification law. This legislation is specifically important in my district, which lies on the border between Illinois and Missouri, and has an abortion clinic nearby that serves people from both sides of the Mississippi River.

The problem is that Missouri has a parental notification law and Illinois currently does not. A young woman can cross the border into Illinois to have an abortion without the knowledge or consent of her parents.

I would like to relay a quick story. This is not a hypothetical story. This is a true incident which recently took place in Illinois because of Illinois' failure to have a parental notification law in place, and reported in the St. Louis Post-Dispatch, and I include the entire article for the RECORD.

In February of this year, a mother from Granite City got a call from her daughter's high school that her daughter had not shown up for school. After checking with friends, she learned her daughter was at a local clinic getting an abortion. The mother quickly ran over to the clinic to try to talk to her daughter. The woman was not allowed in the clinic to be with her daughter. When she contacted the police to help her, they told her there was nothing they could do. Instead, she had to sit outside the clinic and wait while her daughter underwent a major medical procedure.

How many Members here today would like to be sitting outside a hospital while their child underwent a medical procedure, prohibited by law from being next to them, from being able to care for them, from holding their hand to ease the pain? Any other operation, any other treatment, any other reason for a minor to be in a hospital or clinic would require that the parent be present and consulted. But not for an abortion.

We should strengthen and protect the family. We should also protect life, the life of the minor child and the life of her unborn child. In our Declaration of Independence it states we hold these truths to be self-evident that all men are created equal, that they are endowed by our creator with certain unalienable rights, and among these are life.

Mr. Speaker, let us protect life and strengthen families by supporting this rule and this legislation.

ABORTION CLINIC BLOCKS MOTHER FROM DAUGHTER INSIDE; GIRL WAS 16; GRANITE CITY POLICE SAY LAW GIVES NO VOICE TO PARENTS OF MINORS

(By Colleen Carroll)

A woman who tried to enter a Granite City abortion clinic to see her 16-year-old daughter last week was stopped by clinic officials and police.

Granite City Police Chief David Ruebhausen said the woman was seeking entrance to the private Hope Clinic on Thursday morning when she went across the street to the Gateway Regional Medical Center and found one of his officers. Ruebhausen said she asked the officer to help her get inside the clinic. The officer called the station, and he was instructed not to bring the woman into the clinic. ''Parental consent is not necessary,'' Ruebhausen said, explaining that the Illinois abortion law allows minors to undergo abortions without the permission or knowledge of their parents.

Ruebhausen said such incidents—of parents asking police to help them intervene in abortions or speak with their children who are inside abortion clinics—happen occasionally. But, he said, the law does not allow his officers to intervene on behalf of the parents. The woman could not be reached for comment.

A group of abortion protesters who were at the clinic Thursday morning said the woman told them that she had received a call from her daughter's high school alerting her to her daughter's absence. The woman then learned from her daughter's friend that her daughter was at the Hope Clinic, said Angela Michael, one of the protesters. Michael said the woman was not allowed into the clinic until several hours after she first requested to see her daughter. ''I just stood there holding her and praying with her,'' Michael said. Hope Clinic executive director Sally Burgess said she would not comment on the cases of specific patients for legal and privacy reasons. She said uninvited visitors rarely come to the private clinic looking for patients during a procedure, ''but it does happen.'' When it does, she said, ''We're going to tell the patient what's going on.'' ''We always encourage, our patients to talk to their parents,'' Burgess said. ''But if the teenager is adamant, we're going to respect her privacy.''

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume in response to the gentleman.

Mr. Speaker, I know of no Federal law that prohibits a parent from being with a child; but if this law passes, a grandparent could certainly be prohibited from doing this. Fortunately, we know this legislation is not going anywhere.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), a member of the Committee on the Judiciary.

Ms. DEGETTE. Mr. Speaker, this bill is unconstitutional because it would restrict the movements of citizens across State lines for legal purposes. And I guess the previous speaker said our Constitution says all ''men'' are created; some Members do not think that young women should have those same rights. I think this bill would be struck down by a court for that reason.

But equally importantly and to the underlying bill, it is terrible public policy; and it is an ineffective attempt by Congress to control people's lives. Every parent in this Chamber feels the same way about his or her children. I also have two daughters. One of them is 12 years old, about to be going through the morass of middle school and high school. I love my children unconditionally, just like every other parent in this country; and when it comes to making big decisions, I would hope my children would come to me. I think that they would come to me. But sadly, this is not true for every young adult across this country. For myriad reasons, thousands of adolescents and young adults do not feel that they can turn to their parents with problems like an unplanned pregnancy. Victims of incest, victims of rape, child abuse victims, they have good reasons why they cannot go to a parent. Of course we should encourage teenagers to seek their parents' advice and counsel when facing difficult choices about abortion and other reproductive health issues. But folks, there is a reality in this country, and that reality is sometimes there are desperate kids who we need to help from making a bad situation even worse.

The government cannot mandate open and healthy family communication if it does not exist, and the fact of the matter is most young women considering an abortion do involve one or both parents. Let me say it again. Most young women in this country involve one or both parents when making this decision. But not everybody talks to their parents because not everybody can. It is these young women who most

need the advice of a trusted family friend, a minister, a sympathetic grandmother.

When a young woman cannot involve a parent, public policies and medical professionals should encourage her to involve a trusted adult because the result of laws like this will be deaths from illegal abortions and unsafe abortions, and that is wrong.

Most major medical associations including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association all have long-standing policies opposing mandatory parental involvement laws for this reason.

□ 1115

Because of the dangers they pose to young women and the need for confidential access to physicians, the American Academy of Pediatrics and Society for Adolescent Medicine oppose this bill. We should, too. Oppose the rule. Oppose the bill.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, America is a wonderful and diverse country. We have people of every kind living here, who belong to different political parties and go to different kinds of churches. Likewise we have many kinds of families. But there is one thing just about every family has in common. Parents love their children. The job of a parent is to raise and nurture his or her child until that child reaches adulthood. The way parents do this is by setting rules and making decisions that will affect their kids for the rest of their lives. They teach values and principles. They teach their kids the difference between right and wrong. They teach them manners and pass on their faith to them. As a child grows and gets older, mom and dad begin to help their teenagers make their own responsible decisions. Eventually, when a person turns 18 or so, we treat them as an adult. Even the law recognizes that when a person turns 18, they can make their own decision about just about everything except perhaps purchasing alcohol. This is the way it is. This is the way it should be.

Mr. Speaker, my wife and I had three wonderful kids who long ago left the nest, who are now full grown and responsible adults. When they were little my wife and I did our very best to teach our kids the values that we had learned, that we had learned from our parents. Our greatest desire was that our own kids by the time they left home would be ready to make their own choices and not get themselves in trouble. I think most parents feel that way. Every parent wants their kids to be able to make good decisions. But until they are full grown, they want to be there to help them make the hard decision. And, if need be, to step in and prevent their son or daughter from making a bad decision they will regret for the rest of their lives.

Sometimes kids get into trouble. That is just the way it is. Parents should be there to help them learn the lessons that will keep them from getting into trouble again.

Mr. Speaker, this is not just a parent's right. It is a parent's duty. This bill was written to protect that right and that duty.

As you can see in this advertisement from the Yellow Pages in my district, abortion clinics go out of their way to advertise to girls that they do not need their parents' permission to have an abortion.

I am pro-life. We are not here today to debate pro-life versus pro-choice. We are here today to protect America's families. We are here today to guarantee the right of mom and dad to act as the legal, moral and ethical guardian of their children.

I served in the Pennsylvania legislature when we passed this parental consent law. In Pennsylvania, we require the consent of one or two parents. And in case there is a breakdown between the partners and child, we have a judicial bypass where the child can go confidentially before a judge to get a decision. This law was designed because of a case that occurred in Pennsylvania in 1995. At that time, a 12-year-old young girl was impregnated by an 18-year-old male. The mother of that boy took the 12-year-old girl to a neighboring State, New York, without her parents' consent or knowledge for an abortion, secretly. It is outrageous that in America, a stranger who does not know the child or her medical history can take that child out of State for a secret abortion.

I urge my colleagues to vote for this important bill and to show the moms and dads of America that Congress still knows what it means to be a loving, caring family.

In closing, if you look at the ads, this is taken from the Yellow Pages in the State capital of Harrisburg. It says, no parental consent, no parental consent. They are doing this in violation of our State law. I urge the adoption of the bill.

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

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule because it shuts out an opportunity to offer another side of the issue. The other side would address what is best for young women.

In an ideal world, teens talk to their parents if they find themselves in trouble. In fact, in an ideal world, our teens would not be having sex at all. But let us face it, that is not the world we live in. Many teenagers live in a world that is quite the opposite and they would do anything not to tell their parents about an unintended pregnancy, even if it means putting themselves and their life in jeopardy.

Make no mistake, I strongly support measures that help to foster healthy relationships between parents and their children. I would like to think that I had that kind of relationship with my own four children. But just because I consider myself an approachable parent does not give me the right, or anyone else the right, to assume that all teens find their parents approachable and understanding. Those out there who believe this is a good family-friendly bill are out of touch with reality. This bill is not going to encourage teens to talk to their parents and it is not going to curb abortion. Rather, this bill will encourage young girls who cannot or will not talk to their parents to seek unsafe, illegal abortions. For that reason alone, I cannot support this bill.

I urge my colleagues, vote responsibly. Oppose the Child Custody Protection Act.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York for her leadership in opposition to H.R. 476. I associate myself with her remarks.

One of the most moving experiences of my life was when I met with the parents of Becky Bell, a 17-year-old who died from an illegal abortion after the passage in her State of parental notification laws. We have talked a lot about why children, why girls from families where there is violence and it is, according to the AAUW, about a third of the teens that do not involve their parents in the decision to make an abortion have already been victims of family violence and fear it will recur with the news of a pregnancy.

But I want to talk about the Bell family because this was in many ways the ideal family. That is what Karen Bell thought, that they were very close with their children, they were a middle-class family, everything was going great. She favored parental notification laws because she thought certainly Becky, if she had a problem, would come to her as she should, and everyone in this Chamber agrees that that is the way it should be, that children should go to their loving parents.

It did not quite happen that way. Becky, because she was so close to her parents, felt she could not disappoint them. She would not tell them. She ended up having an illegal abortion. As Becky Bell lay dying, holding her mother's hand, her mother said, ''Becky, tell mommy what happened,'' and she would not. She would not. It was not until the death certificate was written, until the doctor said what was the cause of Becky's death. Karen would have done anything, paid the fee for her to go to another State, paid for the abortion, anything for Becky not

to be dead. This is the reality of life in too many situations. Again, most girls tell their parents. Of course they do. And involve them. The vast majority do. We are talking about those who not only cannot because of violence, but often who will not.

The American Medical Association notes that, quote, the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths. That is what we are talking about, life and death here, that this legislation, as well intended as it may be, is going to cause the death of some young women who feel, for one reason or another, that they cannot tell their parents.

We want them to go to a respected adult, to a relative, a grandparent and hope that they will and that those adults can provide the guidance and the care and take them to a place where legally and safely they can have the abortion that they need.

I urge a ''no'' vote on this bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about the dangerous implications of H.R. 476. While we wish that every family engaged in open communication, we must recognize that the Federal Government is unable to mandate it. Studies show, and several speakers have mentioned this, well over 60 percent of young women do seek their parents' advice when making an abortion decision. But in situations where young women do not have supportive home environments or for whatever reason they are unable to approach their parents, they do often turn to another trusted adult figure, such as a relative or a teacher, for assistance. H.R. 476 would make this illegal.

If enacted, this legislation will require a young woman's State laws to travel with her wherever she goes. These laws would be her only companion during this stressful time. H.R. 476 may actually harm young women by compromising their access to health care services since providers would face the burden of determining their patient's State of residence and associated laws. Instead of ordering parental involvement, we should provide comprehensive reproductive health education to enable young people to make these good decisions.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the committee.

Mr. SCOTT. I appreciate the time from the gentlewoman from New York.

Mr. Speaker, I oppose the rule because it allows no amendments. There are several amendments that ought to be offered, that we ought to be able to consider. The bill prohibits anyone from transporting a minor across the State line for the purpose of obtaining an abortion if in fact the notification and parental consent laws were not complied with.

This obviously includes a taxicab driver who knows where the person is going by virtue of their address and during the conversation on the way before they cross State lines could clearly ascertain that the minor is being transported for the purpose of an abortion. He is not required to know whether or not the parental consent laws are complied with. He would have to ascertain by the fine print in the bill whether or not they have been complied with. Otherwise, he will be exposed to criminal and civil liability.

Even if a prosecutor refused to prosecute a taxicab driver for this fare, there are civil damages. Even the incest situation that the gentlewoman from New York indicated, the parents could sue the taxicab driver for civil damages.

Another is the fact that there is no exception for the health of the minor. The Supreme Court, on a number of occasions for the last 30 years, has said that any antiabortion legislation must have an exception for the health of the mother. This does not include a health exception. Perhaps with an amendment we could debate this situation but because it is a closed rule, we cannot. Because it is a closed rule and we cannot debate many important amendments, I oppose the rule.

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

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

I want to remind my colleagues who are probably in their offices, I know a lot are in markups and doing other things, that what is before us today is a restriction of American citizens to cross State lines, not just the case of what they call the minor child, but we are restricting the right of a grandparent, a clergy person, any adults, brothers, sisters, siblings, even cab drivers the right to carry people across State lines.

□ 1130

It is unheard of. I do not suppose any bill ever passed the House of Representatives saying we are going to restrict travel of American citizens for legal purposes. That is one of the most important issues here. Even when we talk about not being able to amend it, I do not know how you could amend it to make it correct, because, on the face of it, it is certainly most unconstitutional.

The second most egregious part of it personally is the fact, as I pointed out before, the Committee on the Judiciary by a vote of 16 to 12 voted to give a rapist or a person who commits incest the right of action against the minor child or anyone who tries to help the child get an abortion. In other words, protection of his work took precedence over the right of that minor.

There has been a lot of talk about 11- and 12-year-old girls being in that situation. Frankly, no 11- or 12-year-old girl should be giving birth. If this society allows it or even encourages it, there is really some debate we need to have on that.

The health of young people is very important to this House, and we have voted time and time again to try to talk about what we want to do for our children. But believe me, if the House of Representatives goes on record today saying that rapists and people who perpetrate incest have rights of action against anyone trying to help a minor child, and if it goes on record today saying that we have the right to restrict American travel of American citizens across State lines for legal purposes, we will be talked about for years to come as to whether or not we are really up to the job that we took when we raised our right hand and swore to uphold the Constitution of the United States.

Mr. Speaker, I urge a ''no'' vote on this bill today. I will not call a vote on the rule, but this underlying bill is something that is really quite remarkable in its unintelligence, and I really urge Members to vote ''no'' on it today.

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

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, 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.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 388, I call up the bill (H.R. 476) 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 bill.

The text of H.R. 476 is as follows:

H.R. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Custody Protection Act''.

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

(a) IN GENERAL.—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

''§ 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 an individual who has not attained the

age of 18 years across a State line, with the intent that such individual 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 individual 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 on the individual, in a State other than the State where the individual 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 individual 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) An individual transported in violation of this section, and any parent of that individual, 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 reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization 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 individual resides.

''(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

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

''(1) a law requiring parental involvement in a minor's abortion decision is 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;

''(2) 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;

''(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; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 388, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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 H.R. 476.

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 6 minutes.

Mr. Speaker, H.R. 476, the Child Custody Protection Act, would make it a Federal offense to knowingly transport a minor across a State line with the intent that she obtain an abortion, in circumvention of a State's parental consent or notification law. Violation of the law would be a Class One misdemeanor, carrying a fine of up to $100,000 and incarceration for up to 1 year.

H.R. 476 has two primary purposes: the first is to protect the health and safety of young girls by preventing valid constitutional State parental involvement laws from being circumvented. The second is to protect the rights of parents to be involved in the medical decisions of their minor daughters.

There is widespread agreement that it is the parents of a pregnant minor who are best suited to provide her counsel, guidance and support as she decides whether to continue her pregnancy or undergo an abortion. A total of 43 States have enacted some form of a parental involvement statute. Twenty-seven of these States currently enforce statutes that require a pregnant minor to either notify her parents of her intent to obtain an abortion or to obtain the consent of her parents prior to obtaining an abortion. As these numbers indicate, parental involvement laws enjoy widespread public support as they help to ensure the health and safety of pregnant young girls and support parents in the exercise of their most fundamental right, that is, of raising their children.

Despite this widespread support, the transportation of minors across State lines in order to obtain abortions is, unfortunately, a widespread and frequent practice. Even groups opposed to this bill acknowledge that large numbers of minors are transported across State lines to obtain abortions, in many cases by adults other than their parents.

Following the 1994 enactment of Pennsylvania's parental consent law, abortion clinics in New Jersey and New York saw an increase in Pennsylvania teenagers seeking to obtain abortions. This is not a surprise, because just prior to Pennsylvania's law going into effect, counselors and activists in Pennsylvania met to plot a strategy to make it easier for teenagers to travel to neighboring States for abortions.

In one disturbing case, the operator for the National Abortion Federation's toll-free national abortion hotline went so far as to talk a Richmond, Virginia, area teenage girl through a travel route so that the girl could obtain an abortion in the District of Columbia.

This conduct is only aided by the dubious practices of many abortion clinics located in States lacking parental involvement laws. To gin up business, some clinics even advertise in the Yellow Pages directories distributed in nearby States that require parental involvement, advising young girls that they can obtain an abortion without parental consent or notification. Such ads only serve to lure young girls residing in States with parental involvement laws to these clinics, thus denying parents the opportunity to provide love, support and advice to their daughter as she makes one of the most important decisions of her life.

When confused and frightened young girls are assisted in and encouraged to circumvent parental notice and consent laws by crossing State lines, they are led into what will likely be a hasty and potentially ill-advised decision. Often, these girls are being guided by those who do not share the love and affection that most parents have for their children. In the worst of circumstances, these individuals have a great incentive to avoid criminal liability for their conduct given the fact that almost two-thirds of adolescent mothers have partners older than 20 years of age.

Parental notice and consent laws reflect the State's reasoned and constitutional conclusion that the best interests of a pregnant minor are served when her parents are consulted and involved in the process. States are free to craft their own parental notice and consent laws to allow a minor to consult a grandmother or other family member in lieu of parents, and a few States have in fact made such a choice. Most, however, have chosen not to allow close relatives to serve as surrogates for parents in the abortion context. If a young girl's circumstances are such that parental involvement is not in her best interests, grandparents and close relatives are free to assist the girl in pursuing a judicial bypass. Indeed, the United States Supreme Court has required judicial bypass procedures to be included in the State's parental consent statute.

As the U.S. Supreme Court has stated: ''The natural bonds of affection lead parents to act in the best interests of their children.'' The decision to obtain an abortion is, as the Court also stated, ''a grave decision, and a girl of tender years under emotional stress

may be ill-equipped to make it without mature advice and emotional support.''

In light of the widespread practice of circumventing validly enacted parental involvement laws by the transportation of minors across State lines, it is entirely appropriate for Congress, with its exclusive constitutional authority to regulate interstate commerce, to enact the Child Custody Protection Act.

This Chamber has twice approved this legislation, each time by an overwhelming majority. I encourage my fellow Members to again provide parents with this much-needed support and approve this important legislation.

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

Mr. Speaker, I rise in opposition to a bill which will have a catastrophic and cruel impact on young women and on the adults who care for them.

I think every Member of this House believes that a young woman with an unintended pregnancy should make any decision about what to do in that very difficult situation with her parents in the warm, loving environment of her family. In fact, in the majority of cases, that is precisely what happens.

Ideally, young women would not get pregnant at all. Ideally, they would not get raped by their fathers or step-fathers or boyfriends or mothers' boyfriends. Ideally, they would make mature and thoughtful decisions about when to become sexually active and to practice safe sex all the time, if they must practice sex at all. Ideally, all methods of birth control would be 100 percent effective. Ideally, when contemplating an abortion, young women would be able to confide in a loving parent who would assist them in making the right decision.

Unfortunately, we do not live in an ideal world; and Congress cannot legislate ideal circumstances where they do not exist.

Because we do not live in an ideal world, young women do get raped. Young women are the victims of incest. Young women often lack the maturity to make sensible judgments about sexuality. Young women often do not know how to avoid pregnancy, thanks in large part to the mindless resistance on the part of many of their elders to sex and contraception education. And sometimes they get pregnant, and they fear they cannot go to their parents without fear of violence.

This bill is not about strangers, as its supporters argue. This bill would make a criminal out of any caring adult who tried to help a young woman: a grandparent, an adult brother or sister, a clergy member, an aunt or an uncle. It would also allow a father who had raped his daughter to sue in law anyone who helped her deal with the consequences of his crime, because, in the words of this bill, his rights had been violated. Never mind that he raped the daughter and created the problem in the first place.

There are times when, in wishing for an ideal world, the murderous angels of our better nature do more harm than good. This legislation is a perfect example of that human failing. It does not make the problem go away. It does not provide assistance to these young women. It only makes it more likely that a 15- or 16- or 17-year-old girl will have to face the consequences of her elders' wrongdoing alone. There is no moral or reasonable justification for doing that.

We are told that States are required to have a judicial bypass available to a young woman who feels she cannot go to her parent, that a judge in those circumstances will exercise the judgment and permit her to have an abortion if the circumstances so indicate. The Supreme Court has required such a provision in State parental consent laws.

But the fact is, and this is no secret, in many communities the so-called judicial bypass is a sham. Judges with a strong ideological or religious opposition to the constitutional right to choose often simply will not grant that permission. In some small communities, the judge may know the parents, may know the young woman, or may even be her teacher or some other authority figure in her life.

To say that the judicial bypass will cure any ill parental consent laws may create is to ignore the realities of life; it is to pretend we live in an ideal world and to let these young women suffer the consequences when reality turns out to be more unpleasant.

We are also told that by going to court the police will become involved in any case of rape or incest. The reality is not nearly so simple. Seeking a judicial bypass does not mean the court will believe the young woman or involve the authorities. Sometimes knowing the authorities will become involved is enough to scare the young woman away from going to court in the first place. Of course, a counselor at a clinic may be better able to involve the authorities in a manner that is helpful and non-threatening to the young woman than is a judge who may suspect that a teenager is lying in order to get the abortion that she wants. Judicial bypass procedures neither guarantee, nor does its absence preclude, the involvement of the authorities.

As in the past two Congresses, we had hoped to offer amendments to make this unyielding legislation just a little more humane. We wanted to exempt grandparents, for example, so that if dad rapes the daughter and the mother is not coping with reality or is perhaps not alive, mom's mother can step in and take care of her granddaughter without facing a stretch in the Federal penitentiary and the threat of getting sued by the rapist. Unfortunately, even that modest effort to provide some ability for some adult close to the young woman to help her proved too much for the Republican majority, which will go to any lengths, no matter who gets hurt, no matter whose life is ruined, no matter who has to die, to pander to the extreme fringe of the anti-choice radicals.

Well, being pro-life and pro-family should mean caring about what happens to real people facing real and tragic crises. This bill is evidence, if such evidence is needed, that there are Members of this House who do not care if a young woman must face the most difficult moment of her life alone, even, as has been the case in the past, she must die to prove the majority's political bona fides.

□ 1145

She must die to prove the majority's political bona fides.

I would note one other thing. Quite a few States, my own State of New York included, have refused to enact, to enact parental consent laws. I was a member of the State legislature when we considered such legislation, and I can tell my colleagues that we rejected that law, that bill, because the realities of these situations convinced us that it would do more harm than good.

Now comes the party of States' rights in Federalism to tell us that they do not care what the people of our State think, they do not care what the legislature of New York and other States think, they are going to subject people who come to New York to the laws of their own States. They want to enact the 21st century version of the Fugitive Slave Act. They want to tell young women that they are the property, the property of their home States, and that they carry the laws of their home States on their backs if they go to another State which has a different view, and that they may not engage in perfectly legal activity if the law of the State from which they came makes it illegal there. This is unprecedented in any real way in American law, except for the Fugitive Slave Act.

In the Fugitive Slave Act, we told South Carolina that she could reach out her hand to people, to slaves who had fled from North Carolina and gone to New York or Pennsylvania where freedom prevailed and said no, you are not free under the laws of Pennsylvania and New York, you must carry the law of South Carolina with you and the people up in New York must drag you back to slavery. This bill says if a young woman, with the help of some friend or adult who wants to help her goes to another State, she is not free to have an abortion if she wants, if the law of that State permits it, because we will permit the law of the other State from which she came to follow her, to reach out the long hand of the other State and say, wherever you go, you are the property of this State.

We say, you cannot get the liberty to have the abortion you want in the other State that says you can, because we are going to drag you back and punish anyone who helped you go to that other State.

What kind of liberty is this? What kind of Federalism is this?

This is not only unconstitutional, it is an affront to the dignity and decency of every citizen of this country. It is an affront to the people of every State who have chosen not to enact the law that the majority wants to impose on them. If this Congress succeeds in doing this, it means that any State in the future will be able to reach across the country and control the lives of people in other States whom they own because they came from those States. It means that if you live in one State, even if you leave it and engage in a perfectly legal activity in another State, that first State can still punish you in that State.

There is nothing more offensive to the idea that we are a free people who can go wherever we want without the permission of the government, and help our neighbors, and follow the law than this bill. This is the third time we have considered this bill. Thankfully, it has never gotten close to passage by the other body. Despite the iron fist that rules this House and suppresses free debate and free ideas by not allowing amendments on the floor, I trust that this is the third time that the Congress disposes of this issue without sending it to the President.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from New York, my friend, has gotten carried away in referring to this bill as the 21st century version of the Fugitive Slave Act. First of all, let it be plain. This bill only involves a minor crossing State lines in order to evade a parental involvement statute. Nobody over the age of 18 is caught in by this bill whatsoever.

Secondly, since Roe v. Wade, abortion has been legal in every State in the country, so it is not a way to shut off access to abortions in any State. That has been settled law since Roe v. Wade. But the Supreme Court has also said that as long as there is a judicial bypass, parental involvement statutes are legal. So what is wrong with keeping the parents involved when a decision is made to give an abortion to a minor when the parents, by law, have to be involved when a doctor treats that minor for a hang-nail?

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

As chairman of the Subcommittee on the Constitution, I will address some of the Constitution issues and the legal issues relative to H.R. 476.

Mr. Speaker, H.R. 476, The Child Custody Protection Act, is a regulation of interstate commerce that seeks to protect the health and safety of young girls, as well as the rights of parents, to be involved in the medical decisions of their minor daughters, by preventing valid and constitutional State parental involvement laws from being circumvented. As such, it falls well within Congress's constitutional authority to regulate the transportation of individuals in interstate commerce.

There is a solid body of case law which confirms that the authority of Congress to regulate the transportation of individuals in interstate commerce is no longer in question. Particularly instructive is the Mann Act, which flatly prohibited the interstate transportation of women for ''prostitution'' or for ''any other immoral purpose.'' Upholding the Act, the Supreme Court held that under the commerce clause, ''Congress has power over transportation 'among the several States,' '' and characterized this power as being ''complete in itself,'' and further held that incident to this power, Congress ''may adopt not only means necessary,'' but also means ''convenient to its exercise,'' which ''may have the quality of police regulations.''

Congress's commerce clause authority to enact H.R. 476 is not placed in question by the fact that it seeks to prohibit interstate activities that might be legal in the State to which the activity is directed. Application of the Mann Act has been upheld in the transportation of a person, for example, to Nevada, even though prostitution in Nevada is legal. And Federal prohibitions on the transportation of lottery tickets in interstate commerce as well as placing letters or circulars concerning lotteries in the mail, regardless of whether lotteries are legal in the State to which the tickets are transported, have also been upheld by the United States Supreme Court.

Rather than exercising its full authority under the commerce clause by simply prohibiting the interstate transportation of minors for abortions without obtaining parental notice or consent, H.R. 476 respects the rights of the various States to make these often controversial policy decisions for themselves, and ensures that each State's policy aims regarding this issue are not frustrated. Nothing in H.R. 476 affects the ability of minors residing in States that have chosen not to enact a parental involvement law, or where a parental involvement law is currently not in force, from obtaining an abortion without the knowledge of their parents. Thus, it will not supersede, override, or in any way alter existing State parental involvement laws.

Opponents argue that H.R. 476 violates the rights of residents of each of the United States and the District of Columbia to travel to or from any State of the Union for lawful purposes. First, it does not appear that the Supreme Court has ever held that Congress's power to regulate interstate commerce is limited by the right to travel. Even assuming, however, that Congress's authority under the Interstate Commerce Clause is limited by the right to travel doctrine, the Supreme Court recognized in Saenz v. Roe that the right to travel is ''not absolute,'' and is not violated, so long as there is a ''substantial reason for the discrimination beyond the mere fact that they are citizens of other States.''

Congress obviously has a substantial interest in protecting the health and well-being of minor girls and in protecting the rights of parents to raise their children.

In upholding the constitutionality of parental notice and consent statutes, the United States Supreme Court has consistently recognized that ''during the formative years of childhood and adolescence, minors often lack the experience, perspective and judgment to recognize and avoid choices that could be detrimental to them.'' Based upon this reasoning, the court has allowed the States to enact laws that ''account for children's vulnerability'' and to protect the unique role of parents. Thus, ''legal restrictions on minors, especially those supportive of the parental role, may be important to the child's chances for the full growth and maturity that make eventual participation in a free society meaningful and rewarding.''

Opponents of H.R. 476 also contend that its criminal intent requirement renders it unconstitutional. However, the bill's requirement that defendants ''knowingly'' transport a minor with the intent that the minor obtain an abortion prevents H.R. 476 from acting as a strict liability law. Although H.R. 476 does not require defendants to be aware that the conduct is criminal, a mens rea requirements still exists, since the defendant must intend or know what he or she is doing in a physical sense, apart from any knowledge as to its legality.

Furthermore, as the court has stated, ''The State may, in the maintenance of a public policy, provide that he who shall do particular acts shall do them at his peril and will not be heard to plead in defense good faith or ignorance.''

A stranger that secretly takes a minor across State lines for a dangerous medical procedure without ascertaining her parents' consent is certainly aware that he or she has acted, in some measure, wrongly. By finding the transporter liable when he ''in fact'' abridges a State law, H.R. 476 puts the transporter under a duty to ascertain parental permission before action is taken in order to guard against a possible violation.

At the heart of the debate surrounding the Child Custody Protection Act is a disagreement about whether common sense legislation should be enacted in order to preserve the health of pregnant young girls and support parents in the exercise of their most basic right. This debate has already been held in almost all of the Nation's State legislatures, 43 of which have reasonably concluded that parents should be involved in these decisions by their minor daughters. These laws have been validly enacted and Congress is well within its authority to ensure that the channels of interstate commerce are

not used to frustrate the policy goals of these laws.

Thus, I urge my colleagues to support American families and vote in favor of this important bill.

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

Mr. Speaker, this debate is not really about the parental consent, parental notification laws; those debates occur in State legislatures. This debate is whether Congress should attempt to give the power to one's State to export its law to another State by criminalizing crossing the State line to do something that is legal in that State with respect to abortion, and that, that is what makes this the 21 century Fugitive Slave Law, because the philosophy of the bill is we can control what our young people do wherever they do it, not in this State, but elsewhere. We can criminalize anyone helping to do something elsewhere.

The gentleman from Ohio (Mr. CHABOT) says criminal intent can be inferred, we know that. Well, the fact is, in some cases, it can. But let us assume that someone crosses the New York-Pennsylvania border, not necessarily because they want to cross a border, but simply because the nearest town with a clinic happens to be across the State border. The lines on the map are not lines on the street in front of you. You go to the nearest town, you help your young friend, your niece, your granddaughter, and it will be criminal, even if you had no intent to cross the State line, you were not even thinking about the States; it just happens that the nearest town is across the State line.

I would also like to ask the gentleman from Ohio to yield for a question, if he would, on my time. I will ask the gentleman from Ohio (Mr. CHABOT) a question, and then I will yield. The bill said, except as provided in subsection B, whoever knowingly transports an individual, et cetera, et cetera. What does the bill mean by transport? I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, could the gentleman from New York (Mr. NADLER) repeat the question?

Mr. NADLER. What does the bill mean by the word ''transport''? Whoever knowingly transports an individual under 18, et cetera.

Mr. CHABOT. Mr. Speaker, will the gentleman yield on his time?

Mr. NADLER. I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, ''transport'' would be to take a person across a State line for the purpose of an abortion. It would not include a taxi cab driver, for example, if the taxi cab driver was not involved in a conspiracy to transport that person across the State line.

Mr. NADLER. Mr. Speaker, reclaiming my time, I did not ask what ''knowingly'' means, I asked what ''transport'' means. So in other words, if you take this person across State lines; now, what if she is 17 years old and she is driving, you are just accompanying her and holding her hand. Are you transporting her? I yield to the gentleman.

Mr. CHABOT. Will the gentleman yield on his own time?

Mr. NADLER. Yes.

Mr. CHABOT. Mr. Speaker, if the person has knowledge and conspires to transport a minor across the State line——

Mr. NADLER. Mr. Speaker, reclaiming my time, the gentleman from Ohio is not answering the question. Forget the knowledge question. Let us assume he has the knowledge. Transport. If the young 17-year-old woman who has a driver's license who wants to get an abortion asks her friend or her uncle or her aunt or her grandparent to accompany her, and she is driving, are they ''transporting'' her, under the meaning of this bill?

□ 1200

Mr. CHABOT. Mr. Speaker, if the gentleman will continue to yield, the gentleman says ''she is driving.'' Who is he referring to?

Mr. NADLER. The 17-year-old who wants the abortion.

Mr. CHABOT. The gentleman is saying if the person who is going to get the abortion is driving the vehicle, would they themselves be responsible?

Mr. NADLER. No, would the person sitting in the seat next to them holding their hand be responsible?

Mr. CHABOT. If the gentleman will yield further, if a person is involved in a conspiracy to transport a person across State lines for the purpose of obtaining an abortion, and is doing that in violation of a parental notification law and is not the parent, then they would be involved and they would be responsible.

Whether it is a person accompanying, in my opinion, a person just accompanying would not be criminally responsible.

Mr. NADLER. So, in other words, the person, if a 17-year-old minor who wants to get an abortion asks her grandfather or her uncle or her brother or her friend who is 18 to accompany her across the State line to get the abortion, but she is driving, nobody has committed a crime? Is that what the gentleman is saying?

Mr. CHABOT. If the gentleman will continue to yield, the gentleman needs to read the language that is in the statute.

Mr. NADLER. I have read the language.

Mr. CHABOT. The language indicates if a person transports a person across the State line, then that person is responsible. It depends upon the level of their involvement.

Mr. NADLER. Mr. Speaker, I would tell the gentleman, I am not asking the level of their involvement. But reclaiming my time, the bill seems to indicate the opposite. Normally, when we say ''transport,'' if I transport a box, I am driving the car and the box is on the seat or in the trunk. If I transport a person, I am driving the car, the person is in the car with me.

My question is, if the person who wants to get the abortion, who is 17 years old and has a driver's license, is driving the car across the State line and she has asked someone to go along with her and he knows the purpose, is that person guilty of transporting? Is that person guilty of knowingly transporting her?

The plain language of English would seem to indicate he is not transporting; she is.

Mr. CHABOT. Mr. Speaker, if the gentleman would yield again, since I have answered it four times, I would like to read the bill. The bill clearly says, ''Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual 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 individual resides, shall be fined under this title or imprisoned not more than 1 year, or both.''

Mr. NADLER. Reclaiming my time, I can read the bill, too.

Mr. CHABOT. I would suggest that the gentleman do that.

Mr. NADLER. Mr. Speaker, reclaiming my time, my point is, whoever knowingly transports. If the person who is getting the abortion is doing the driving, she is transporting. She is not subject to this bill. The person sitting next to her is not transporting her, under the plain English language.

I have read the definitions in the bill. There are definitions in this bill of other terms, but not of the term ''transport.'' The plain English meaning is that if she is driving, no one is transporting her. She is transporting herself. So what this bill does is criminalize someone going with her, depending on who is at the steering wheel.

Now, I do not think that was the intent of the law, of the bill, but I think it is the clear meaning of the bill. I think it is just one more instance of how sloppily drafted, of necessity, this bill has to be because of the nature of it.

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

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

Ms. ROS-LEHTINEN. Mr. Speaker, when asked, should a person be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge, 85 percent of Americans answered no in a recent poll conducted by Baselice and Associates. Whether pro-choice or pro-life, Americans agree that an abortion can leave

behind physical, emotional, spiritual, and psychological consequences.

Yet, advocates of the abortion industry continue to think that in the name of Roe v. Wade, parents need not be involved in a female's decisions, regardless of the fact that she may be a 12- or 13-year-old vulnerable, frightened, and confused young girl.

Where is the outrage on mass-marketed Yellow Pages advertisements such as the one right here to my side, which clearly solicits business from young, confused girls, shouting out ''no parental consent''? These are from the Yellow Pages.

Why is it that some of our opponents are instead outraged by cigarette ads which some say target minors? Do opponents of this bill not believe that a child is not mature enough to choose not to smoke, but is mature enough to choose to have a potentially fatal, invasive surgical procedure?

The ads cry out, ''Come over here. No parental consent.'' And it is a procedure, as we know, that has been linked to breast cancer, medical complications, and that has left many women barren for the rest of their lives. I call this hypocrisy.

It is parents who are aware of their daughter's medical history. They know the ways in which she may react to stressful situations, and they are best equipped to provide the necessary counseling and guidance. My bill, the Child Custody Protection Act, protects the inherent rights of parents, and upholds and enforces existing State laws without creating a parental Federal consent or notification mandate.

If parents have the right to decide a child's curfew and the right to grant permission for a date, they should certainly be enabled to exercise their inherent rights when making a life-impacting decision about a serious, complicated, and potentially life-threatening procedure. It defies common sense to remove parents from any medical decisions concerning their children, but especially one that has lifelong consequences, such as an abortion.

I urge my colleagues to give parents the right to protect and care for their own children. Let us enable children to receive the guidance they need and deserve. I urge my colleagues to vote for passage of H.R. 476, the Child Custody Protection Act.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue.

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

Mr. Speaker, the previous speaker, the gentlewoman from Florida, showed us the horrible example of a perfectly legal ad in the Yellow Pages offering perfectly legal services in a State where it is legal to do so, as if there were something terrible about that.

I do not think it is terrible, I think it is praiseworthy. The fact is, there are many young women under the age of 18, maybe 17, maybe 16, who cannot go to their parents; who desperately need an abortion and cannot go to their parents for fear of violence or whatever. This ad says, ''You can have help here.'' Nothing wrong with that.

Many young women justifiably feel they would be physically or emotionally abused if forced to disclose their pregnancies to their parents, unfortunately. Nearly one-third of minors who choose not to consult with their parents when contemplating an abortion have experienced violence in their family, or feared violence, or feared being forced to live at home.

We know of the case of Spring Adams, an Idaho teenager who was shot to death by her father, shot to death after he learned she was planning to terminate a pregnancy caused by his acts of incest with her. Do Members think she could have gone to him?

And we know that judges often will not grant permission to have an abortion because of their own personal opinions. One study found that a number of judges in Massachusetts either refused to handle abortion petitions, or focus inappropriately, inappropriately under the law, on the morality of abortion, which is none of their business to determine, except for themselves, because their duty is to exercise the judicial bypass guaranteed by the law of that State.

The American Medical Association has noted that because the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of their pregnancies. The desire to maintain secrecy against the parental notification and consent laws has been one of the leading reasons for illegal abortion deaths, deaths, since 1973. That is what we are dealing with here, young women who are so fearful of telling their parents, for whatever reason, that they would rather have a coat hanger abortion and have died as a result.

When the Subcommittee on the Constitution held hearings on this bill, we heard from an Episcopal priest, the Reverend Katherine Ragsdale, the vicar of St. David's Episcopal Church, who discussed the actual case of a 15-year-old girl who had been raped and had become pregnant. She could not go to her father, who would throw her out of the house, and she had no other family to turn to. Of course, if she did, this legislation would place those other relatives in legal jeopardy if they helped her.

Though they did not cross State lines, the Reverend Ragsdale drove the young woman to an abortion clinic, rather than allowing her to travel several hours alone by bus to and from the procedure. This is an act of kindness, not a criminal act. Reverend Ragsdale movingly described the pastoral counseling she provided to the young woman during the drive. This bill would make criminals of clergy providing this sort of pastoral care and guidance.

Reverend Ragsdale's observations at the subcommittee are worth repeating: ''Mr. Chairman, you talked about all the reasons it is important for a girl to have parental involvement before a medical procedure, and you are absolutely right. If I thought that this bill would accomplish parental involvement, if I thought it would eliminate the kind of pain Ms. Roberts spoke about, this panel would be even more unbalanced than it is, because I would be on the other side.

''But it won't do that. This bill is not about resolving problems, this bill is about punishing people. While I understand that even the best of us have punitive impulses from time to time, we have no business codifying them in law. They are venal. They are beneath the dignity of any member of the human family.''

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Child Custody Protection Act is such a needed and necessary step because it closes a destructive loophole in parents' rights to protect their children from that lasting physical, psychological, and spiritual consequence that is caused from abortion.

As things stand today, the abortion industry actually uses ''No parental consent required'' as a marketing tool within neighboring States that empower parents to protect their children from abortions by requiring their prior approval. That is not just wrong, it is immoral.

The CCPA simply makes the act of transporting a minor across the State line for the purpose of performing an abortion a Federal offense. It places parents back in charge of their children, and it issues a warning to those who would actually insert themselves between parents and their daughters to encourage the single most horrendous and emotionally devastating mistake that young women are tragically permitted to make.

We know well that parents are in the best position as observers to counsel and advise their own daughters. The CCPA places those parents back in charge by closing a secret loophole. That loophole facilitates the anonymous destruction of innocent life, and it creates the lasting trauma that haunts every young girl who ends her baby's life.

I just beg the Members to vote yes on this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding time to me. I thank him for his voice, and I am saddened that we have this debate. The reason is because I believe my colleagues on both sides of the aisle are

concerned about family and children and relationships.

I know, Mr. Speaker, that it is difficult for me to convince many of my colleagues on my view of the ninth amendment of the Constitution and the right to privacy and choice. I am an advocate of choice, but as I say that, I am an advocate of life. I encourage, in instances of the private decisions of a woman, that that woman has the right to make a choice with respect to her body between herself, her family members, and her spiritual leader.

This is a somewhat different debate. This legislation is called ''the Child Custody Protection Act.'' It is a constitutional debate, because privacy is still an element, it is still an element of States' rights. It is interesting that my colleagues can come to the floor in one instance and promote up the value and the high virtues of States' rights, but at the very same time, we had a debate some few years ago in the same subcommittee on attacking various desegregation busing orders in various States, where we were trying as a Congress, the Republican majority, to eliminate those busing plans.

We have over and over again gone over legislation to deal with the rights of Oregon citizens who have themselves voted over and over again that they wish to make a decision, a personal decision, on their right to die.

I call that, if you will, the conflict of values and the conflict of standards in this House: What is good for the goose is not good for the gander. My way or the highway is the mentality of those who would ask us to not have legislation like this that would be sufficiently and openly bipartisan.

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How do I say that? Many amendments were offered to suggest that teenagers who have come upon difficult times might find the need to consult with others other than a parent who would have been accused of incest or rape or that there might be instances of health issues that would be necessary for this particular teenager, possibly 16 or 17 years old, to consult with someone else.

The Republican majority had a closed rule and then again we come to the floor without giving this legislation a chance that it could have had with a bipartisan approach.

Let me cite for my colleagues, Mr. Speaker, possibly a startling number. More than 75 percent of minors under 16 years old already involved one or both parents in their decision to have an abortion.

It is really the obligation of Congress to confront a crisis. I know that we have differences on this question of choice. I will never get some of my good friends and colleagues to agree with me on this issue, and let me make it clear that I know that they fall on both sides of the aisle, but if we had worked on this legislation for the good of the child, to protect the child against rape and the incest that comes from a parental situation sometimes, if we had looked at the numbers and noted that more than 75 percent of a child already goes to that comforting parent but yet there are a percentage of those who do not. There are a percentage of those who do not know how to travel through the judicial system so they cannot use judicial bypass.

This legislation unfortunately, with all of its good intentions, will cause some damage, some danger and God forbid, loss of life to some young person who needs to have the guidance other than those parents, maybe a drug-addicted parent, maybe a parent suffering from their own ills and devils.

I would ask my colleagues to send this bill back ultimately so that we can reach a bipartisan approach. I would ask them to assess this on constitutional grounds and to realize that we cannot have a double standard. Today's State rights, tomorrow my rights.

Mr. Speaker, I stand in strong opposition to H.R. 476, the ''Child Custody Protection Act'' (CCPA) because it criminalizes any good faith attempt by a caring adult to assist a young woman in obtaining abortion services across state lines.

CCPA is simply another effort to undermine the right of choice for a young woman by imposing dangerous and unnecessary restrictions to abortion services.

This bill punishes adolescents by making it more difficult for them to safely access constitutionally protected abortion services. CCPA does not protect young women nor will it strengthen family ties. Rather, it will punish and endanger those women who cannot discuss unwanted pregnancy with parents by forcing them to travel to another state alone, seek an unsafe illegal abortion, attempt to self-abort, or carry an unwanted pregnancy to term.

This bill would make it more difficult for minors living in states with parental notification or consent laws to obtain an abortion by making it a federal crime to transport minors across state lines. More than 75 percent of minors under 16 years old already involve one or both parents in their decision to have an abortion.

In those cases where a young woman cannot involve her parents in the decision, there are others who would help by offering physical and emotional support during a time of crisis, confusion and emotional pain. A minor should be able to turn to a relative, close friend, and even clergy members for assistance.

Supporters of this bill claim that judicial bypass, a procedure which permits teenagers to appear before a judge to request a waiver of the parental involvement requirement, is a preferred alternative. However, many teens do not make use of it because they do not know how to navigate the legal system.

Many teens are embarrassed and are afraid that an unsympathetic or hostile judge might refuse to grant the waiver. Also, the confidentiality of the teen is compromised if the bypass hearing requires use of the parents' names. In small towns, confidentiality may be further compromised if the judge knows the teen or her family.

There are various reasons why a young woman could not go to her parents for guidance. Some family situations are not conducive to open communication and some situations are violent. For young women who need to turn to someone other than a parent, this law creates severe hardships.

The need to travel across state lines may be necessary in states where abortion services are not readily available. This bill would unduly burden access to abortion for young women who travel across state lines to obtain such services and who choose not to involve their parents.

In 1973, the U.S. Supreme Court, in Roe v. Wade, recognized a constitutional right to choose whether or not to have an abortion. The Court reaffirmed the right to choose in Planned Parenthood of Southeastern Pennsylvania v. Casey, holding that restrictions on this right are unconstitutional if they impose an ''undue burden'' on a woman's access to abortion. The right extends to both minors and adults, but the Court has permitted individual states to restrict the ability of young women to obtain abortions within that states' borders. Allowing a state's laws to extend beyond its borders runs completely contrary to the state sovereignty principles on which this country is founded.

It is unfortunate because family members such as grandparents and siblings should not be jailed for assisting a scared grandchild or younger sister in a time of need. Young women should be encouraged to involve an adult in any decision to terminate a pregnancy.

This bill would isolate young women from trusted adults by placing criminal sanctions on providing basic comfort and advice. Abortion is a highly personal and private decision that should be made by a woman and her doctor, without interference from the government. I urge my colleagues to please vote against this dangerous bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time.

Mr. Speaker, imagine a father who loves his daughter, pretty little 15-year-old girl, all the boys are crazy about her and so is daddy, but she has got a special boyfriend and daddy knows those two little ones are going to get into trouble. So in order to make sure that his daughter is safe, daddy piles the little 15-year-old boy that lives down the block about four blocks and piles him in a car and takes him to Arkansas to get a vasectomy. That way they could have safe sex, they could be politically correct, and they could be as active as they wanted to, and we would not have to bother their parents with any restraint or teaching or instruction or whatever. Daddy would just take care of it with a simple little harmless surgical procedure.

Who in this body would not be outraged? How far would that father get before the cops would nab him after that deal? How much crying and moaning before the hardship inflicted on that poor child boy would we hear from this body here?

I have got another friend who is a daddy. I love daddies. Daddies love their kids so much. I have got a friend who has got a 15-year-old son and he has got a 14-year-old girl for a beautiful little girl, but she has got bad need of dental work. Her parents do not get her dental work.

This papa loads that little girl up in the car and drives her to Oklahoma and see an orthodontist, pulls out her wisdom teeth, does other surgeries on her mouth. Who in this room is going to condone that? Is that acceptable? What right does that father have to take somebody else's child from Texas to Oklahoma to have her teeth pulled?

My colleagues would be outraged. My colleagues would bring the force of law on that person, but here we have people in this body, people in this body, so-called enlightened people, who believe in safe sex. Safe sex being a child does not get a serious disease or does not get pregnant. How about all the emotional stress, how about all the emotional trauma and so forth?

People in this body say, hey, here is the deal, we have got a 14-year-old son. He has got a 13-year-old girlfriend, they get reckless, they get careless, they get pregnant, just take that little girl, pile her in a car, take her to Arkansas for an abortion, and we will protect a person's right to take somebody else's child across the State line for a medical procedure that endangers her life and steals the life of an innocent baby. We will protect the person who does it. What kind of heinous law would we have? This is no, as we say in Texas, this is no thinkin' thing.

The most precious moment in any family's life, you get married and fall in love, you love one another and you get married and you some day come back from the hospital and you have got this very precious little bundle of joy in your hands and you look down on that little darling baby and you say this is my baby. All my life it will be me. I will pour my tears over this child. I will pour my heart into this child. I will say my prayers over this child. I will teach this child. I will hold this child. I will console this child. I will protect this child. If something goes wrong, my heart will break.

We would dare to leave any avenue in law that would allow somebody else to take that child across a State line for a life threatening surgical procedure that even if it inflicts no physical harm on the child will leave that child emotionally scarred for a lifetime? We would dare to leave that avenue for exploitation open?

I must say this, if my colleagues would vote no on this bill, then they are either without heart or without children.

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

I have heart, I have children, or at least one child, and I will almost certainly vote no on this bill, and the gentleman has no right to cast aspersions on my motives or anybody else.

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

Mr. SCOTT. Mr. Speaker, this bill prohibits anyone from transporting a minor across State lines in order to obtain an abortion if the notification and parental consent laws have not been complied with.

There is nothing in the bill that prohibits a minor from crossing State lines herself to get the abortion. Nothing in the bill that would prohibit a parent to cross State lines with the minor and evade a State requirement that both parents be notified or consent. There is no prohibition so long as they go themselves and no one else transports them. This prohibits someone from accompanying the minor.

One of the things that we mentioned before was the amendment about taxicab drivers. If a taxicab driver knows that the minor is going to get an abortion and has not ascertained that the parental consent laws have been complied with, that taxicab driver is exposed to liability, both civil and criminal. So if the prosecutor is not going to prosecute the cab driver, the parent can sue the cab driver for damages.

This bill does not have a health exception and, therefore, has constitutional problems. The Supreme Court has frequently said that there has to be a health exception in any abortion legislation.

Finally, Mr. Speaker, I think we ought to strongly consider the precedents that we are setting. The possibility that we are prohibiting crossing State lines to do something which is legal in the State someone is going to.

Virginia prohibits casino gambling. We could, under this idea, prohibit people from crossing the State line, leaving Virginia to go to Las Vegas or Atlantic City to participate in something that is illegal in Virginia. Some States have lottery tickets. Others do not. Are we going to prohibit people leaving the State to go buy a lottery ticket in another State? Virginia used to prohibit shopping on Sunday. I suppose under this legislation we prohibit taking somebody across State lines to go shopping on Sunday if we still had those laws.

The idea that we are going to prohibit someone crossing State lines to do something that is legal in that State is a situation that I think we ought to seriously consider and reject. This bill will do nothing to limit minors crossing State lines to obtain an abortion. The minor can go by herself to obtain the abortion. All this bill does is prohibits anyone from accompanying them.

This bill does nothing to advance public safety, does nothing to reduce the abortions, and I think was counterproductive in that if the child is going to get an abortion and will get the abortion, it makes sense for them to be accompanied.

I would hope that we would reject the legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER), a member of the committee.

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Wisconsin, the distinguished chairman of the committee, for yielding me the time.

Mr. Speaker, I rise today to urge passage of this common sense legislation. I am disappointed that we even need to debate a bill that is designed to prevent people from circumventing State laws in order to abort a baby carried by a minor.

I do not think most of our constituents consider parental involvement in their children's lives a radical notion. I do not think most Americans consider parents to be the enemy of their children. I do think most parents desire to support and love their children through the most difficult circumstances they may face.

Under current law, any person in the world can take a pregnant girl into his car, drive her to another State and coerce her to get an abortion, all without her parents' knowledge or consent. That is a frightening and unacceptable scenario.

Why do we treat abortion differently than we do any other medical procedure? If, for example, a minor was taken across State lines to receive an appendectomy without parental consent, she would be turned back, and for the purpose of the gentleman from New York, the Fugitive Slave Act already applies to appendectomies.

If a school counselor or second cousin took a minor in for a tonsillectomy without the permission of the child's parents, they would be turned away. Once again, the Fugitive Slave Act, using as an analogy, already applies to tonsillectomies.

A schoolteacher cannot even take children to the local museum without their parents' permission, and yes, the Fugitive Slave Act already applies to museum field trips.

Opponents of this bill argue that an adult, even if he is a rapist or a child molester, should be allowed to transport a girl miles from her home, across State lines for the invasive surgical operation known as abortion. Since the Supreme Court created a right to an abortion out of thin air 29 years ago, our children have been susceptible to ideological predators who care more about their proabortion agenda than they do about frightened vulnerable girls.

The gentleman brought up the testimony of the vicar from Massachusetts, and I would like to return to that testimony. It has been discussed here that the people that are involved in this procedure are confidantes of the individual. According to the testimony of the one witness supplied by the minority, in her own words, she said this:

''I didn't know the girl. I knew her school nurse. The nurse had called me a few days earlier to see if I knew

where she might mind find money to give the girl for bus fare to and cab fare home from the hospital. I was stunned. A 15-year-old girl was going to have to get up at the crack of dawn and take multiple buses to the hospital alone. The nurse shared my concern but explained that the girl had no one to turn to. She feared for her safety if her father found out, and there was no other relative close enough to help.''

The vicar never testified that the father would have run her out of the house as the gentleman from New York earlier spoke. It was up to the nurse and the child who was under duress at this time to come up with this excuse, and the vicar used that opportunity to pray on the child's weakness and to move ahead with this.

Mr. Speaker, I ask my colleagues to remember that parents should ultimately be given this opportunity to have a decision in their child's most critical time in her life, should that ever happen.

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

Mr. Speaker, the gentleman makes a nonsensical point. In that case, if the vicar had not traveled with the young woman, she would have traveled alone and gotten the abortion. That would have been preferable? In this case, the school nurse called in the vicar because the young woman had told her that she feared for her life or that she would run away from home if she had, that she could not under any circumstances, would not under any circumstances tell her parents but she would get the abortion.

So she called in the vicar, the vicar spoke with her, counseled her, and rather than let her go alone, helped her. This is not praying on the young woman. This is giving pastoral guidance and helping her.

Mr. Speaker, we are told that this bill is somehow constitutional, but the Supreme Court has clearly and consistently held that States cannot prohibit the lawful out of State conduct of their citizens if its lawful out of State nor may they impose criminal sanctions on this behavior as this bill does.

The court reaffirmed its principles in its landmark right to travel decision Saenz versus Roe. In its decision, the court held that even with congressional approval, California's attempt to impose on recently arrived residents the welfare laws of their former States of residence was an unconstitutional penalty upon their rights to interstate travel.

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The decision also reaffirmed that the constitutional right to travel under the privileges and immunity clause of Article IV of the Constitution provides a similar type of protection to a nonresident who enters a State with the intent eventually to return to her home State. This principle applies to minor's rights to seek an abortion on nondiscriminatory terms as well as through welfare benefits.

In Saenz, the court specifically referred to Doe v. Bolton, the companion case to Roe v. Wade, which established the right to abortion which held that under Article IV of the Constitution, a State may not restrict the ability of visiting nonresidents to obtain abortions on the same terms and conditions under which they are made available to lawful State residents. ''The Privileges and Immunities Clause, Constitutional Article IV, section 2, protects persons who enter a State seeking the medical services that are available there.'' It is also clear that such protections will flow to minors given that Planned Parenthood v. Danforth, a 1976 decision, held that pregnant minors have a constitutional right to choose whether to terminate a pregnancy.

Mr. Speaker, it is clear this bill is unconstitutional as well as unwarranted as well as cruel.

SEPTEMBER 5, 2001.

To: United States House of Representatives Committee on the Judiciary, Subcommittee on the Constitution

From: Laurence H. Tribe, Tyler Professor of Constitutional Law, Harvard University Peter J. Rubin, Associate Professor of Law, Georgetown University

Re: H.R. 476 and Constitutional Principles of Federalism

INTRODUCTION

We have been asked to submit our assessment of whether H.R. 476, now pending before the House, is consistent with constitutional principles of federalism. It is our considered view that the proposed statute violates those principles, principles that are fundamental to our constitutional order. That statute violates the rights of states to enact and enforce their own laws governing conduct within their territorial boundaries, and the rights of the residents of each of the United States and of the District of Columbia to travel to and from any state of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court in its recent landmark decision in Saenz v. Roe, 526 U.S. 489 (1999). We have therefore concluded that the proposed law would, if enacted, violate the Constitution of the United States.

H.R. 476 would provide criminal and civil penalties, including imprisonment for up to one year, for any person who knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion. . . [if] an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law in the State where the individual resides.

H.R. 476, §2 (a) (proposed 18 U.S.C. §2431(a)(1) and (2)). In other words, this law makes it a federal crime to assist a pregnant minor to obtain a lawful abortion. The criminal penalties kick in if the abortion the young woman seeks would be performed in a state other than her state of residence, and in accord with the less restrictive laws of that state, unless she complies with the more severe restrictions her home state imposes upon abortions performed upon minors within its territorial limits. The law contains no exceptions for situations where the young woman's home state purports to disclaim any such extraterritorial effect for its parental consultation rules, or where it is a pregnant young woman's close friend, or her aunt or grandmother, or a member of the clergy, who accompanies her ''across a State line'' on this frightening journey, even where she would have obtained the abortion anyway, whether lawfully in another state after a more perilous trip alone, or illegally (and less safely) in her home state because she is too frightened to seek a judicial bypass or too terrified of physical abuse to notify a parent or legal guardian who may, indeed, be the cause of her pregnancy. It does not exempt health care providers, including doctors, from possible criminal or civil penalties. Nor does it uniformly apply home-state laws on pregnant minors who obtain out-of-state abortions. The law applies only where the young woman seeks to go from a state with a more restrictive regime into a state with a less restrictive one.

This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home states strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go (unless they are willing to go alone). Such a law violates the basic premises upon which our federal system is constructed, and therefore violates the Constitution of the United States.

ANALYSIS

The essence of federalism is that the several states have not only different physical territories and different topographies but also different political and legal regimes. Crossing the border into another state, which every citizen has a right to do, may perhaps not permit the traveler to escape all tax or other fiscal or recordkeeping duties owed to the state as a condition of remaining a resident and thus a citizen of that state, but necessarily permits the traveler temporarily to shed her home state's regime of laws regulating primary conduct in favor of the legal regime of the state she has chosen to visit. Whether cast in terms of the destination state's authority to enact laws effective throughout its domain without having to make exceptions for travelers from other states, or cast in terms of the individual's right to travel—which would almost certainly be deterred and would in any event be rendered virtually meaningless if the traveler could not shake the conduct-constraining laws of her home state—the proposition that a state may not project its laws into other states by following its citizens there is bedrock in our federal system.

One need reflect only briefly on what rejecting that proposition would mean in order to understand how axiomatic it is to the structure of federalism. Suppose that your home state or Congress could lock you into the legal regime of your home state as you travel across the country. This would mean that the speed limits, marriage regulations, restrictions on adoption, rules about assisted suicide, firearms regulations, and all other controls over behavior enacted by the state you sought to leave behind, either temporarily or permanently, would in fact follow you into all 49 of the other states as you traveled the length and breadth of the nation in search of more hospitable ''rules of the road.'' If your search was for a more favorable legal environment in which to make your home, you might as well just look up the laws of distant states on the internet rather than roaming about in a futile effort at sampling them, since you will not actually experience those laws by traveling there. And if your search was for a less hostile legal environment in which to attend college or spend a summer vacation or obtain a medical procedure, you might as well skip even the internet, since the theoretically less hostile laws of other jurisdictions will mean nothing to you so long as your state of residence remains unchanged.

Unless the right to travel interstate means nothing more than the right to change the scenery, opting for the open fields of Kansas or the mountains of Colorado or the beaches of Florida but all the while living under the legal regime of whichever state you call home, telling you that the laws governing your behavior will remain constant as you cross from one state into another and then another is tantamount to telling you that you may in truth be compelled to remain at home—although you may, of course, engage in a simulacrum of interstate travel, with an experience much like that of the visitor to a virtual reality arcade who is strapped into special equipment that provides the look and feel of alternative physical environments—from sea to shining sea—but that does not alter the political and legal environment one iota. And, of course, if home-state legislation, or congressional legislation, may saddle the home state's citizens with that state's abortion regulation regime, then it may saddle them with their home state's adoption and marriage regimes as well, and with piece after piece of the home state's legal fabric until the home state's citizens are all safely and tightly wrapped in the straitjacket of the home state's entire legal regime. There are no constitutional scissors that can cut this process short, no principled metric that can supply a stopping point. The principle underlying H.R. 476 is nothing less, therefore, than the principle that individuals may indeed be tightly bound by the legal regimes of their home states even as they traverse the nation by traveling to other states with very different regimes of law. It follows, therefore, that—unless the right to engage in interstate travel that is so central to our federal system is indeed only a right to change the surrounding scenery—H.R. 476 rests on a principle that obliterates that right completely.

It is irrelevant to the federalism analysis that the proposed federal statute does not literally prohibit the minor herself from obtaining an out-of-state abortion without complying with the parental consent or notification laws of her home state, criminalizing instead only the conduct of assisting such a young woman by transporting her across state lines. The manifest and indeed avowed purpose of the statute is to prevent the pregnant minor from crossing state lines to obtain an abortion that is lawful in her state of destination whenever it would have violated her home state's law to obtain an abortion there because the pregnant woman has not fully complied with her home state's requirements for parental consent or notification. The means used to achieve this end do not alter the constitutional calculus. Prohibiting assistance in crossing state lines in the manner of this proposed statute suffers the same infirmity with respect to our federal structure as would a direct ban on traveling across state lines to obtain an abortion that complies with all the laws of the state where it is performed without first complying also with the laws that would apply to obtaining an abortion in one's home state.

The federalism principle we have described operates routinely in our national life. Indeed, it is so commonplace it is taken for granted. Thus, for example, neither Virginia nor Congress could prohibit residents of Virginia, where casino gambling is illegal, from traveling interstate to gamble in a casino in Nevada. (Indeed, the economy of Nevada essentially depends upon this aspect of federalism for its continued vitality.) People who like to hunt cannot be prohibited from traveling to states where hunting is legal in order to avail themselves of those pro-hunting laws just because such hunting may be illegal in their home state. And citizens of every state must be free, for example, to read and watch material, even constitutionally unprotected material, in New York City the distribution of which might be unlawful in their own states, but which New York has chosen not to forbid. To call interstate travel for such purposes an ''evasion'' or ''circumvention'' of one's home-state laws—as H.R. 476 purports to do, see H.R. 476, §2(a) (heading of the proposed 18 U.S.C. §2431) (''Transportation of minors in circumvention of certain laws relating to abortion'')—is to misunderstand the basic premise of federalism: one is entitled to avoid those laws by traveling interstate. Doing so amounts to neither evasion nor circumvention.

Put simply, you may not be compelled to abandon your citizenship in your home state as a condition of voting with your feet for the legal and political regime of whatever other state you wish to visit. The fact that you intend to return home cannot undercut your right, while in another state, to be governed by its rules of primary conduct rather than by the rules of primary conduct of the state from which you came and to which you will return. When in Rome, perhaps you will not do as the Romans do, but you are entitled—if this figurative Rome is within the United States—to be governed as the Romans are. If something is lawful for one of them to do, it must be lawful for you as well. The fact that each state is free, notwithstanding Article IV, to make certain benefits available on a preferential basis to its own citizens does not mean that a state's criminal laws may be replaced with stricter ones for the visiting citizen from another state, whether by that state's own choice or by virtue of the law of the visitor's state or by virtue of a congressional enactment. To be sure, a state need not treat the travels of its citizens to other states as suddenly lifting otherwise applicable restrictions when they return home. Thus, a state that bans the possession of gambling equipment, of specific kinds of weapons, of liquor, or of obscene material may certainly enforce such bans against anyone who would bring the contraband items into the jurisdiction, including its own residents returning from a gambling state, a hunting state, a drinking state, or a state that chooses not to outlaw obscenity. But that is a far cry from projecting one state's restrictive gambling, firearms, alcohol, or obscenity laws into another state whenever citizens of the first state venture there.

Thus states cannot prohibit the lawful out-of-state conduct of their citizens, nor may they impose criminal-law-backed burdens—as H.R. 476 would do—upon those lawfully engaged in business or other activity within their sister states. Indeed, this principle is so fundamental that it runs through the Supreme Court's jurisprudence in cases that are nominally about provisions and rights as diverse as the Commerce Clause, the Due Process Clause, and the right to travel, which is itself derived from several distinct constitutional sources. See, e.g., Healy v. Beer Institute, 491 U.S. 324, 336 n. 13 (1989) (Commerce Clause decision quoting Edgar v. Mite Corp. 457 U.S. 624, 643 (1982) (plurality opinion), which in turn quoted the Court's Due Process decision in Shaffer v. Heitner, 433, U.S. 186, (1977)) (''The limits on a State's power to enact substantive legislation are similar to the limits on the jurisdiction of state courts. In either case, 'any attempt ''directly'' to assert extraterritorial jurisdiction over persons or property would offend sister States and exceed the inherent limit of the State's power.' '').

The Supreme Court recently reaffirmed this fundamental principle in its landmark right to travel decision, Saenz v. Roe, 526 U.S. 489 (1999). There the Court held that, even with congressional approval, the State of California was powerless to carve out an exception to its otherwise-applicable legal regime by providing recently-arrived residents with only the welfare benefits that they would have been entitled to receive under the laws of their former states of residence. This attempt to saddle these interstate travelers with the laws of their former home states—even if only the welfare laws, laws that would operate far less directly and less powerfully than would a special criminal-law restriction on primary conduct—was held to impose an unconstitutional penalty upon their right to interstate travel, which, the Court held, is guaranteed them by the Privileges or Immunities Clause of the Fourteenth Amendment. See Saenz, 526 U.S. at 503–504.

Although Saenz concerned new residents of a state, the decision also reaffirmed that the constitutional right to travel under the Privileges and Immunities Clause of Article IV, Section 2, provides a similar type of protection to a non-resident who enters a state not to settle, but with an intent eventually to return to her home state:

[B]y virtue of a person's state citizenship, a citizen of one State who travels in other States, intending to return home at the end of his journey, is entitled to enjoy the ''Privileges and Immunities of Citizens in the several States'' that he visits. This provision removes ''from the citizens of each State the disabilities of alienage in the other States.'' Paul v. Virginia, 8 Wall. 168, 180 (1869). It provides important protections for nonresidents who enter a State whether to obtain employment Hicklin v. Orbeck, 437 U.S. 518 (1978), to procure medical services, Doe v. Bolton, 410 U.S. 179, 200 (1973), or even to engage in commercial shrimp fishing, Toomer v. Witsell, 334 U.S. 385 (1948).

Sanez, 526 U.S. at 501–502 (footnotes and parenthetical omitted).

Indeed, Doe v. Bolton, 410 U.S. 179 (1973), which was decided over a quarter century ago, and to which the Saenz court referred, specifically held that, under Article IV of the Constitution, a state may not restrict the ability of visiting non-residents to obtain abortions on the same terms and conditions under which they are made available by law to state residents. ''[T]he Privileges and Immunities Clause, Const. Art. IV, §2, protects persons . . . who enter [a state] seeking the medical services that are available there.'' Id. at 200.

Thus, in terms of protection from being hobbled by the laws of one's home state wherever one travels, nothing turns on whether the interstate traveler intends to remain permanently in her destination state, or to return to her state of origin. Combined with the Court's holding that, like the states, Congress may not contravene the principles of federalism that are sometimes described under the ''right to travel'' label, Saenz reinforces the conclusion, if it were not clear before, that even if enacted by Congress, a law like H.R. 476 that attempts by reference to state's own laws to control that state's resident's out-of-state conduct on pains of criminal punishment, whether of that resident or of whoever might assist her to travel interstate, would violate the federal Constitution. See also Shapiro v. Thompson, 394 U.S. 618, 629–630 (1969) (invalidating an Act of Congress mandating a durational residency requirement for recently-arrived District of Columbia residents seeking to obtain welfare assistance).

In 1999, this Committee heard testimony from Professor Lino Graglia of the University of Texas School of Law. An opponent of constitutional abortion rights, he candidly conceded that the proposed law would ''make

it . . . more dangerous for young women to exercise their constitutional right to obtain a safe and legal abortion.'' Testimony of Lino A. Graglia on H.R. 1218 before the Constitution Subcommittee of the Committee on the Judiciary, U.S. House of Representatives, May 27, 1999 at 1. He also concluded, however, that ''the Act furthers the principle of federalism to the extent that it reinforces or makes effective the very small amount of policymaking authority on the abortion issue that the Supreme Court, an arm of the national government, has permitted to remain with the States,'' Id. at 2. He testified that he suppor6ted the bill because he would support ''anything Congress can do to move control of the issue back into the hands of the States.'' Id. at 1.

Of course, as the description of H.R. 476 we have given above demonstrates, that proposed statute would do nothing to move ''back'' into the hands of the states any of the control over abortion that was precluded by Roe v. Wade, 410 U.S. 113 (1973), and its progeny. The several states already have their own distinctive regimes for regulating the provision of abortion services to pregnant minors, regimes that are permitted under the Supreme Court's abortion rulings. That, indeed, is the very premise of this proposed law. But, rather than respecting federalism by permitting each state's law to operate within its own sphere, the proposed federal statute would contravene that essential principle of federalism by saddling the abortion-seeking young woman with the restrictive law of her home state wherever she may travel within the United States unless she travels unaided. Indeed, it would add insult to this federalism injury by imposing its regime regardless of the wishes of her home state, whose legislature might recoil from the prospect of transforming its parental notification laws, enacted ostensibly to encourage the provision of loving support and advice to distraught young women, into an obstacle to the most desperate of these young women, compelling them in the moment of their greatest despair to choose between, on the one hand, telling someone close to them of their situation and perhaps exposing this loved one to criminal punishment, and, on the other, going to the back alleys or on an unaccompanied trip to another, possibly distant state. This federal statute would therefore violate rather than reinforce basic constitutional principles of federalism.

The fact that the proposed law applies only to those assisting the interstate travel of minors seeking abortions may make the federalism-based constitutional infirmity somewhat less obvious—while at the same time rendering the law more vulnerable to constitutional challenge because of the danger in which it will place the class of frightened, perhaps desperate young women least able to travel safely on their own. The importance of protecting the relationship between parents and their minor children cannot be gainsaid. But in the end, the fact that the proposed statute involves the interstate travel only of minors does not alter our conclusion.

No less than the right to end a pregnancy, the constitutional right to travel interstate and to take advantage of the laws of other states exists even for those citizens who are not yet eighteen. ''Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights.'' Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52, 74 (1976). Nonetheless, the Court has held that, in furtherance of the minors' best interests, government may in some circumstances have more leeway to regulate where minors are concerned. Thus, whereas a law that sought, for example, to burden adult women with their home state's constitutionally acceptable waiting periods for abortion (or with their home state's constitutionally permissible medical regulations that may make abortion more costly) even when they traveled out of state to avoid those waiting periods (or other regulations) would obviously be unconstitutional, it might be argued that a law like the proposed one, which seeks to force a young woman to comply with her home state's parental consent laws regardless of her circumstances, is, because of its focus on minors, somehow saved from constitutional invalidity.

It is not, for at least two reasons. First, the importance of the constitutional right in question for the pregnant minor too desperate even to seek judicial approval for abortion in her home state—either because of its futility there, or because of her terror at a judicial proceeding held to discuss her pregnancy and personal circumstances—means that government's power to burden that choice is severely restricted. As Justice Powell wrote over two decades ago:

The pregnant minor's options are much different from those facing a minor in other situations, such as deciding whether to marry . . . A pregnant adolescent . . . cannot preserve for long the possibility of aborting, which effectively expires in a matter of weeks from the onset of pregnancy.

Moreover, the potentially severe detriment facing a pregnant woman is not mitigated by her minority. Indeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally burdensome for a minor. In addition, the fact of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible.

Bellotti v. Baird (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

Second, the fact that the penalties on travel out of state by minors who do not first seek parental consent or judicial bypass are triggered only by intent to obtain a lawful abortion and only if the minor's home state has more stringent ''minor protection'' provisions in the form of parental involvement rules than the state of destination, renders any protection-of-minors exception to the basic rule of federalism unavailable.

To begin with, the proposed law, unlike one that evenhandedly defers to each state's determination of what will best protect the emotional health and physical safety of its pregnant minors who seek to terminate their pregnancies, simply defers to states with strict parental control laws and subordinates the interests of states that have decided that legally-mandated consent or notification is not a sound means of protecting pregnant minors. The law does not purport to impose a uniform nationwide requirement that all pregnant young women should be subject to the abortion laws of their home states and only those abortion laws wherever they may travel. Thus, under H.R. 476, a pregnant minor whose parents believe that it would be both destructive and profoundly disrespectful to their mature, sexually active daughter to require her by law to obtain their consent before having an abortion, and who live in a state whose laws reflect that view, would, despite the judgment expressed in the laws of her home state, still be required to obtain parental consent should she seek an abortion in a neighboring state with a stricter parental involvement law—something she might do, for example, because that is where the nearest abortion provider is located. This substantively slanted way in which H.R. 476 would operate fatally undermines any argument that might otherwise be available that principles of federalism must give way because this law seeks to ensure that the health and safety of pregnant minors are protected in the way their home states have decided would be best.

In addition, the proposed law, again unlike one protecting parental involvement generally, selectively targets one form of control: control with respect to the constitutionally protected procedure of terminating a pregnancy before viability. The proposed law does not do a thing for parental control if the minor is being assisted into another state (or, where the relevant regulation is local, into another city or county) for the purpose of obtaining a tattoo, or endoscopic surgery to correct a foot problem, or laser surgery for an eye defect. The law is activated only when the medical procedure being obtained in another state is the termination of a pregnancy. It is as though Congress proposed to assist parents in controlling their children when, and only when, those children wish to buy constitutionally protected but sexually explicit books about methods of birth control and abortion in states where the sale of such books to these minors is entirely lawful.

The basic constitutional principle that such laws overlook is that the greater power does not necessarily include the lesser. Thus, for example, even though so-called ''fighting words'' may be banned altogether despite the First Amendment, it is unconstitutional, the Supreme Court held in 1992, for government selectively to ban those fighting words that are racist or anti-semitic in character. See R.A.V. v. City of St. Paul, 505 U.S. 377, 391–392 (1992). To take another example, Congress could not make it a crime to assist a minor who has had an abortion in the past to cross a state line in order to obtain a lawful form of cosmetic surgery elsewhere if that minor has not complied with her state's valid parental involvement law for such surgery. Even though Congress might enact a broader law that would cover all the minors in the class described, it could not enact a law aimed only at those who have had abortions. Such a law would impermissibly single out abortion for special burdens. The proposed law does so as well. Thus, even if a law that were properly drawn to protect minors could constitutionally displace one of the basic rules of federalism, the proposed statute can not.

Lastly, in oral testimony given in 1999 before the Subcommittee on the Constitution, Professor John Harrison of the University of Virginia, while conceding that ordinarily a law such as this, which purported to impose upon an individual her home state's laws in order to prevent her from engaging in lawful conduct in one of the other states, would be constitutionally ''doubtful,'' argued that the constitutionality of this law is resolved by the fact that it relates to ''domestic relations,'' a sphere in which, according to Professor Harrison, ''the state with the primary jurisdiction over the rights and responsibilities of parties to the domestic relations is the state of residence . . . and not the state where the conduct'' at issue occurs. See transcript of the Hearing of the Constitution Subcommittee of the House Judiciary Committee on the Child Custody Protection Act, May 27, 1999.

This ''domestic relations exception'' to principles of federalism described by Professor Harrison, however, does not exist, at least not in any context relevant to the constitutionality of H.R. 476. To be sure, acting

pursuant to Article IV, §1, Congress has prescribed special state obligations to accord full faith and credit to judgments in the domestic relations context—for example, to child custody determinations and child support orders. 28 U.S.C. §§1738A, 1738B. These provisions also establish choice of law principles governing modification of domestic relations orders. In addition, in a controversial provision whose constitutionality is open to question, Congress has said that states are not required to accord full faith and credit to same-sex marriages. Id. at §1738C.

But the special measures adopted by Congress in the domestic relations context can provide no justification for H.R. 476. There is a world of difference between provisions like §§1738A and 1738B, which prescribe the full faith and credit to which state judicial decrees and judgments are entitled, and proposed H.R. 476, which in effect gives states statutes extraterritorial operation—by purporting to impose criminal liability for interstate travel undertaken to engage in conduct lawful within the territorial jurisdiction of the state in which the conduct is to occur, based solely upon the laws in effect in the state of residence of the individual who seeks to travel to a state where she can engage in that conduct lawfully.

The Supreme Court has always differentiated ''the credit owed to laws (legislative measures and common laws) and to judgments.'' Baker v. General Motors Corp., 522 U.S. 222, 232 (1998). For example, while a state may not decline on public policy grounds to give full faith and credit to a judicial judgment from another state, see, e.g., Fauntleroy v. Lum, 210 U.S. 230, 237 (1908), a forum state has always been free to consider its own public policies in declining to follow the legislative enactments of other states. See Nevada v. Hall, 440 U.S. 410, 421–24 (1979). In short, under the Full Faith and Credit Clause, a state has never been compelled ''to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.'' Pacific Employers Ins. Co. v. Industrial Accident Comm'n, 306 U.S. 493, 501 (1939). In fact, the Full Faith and Credit Clause was meant to prevent ''parochial entrenchment on the interests of other States.'' Thomas v. Washington Gas Light Co., 448 U.S. 261, 272 (1980) (plurality opinion). A state is under no obligation to enforce another state's statute with which it disagrees.

But H.R. 476 would run afoul of that principle. It imposes the restrictive laws of a woman's home state wherever she travels, in derogation of the usual rules regarding choice of law and full faith and credit.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, imagine as a parent the shock and profound sorrow upon learning after the fact that some adult stranger deliberately kept the parents out of the decision-making process and took an underaged girl for a secret abortion in another State. Imagine the feelings of helplessness, hopelessness, and violation that you would feel when your extremely vulnerable daughter, perhaps confused, frightened and even numb, was whisked away to an abortion mill by a stranger to pursue the violent death of her baby.

Her baby, your grandchild, dead in a sneaky scheme deliberately contrived to deceive the parent about what was really going on, perhaps scarred for life by the unpardonable intervention of the adult stranger who acted as a parental surrogate. If there are complications, severe bleeding, perforated uterus, emotional or psychological aftermath, do not expect any help from the stranger; but of course a parent would be there to help, to love and to nurture and to heal. It is both a parental moral duty and legal duty, but it is really out of deep love. A parent would sacrifice thier own life for their daughter and be there; the stranger would not.

It would not take very long to ask, Mr. Speaker, did the meddling stranger tell her that abortion has significant physical and emotional consequences? Did the stranger inform her that it might increase her risk of breast cancer?

A 1994 study by cancer researcher Janet Daling of the Fred Hutchinson Cancer Research Center indicated if a girl under the age of 18 has an abortion, the risk of breast cancer increases by 150 percent. If she or any member of her family has any history of breast cancer, that first abortion means that her risk of breast cancer skyrockets to 270 percent. Dr. Daling's National Cancer Institute-funded study comports with more than two dozen similar studies showing the abortion-breast cancer link.

Mr. Speaker, we can take it to the bank: neither the stranger nor the abortionist himself informed her of this long-term, deleterious consequence.

Mr. Speaker, it is tragic beyond words that the abortion rights movement not only promotes mutilations, dismemberment and chemical poisoning of children by abortions, they further destroy the family by invading the sacred space between parents and their teenage daughters. The so-called choice to mutilate, dismember and chemically poison little children is unconscionable. Currently even a 14-year-old, often with the assist from a stranger, has an unfettered and secret right in many States to have her baby destroyed in a horrific procedure. I urge my colleagues to wake up. Abortion is violence against children. Enabling a stranger to facilitate a minor's secret abortion only adds abuse to abuse.

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

Mr. Speaker, the gentleman states his views of abortion. There are clearly differing views. We are not going to settle them in this debate today. He thinks it is a cruel procedure. Some of us think it is a procedure which in many cases is unavoidable. But in any event, the Supreme Court of the United States says it is the right of a woman to choose if she wishes, and she should be counseled as to the consequences and so forth; but it is her choice.

But this bill before us has nothing to do with that, except for the fact it is simply another step in the attempt to in any way possible reduce abortions in any way possible to hamstring the exercise of the constitutional right of women to choose within the limits of what the Supreme Court has said.

The real interest in this bill is not to protect young women who may be helped by a grandfather or a brother or a sister or a clergy person in doing something which she is determined to do. In the case we talked about before, she would have done it anyway; but at least she had someone to help her along and give her counseling and hold her hand. The intent of this bill is to try to stop her from having an abortion because the people in this House have determined that they are right and she is wrong and she should not be able to have an abortion.

Forgetting that question, the real question in this bill is: Can the Congress of the United States say to a young woman, she is the property of the State in which she lives, and she must carry around on her back the law which it enacted which tells her that she cannot do something even if she goes to another State where she can do it?

The plain meaning of the Constitution, and the Supreme Court has reaffirmed that, is that Congress cannot do that. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Act, because South Carolina should not be entitled to tell an escaped slave in New York, although New York does not permanent slavery, South Carolina's laws do, and we are going to extend our law here and drag the slave back and force the slave into our laws of slavery.

Mr. Speaker, Congress cannot do the same thing. Congress cannot say to a young woman that we are going to force her to obey the law of her own State, we are going to criminalize someone who attempts to help do something that is perfectly legal in New York or some other State because it is not legal where she came from; and I cited the Supreme Court decisions before, which are recent Supreme Court decisions.

We cannot look at the interstate commerce clause. Women are not objects of commerce. I hope the majority is not telling us that women are objects of commerce under the meaning of the interstate commerce clause, that Congress can regulate interstate commerce. Women are citizens of the United States and people, not subjects of commerce. We said in the Norris-LaGuardia Act that labor is not to be considered a commodity in Congress, nor should women be, nor will the Supreme Court support that, nor is this bill constitutional.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise of course in support of H.R. 476, the Child

Custody Protection Act. Unfortunately, in May of 2000, Florida's parental notification laws were challenged in circuit court and a permanent injunction was granted. So we in Florida are very much involved with this debate. To give amnesty to those who manipulate State laws by crossing into States without parental notification laws, in my opinion the people who support this bill, it is irresponsible and a misguided use of the law.

When we talk about this law, we are talking about safety here. To leave parents out of such a serious decision for the child with potentially long-term medical, emotional and psychological consequences is to jeopardize the health of the child. So when we talk about the Fugitive Slave Act or we talk about commerce, we are missing the point. We are talking about safety.

To leave parents out of this decision for minors, in my opinion, is irresponsible. Some seem to suggest that most parents are not being reasonable but their primary concern is their teenaged daughter. One study has shown that up to two-thirds of the school-aged mothers were impregnated by adult males. These men could be prosecuted under State statutory rape laws, giving them a strong incentive to pressure the young woman to agree to an abortion without involving her parents.

Let us put this into perspective. A child must have parental consent to be given an aspirin. Should the child want to go on a field trip, parental consent is required. Play in the school band, parental consent. Cosmetic ear piercing, that requires parental consent. Why? Because they are concerned about safety for fear that the girl may contract dangerous infections.

Here we have advertising to minors that they can cross State lines, but surely the gentleman from New York would not support advertising of cigarettes to minors to allow them to smoke, so this kind of advertising should be prohibited; and obviously we should prohibit allowing young minors to go across State lines.

Parents know what is best for their daughters' medical condition and can best help their daughters in times of need. I ask my colleagues to support this bill and pass it.

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

Mr. Speaker, cigarettes are harmful to one's health and may kill one. They are certainly much more harmful than marijuana or some of the other drugs which are prohibited by law; and maybe cigarettes ought to be prohibited by law, and certainly that kind of advertising should be prohibited by law.

Abortions are not in the same category. Abortions will not kill the woman. They are not generally harmful to her health. In fact, the statistics are that it is more dangerous to carry a pregnancy to term than it is to have an abortion because a larger percentage of women die from complications of child birth than from complications from abortion. I am certainly not arguing for abortions for that reason, but I am saying that we cannot say that abortions are life threatening, although demagogues do say that.

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

Mr. NADLER. I yield to the gentleman from Florida.

Mr. STEARNS. But the gentleman would agree that advertising to minors to allow them to go across State lines for an abortion is wrong?

Mr. NADLER. Mr. Speaker, I would not agree that it is wrong. An abortion is a legal medical service, and in some States it is legal to do without parental consent. And there are some young women, some young women, who fear for their lives if they have to tell their parents, and cannot tell their parents, and desperately need an abortion, and will get the abortion by coat hanger at this risk to their life. It is better in that case to know that they can get a safe abortion in a safe medical procedure across State lines rather than resorting to the coat hangers.

Mr. Speaker, many speakers on the other side have talked about people who prey on young women, who have an ideological desire to promote abortions. I do not know of anybody who has an ideological desire to promote abortions. I know of people who have ideological desires to let women have abortions if they want to. I do not know of anybody who desires to promote abortions as a good thing, in and of themselves.

Putting aside, we are talking about evil people who will prey upon young women and take them across State lines for the reason of getting an abortion for some nefarious motive.

□ 1245

If that is the true purpose of this bill, I would want to know, on their time, why the majority would not permit amendments on the floor to exempt the grandparent or the sibling, the brother or sister. What are they afraid of? Are they afraid that the logic of that amendment is so strong even for people who might support this bill that it might pass? Why would they not even permit amendments in committee? Why was it so necessary to call a halt by moving the previous question before Members had returned to the committee from a vote on the floor? What are they afraid of, a little logic and common sense?

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in support of the Child Custody Protection Act, a commonsense piece of legislation that would prohibit unscrupulous third parties from taking minors across State lines for abortions to circumvent parental consent and parent notification laws. Mothers have previously testified before State legislatures and Congress about the horror of finding out that their young daughters had obtained secret abortions and of having to pick up the pieces of the emotional and physical consequences. As a mother of two, it is very disconcerting to me to know that the parent-child relationship could be undermined in such a manner.

As pointed out earlier, studies have shown that most school-age mothers are impregnated by adult men, with the median age of the father being 22 years old. Thus, many of the third parties taking minors across State lines are older boyfriends who obviously have a very personal interest in the young girl obtaining an abortion and in keeping it secret from her parents.

Congress must ensure that State laws designed to protect the integrity and sanctity of the parent-child relationship are not undermined. I consequently urge my colleagues to support passage of this legislation.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume. I would simply point out that in such cases, those people, those males, can be prosecuted for statutory rape, and probably should be. This bill does not add or detract anything from them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding.

I would like to expand on his point, just to reinforce a point that I think is being lost in this debate. I indicated that Congress usually rises to the occasion to respond when there is a crisis, when we find that the law is being violated and being ignored, the laws of particular States who may have these laws regarding parental consent.

I also noted that we probably will not get our friends and colleagues all to agree with us on the question of choice, but I have already said that more than 75 percent of minors under 16 already involve one or both parents in the decision to have an abortion. What about the individual, however, that is living on their own, that has been raped by a close family member, whose parent may be in some condition that they are not able to give counsel?

And we now are intruding upon the right to travel, the constitutional right of choice on this particular minor who cannot consult with a loving grandmother, a loving spiritual leader, a loving sibling who can provide such assistance to them. It is clear in Planned Parenthood of Southeastern Pennsylvania v. Casey, holding that restrictions on this right are unconstitutional if they impose an undue burden on a woman's access to abortion. And the right extends to both minors and adults.

It is also clear in the constitutional decisions of the Supreme Court that there are rights that minors have and

though we recognize the validity and the stand of parents, I too am a parent and would hope that I am always in a position to counsel with my two children, encourage that. But we are also trying to save lives and avoid the very example that my colleagues were speaking to, boyfriends taking them across State lines if that is the case, when these amendments dealing with special friends, special relatives in a relative position were not allowed.

And so we have a situation where, as I said, it is a double standard on States rights. We now want to intrude our Federal process on States that do not have these laws and, therefore, we are violating constitutional rights of minors which do exist. I think we are going too far with this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, one of my commitments as a Member of Congress is to protect the rights of the traditional family. The family is the building block of society and parents must have the ability to know where their children are going and be able to protect them.

I am a proud cosponsor of this bill. It prohibits transporting an individual under the age of 18 across State lines to obtain an abortion. It is wrong that a child can legally be taken across State lines without parents' or guardian's knowledge for an abortion. A medical procedure of this magnitude with such serious implications for physical health of the girl and moral and emotional fabric of the entire family must be a family decision. Young girls today are exposed to many forces but the forces that should have the most strength in their lives, both morally and legally, should be their parents, not the government and not strangers.

I have seen the phone book ads marketing out-of-state abortions and safe abortions to minors. It is truly sickening to think that my daughters may grow up to one day be told by the abortion industry that abortions are as easy to receive and as safe as taking candy. I have heard the doomsday tales of children afraid to tell their parents they are pregnant but nothing could possibly be scarier for these young girls than having someone they barely know escort them to a place they have never been to have major surgery that ends a life.

Opponents of this bill are saying a parent can know where their child is except when she is receiving an abortion. That makes no sense whatsoever. Whose child is it, anyway?

By passing the Child Custody Protection Act, Congress will take a clear stand against the notion that the U.S. Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion even when State law specifically requires the involvement of a parent or judge in the daughter's abortion decision.

I strongly urge my colleagues to support this bill.

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

Mr. Speaker, the imagery used by speakers in favor of this bill, indeed the language of the bill itself prohibiting someone from transporting a minor across State lines, evokes the image of a helpless young child being dragged against her will or being taken to another State. The fact is that a young woman old enough to get pregnant is in her teens, with a very few exceptions, and in this situation, one would hope that she would ask her parents' permission, and I am sure the daughter of the previous speaker would, and that the decision would be made between the two of them. But I do not think a woman of 16 or 17 years old, who is pregnant, who for whatever reason, because she was made pregnant by her father or her stepfather, because she is terrified, for whatever reason cannot, refuses to tell them, and gets her, even a boyfriend or a clergy person or her brother or sister, a grandmother, that is not an exploitative thing. They are helping her. She would probably or might very well do it herself, alone. Even the wording of the bill ''transport.'' Someone sitting and holding her hand as she drives the car is not transporting her. They are giving her moral help in a difficult procedure.

People may not like abortions. They may think it is a terrible thing. They are entitled to their opinions. But a young woman may be terrified of giving birth. She may be terrified of the responsibility of a child. She may have her reasons and the Supreme Court says the Constitution gives her the absolute right to choose. This bill simply tries to make that right to choose impractical insofar as possible and therefore it is not only unconstitutional, it is wrong. This bill would criminalize the acts of persons who might be exploitative, but it would also criminalize the acts of people who are simply trying to be helpful and supportive of a young woman in distress, and that is wrong.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, by passing the Child Custody Protection Act today, Congress will take a clear stand against the bizarre notion that somehow the United States Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion, even when a State law specifically requires the involvement of a parent or judge in the daughter's abortion decision.

It is amazing to me that a child cannot get aspirin from a school nurse without parental consent but can cross State lines to get an abortion without the consent of their parents. There are school counselors who set up out-of-state abortions for minor students to hide this life-changing decision from the girls' parents. There are even sexual predators who would take their victims across State lines to destroy evidence through an abortion in a State without parental notice laws.

Mr. Speaker, as the father of two young daughters, I cannot understand how anyone can defend the right of an adult to take a child across State lines to have an abortion without the parents knowing. To me when that happens, both of the victims are children. When governments undermine families, it tears at the very fabric of our culture and supports a culture of death rather than a culture of life.

This bill closes a loophole that skirts State laws requiring parental notification. Twenty-seven States, including South Dakota, recognize the value and need for parental consent when a minor is seeking to obtain an abortion, and another 16 States require parental notification.

Mr. Speaker, there are many injustices in the world, but can you put yourself in the position of a parent who sends her young daughter to school and later in the day finds that a stranger has taken your 13-year-old daughter into another State to have an abortion? This is currently legal in the United States and that is why we need to pass the Child Custody Protection Act to stop it.

Mr. Speaker, as a strong supporter of the sanctity of human life and parental rights, I am proud to vote for this legislation and I urge my colleagues to do the same.

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

The protestations of people on the other side about strangers transporting minors across State lines would be somewhat better heard if they had not refused amendments to exempt nonstrangers.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. I want to thank the gentleman from New York for yielding this time even though we happen to be viewing this legislation differently.

Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act, and would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her tireless efforts to bring this important legislative effort to the floor for consideration.

In light of all that has happened recently, our Nation has had a growing concern about the moral fabric of our society. We have felt an increasing need to do everything that we can to protect our children as they are our most precious resource. We must provide them with a safe environment so they can thrive as they move into adulthood.

One of life's harsh realities is that some young women become pregnant

at too early an age. H.R. 476 does not terminate a person's right to an abortion but does provide important protections for young children who become pregnant. H.R. 476 will make it illegal for any person to transport a minor across State lines in order to circumvent State laws to obtain an abortion without first consulting a parent or judge. It will make it a Federal crime if an individual knowingly evades the laws of their State to seek an abortion for any mother 17 years of age or younger. It is most often an older male who preys on a young girl, impregnates her, and then takes her illegally across State lines to have an abortion without the knowledge and consent of her parents.

We should all find this manipulative behavior disgusting and disheartening. Not only is this a crime for an older male to be sexually active with a young girl, but it can be dangerous for that child to receive an abortion. Only a parent knows their child's health history, including allergies to medication. A parent should be informed and the older male should be prosecuted.

Laws in an increasing number of States, now numbering more than 23, including my home State of Michigan, require parental notification or consent by at least one parent or authorization by a judge before an abortion can be performed. This legislation will not mandate parental consent in the States which do not currently have parental consent laws but will protect those in States which do require parental consent.

Many of my colleagues are concerned that this bill will prohibit young girls from confiding in a close family member or friend if they feel they cannot talk to their parents. That is absolutely wrong. There is a provision in H.R. 476 which will allow a judge to relieve the parental notification requirement in certain circumstances.

I urge my colleagues to support H.R. 476, which will support the rights of States to protect the relationship between parents and children and ensure the safety of young girls who are in unfortunate circumstances.

□ 1300

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a member of the committee.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me time and commend his leadership and that of the gentlewoman from Florida for her visionary leadership on this legislation. I do rise today in support of the Child Custody Protection Act.

Today, Mr. Speaker, the House will determine who it serves. I am a pro-life Member of this institution, but I would offer respectfully today that this is not a debate about the right to have an abortion. It is about the right to be a parent. And we will decide today in the Congress whether or not we will serve the beleaguered parents of the United States of America, of whom I am proudly one, or whether we will serve the interests of the abortion lobby.

As a father of two daughters I can tell you, we live in a society today where parents are expected to be actively involved in the lives of our children. When a child commits a crime, the first question we hear is, why were the parents not aware? We are bombarded with antidrug advertisements commanding parents to ask their children questions, no matter how intrusive, to know where they were and when they were there. But for some inexplicable reason today we are debating whether parents should have the right to know if their daughter is considering an abortion, a decision that even pro-life and pro-abortion opponents agree will have lifelong consequences.

Mr. Speaker, this is even more outrageous when you consider that my children cannot even attend a field trip at school or even take an aspirin without my or my wife's consent. Are we willing to stand here today and say that the life and death decision that we debate pales in comparison to taking an aspirin?

Last week, Mr. Speaker, I took my children, two of them, one daughter and one son, to get braces. In addition to the extraordinary ordeal and the wires and the pain and the anxiety, we spent about an hour filling out consent forms for this 5- and 6-year procedure. Why in the world would we not have parental consent for even a more extraordinary procedure, invasive, that is an abortion?

Mr. Speaker, I urge all of my colleagues to choose life, cast a vote in favor of parental rights, and support the Child Custody Protection Act.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, there really are, I suppose, in summation, two things to say about this bill: one is that parental consent bills in general, although the providence of the States, in our opinion, are very ill-advised, because although we all would wish that young women who are pregnant and are contemplating an abortion would consult with their parents, and certainly most do and should, there are those situations where a young woman feels she cannot, where she is afraid of the violent reaction the parent might have, where a parent may have been abusive to her, where the pregnancy may be the result of rape or incest on the part of the parent, and we should recognize reality and understand that a parental consent and notification bill in no circumstances makes no sense, and it is certainly not in the best interests of the young woman; but that is a matter for the State legislatures.

The second thing to say about this bill is that none of that, none of the question of the validity or the intelligence or the desirability of a parental consent and notification bill, is before us. Those are State legislative decisions, and quite a few legislatures have passed those decisions, have passed such bills; and others have refused to do so.

The bill before us has nothing to do with that. The bill before us has to do with trying to criminalize someone who accompanies a young woman from one State to another, knowing that she is going to get an abortion legally in that State.

The proponents of this bill are trying to use the power of the Federal Government to impose the laws of one State in the jurisdiction of the other State.

The proponents of this bill are trying to place on the back of a young woman from one State the burden of the law of that State, to carry it around wherever she goes, to another State where the law is different. We do not have the constitutional power to do that. In a Federal system we do not have the right to do that.

I referred earlier to the Fugitive Slave Act because it was the last major attempt in this country to do that, where some of the Southern States said if a slave flees or goes to a State which does not recognize slavery, that person still is a slave, despite the laws of that State, and the Federal Government will enable the State to exercise its long arm and bring him back to bondage in the State that allows slavery.

Here this bill says that the Federal Government will use its jurisdiction to try to prevent a young woman from doing a perfectly legal act, because the State she came from does not regard it as a legal act; to force that young woman to carry the burden of the law she disagrees with from her home State to another State. This bill is unconstitutional for that reason and obnoxious for that reason.

This bill also would send grandmothers and ministers to jail, grandmothers and ministers who know the situation, who judge that the young woman cannot, as she judges, go to the parent, because they know there has been a rape, they know there has been incest, or they know there is family violence involved, they know the situation of the family.

In plenty of families it is perfectly fine to have parental consent. But by drawing a bill that says all families, no matter what, you are plainly putting many young women at risk of injury or death. But, again, that is a State legislative matter. What this bill says is that ministers and grandmothers and brothers and sisters of a young woman whose life would be at risk perhaps, they cannot help her when she needs help on penalty of going to jail. This bill will not bring families together; but it may, in such circumstances, tear them apart.

On all these grounds, Mr. Speaker, I say, let the States make these decisions, as they are allowed to do under the Constitution. Let us not butt in the Federal Government, as we are not permitted to do under the Constitution,

and as good judgment should indicate we should not do in any event.

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

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

Mr. Speaker, listening to the gentleman from New York the last hour and a half, he seems to be making two points. One is that this bill requires that the parental involvement laws of a minor's State of residence carry along with the minor if they are brought across the State line into a jurisdiction that does not have a parental involvement law, and that this is some new notion in American jurisprudence and in our history of Federalism.

Well, the gentleman from New York, he and I carry the burden of our respective State income taxes with us to the work that we do here; and as most people know, New York and Wisconsin's State income taxes are quite high, and we have to pay those State income taxes as residents and as representatives of the States for the work that we do at our Nation's Capital.

The other thing is that it is somehow cruel and unconstitutional to force the involvement of parents where the parental involvement acts have been held constitutional by the Federal courts.

Now, a constitutional parental involvement act is not cruel; it is loving. It is not unconstitutional, because the courts have already said it is not unconstitutional. So to merely cross the State line for the purpose of evading a constitutional parental involvement act is not unconstitutional in and of itself, because Congress has got the exclusive right to regulate interstate commerce under the United States Constitution.

For all these reasons, this is a good bill. The House should pass this bill today, like it has done in the two previous Congresses.

Mr. BALDWIN. Mr. Speaker, this bill would make the tragic situation of teen pregnancy even worse.

I believe that adolescents should be encouraged to seek their parent's advice when facing difficult circumstances. And when young people do go to their parents in trying times, most often their parents offer love, support, direction and compassion. Most young women do turn to their parents—even when faced with something as emotional and private as pregnancy. Even in States without ''parental consent'' laws, the majority of pregnant teenagers do tell their parents.

Unfortunately, though, there are times when a pregnant teenager cannot go to her parents. This is precisely the time when they most need the involvement of a trusted adult. But, under this bill, if an adult assists a young woman by traveling with her across states lines to seek an abortion, the adult becomes a criminal. It does not matter if the adult is her sister, brother, grandmother, or minister—they would still be criminals in the eyes of federal prosecutors. In my home State of Wisconsin, we take into account the fact that young people sometimes cannot turn to a parent and must turn to other trusted adults in trying times—in Wisconsin young women may obtain consent from grandparents, adult siblings, or another ''trusted adult.''

Crossing State lines to obtain an abortion is not uncommon. Women usually seek care in the medical facility that is closest to their home, but, due to lack of facilities in many areas, the closest facility may be across a State border. In Wisconsin, 93 percent of counties do not have an abortion provider, so the nearest facility for women in these counties may be in Minnesota or Illinois. Congress has not made it illegal to cross state lines to buy guns, or gamble, or participate in any other legal activity, why should we make an exception here?

What if the teenager has been subject to physical or sexual abuse by one of her parents? What if the pregnancy is the result of incest? There is no exception in this bill for minors who have experienced physical or sexual abuse in their home. Nor is there an exception for a young women who might be subject to grave physical abuse if she confided to her parent or parents.

Mr. Speaker, we all want children to confide in their parents, we all want a society with strong families. But let us not forget those children in our society who are victims of incest or physical abuse. Let us encourage them to reach out to an adult rather than deal with a crisis pregnancy alone.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 476, the Child Custody Protection Act. This bill would make it a federal crime for a person, other than a parent, to transport a minor across state lines for an abortion unless the minor had already fulfilled the requirements of her home state's parental involvement law. This bill would deny teenagers facing unintended pregnancies the assistance of trusted adults, endanger their health, and violate their constitutional rights. This flawed legislation is dangerous to young women and should in fact be called the ''Teen Endangerment Act.''

Minor women who seek abortions come from a wide variety of religious, cultural, socioeconomic, geographic, and family backgrounds, and seek abortions for an equally wide variety of reasons. In 86 percent of counties nationwide for example, the closest abortion provider is across state lines.

Data shows that the majority, 61 percent, of minors willingly involve their parents in their decision to have an abortion. Many that do not wish to involve their parents make that decision because of a history of physical abuse, incest, or the lack of support from their parents. Parental involvement laws cannot and do not open lines for healthy, open family communication where none exist, and they can put a minor in danger of physical violence. When a young woman does not have the ability to involve a parent, public policies and medical professionals should encourage her to involve a trusted adult, such as a grandparent. Instead of giving young women this alternative, this bill does the exact opposite. If passed into law, it would create havoc by potentially allowing grandma to be prosecuted and jailed for traveling across state lines to obtain needed reproductive health services for her granddaughter.

While proponents of this bill will argue the alternative to parental consent is a judicial bypass, this simply is not an option for many teenagers. Many judges never grant bypass petitions, and many teenagers have well-grounded fears of being recognized in a local courthouse and/or of revealing their personal intimate details in a potentially intimidating legal process. Moreover, many states with parental involvement laws do not provide a procedure for ruling on a minor's right to an out-of-state abortion. Besides, in many states judicial bypasses are available only in theory and not in practice.

Rather than tell their parents, some teenagers resort to unsafe, illegal, ''back alley'' abortions or try to perform the abortion themselves. In doing so, they risk serious injury and death, or in some cases, criminal charges.

In my home state of California, a minor who wishes to obtain an abortion may do so without any legal requirements that she involve her parents or that she seek a court order exempting her from forced parental involvement requirements. This bill will override California's law for some minors obtaining abortions in California by requiring enforcement of other states' laws within California's borders. States such as California are most likely to be visited by minors in need of abortions. These states will bear the burden of having their medical personnel and clinic staff subject to potential liability from a number of complex provisions regarding conspiracy, accomplice and accessory liability.

While this bill raises many obvious concerns, it also tramples on some of the most basic principles of federalism and state sovereignty. A core principle of American federalism is that laws of a state apply only within the state's boundaries. This bill would require some people to carry their own state's laws with them when traveling within the United States. Allowing a state's law to extend beyond its borders runs completely contrary to the state sovereignty principles on which this country is founded. Gambling for example is allowed in Nevada, but not California. If Congress enacts this legislation, it would be similar to making it a federal crime to spend a vacation in Las Vegas.

Abortion should be made less necessary, not more difficult and dangerous. A comprehensive approach to promoting adolescent reproductive health and reducing teen pregnancy should require comprehensive sexuality and abstinence education as well as access to contraception and family planning services. I urge my colleagues to oppose this legislation.

Ms. WATERS. Mr. Speaker, I rise in opposition to this closed rule on H.R. 476, the misnamed Child Custody Protection Act. By rejecting all amendments, the Rules Committee has shut out Members from debate on important amendments.

I had offered an amendment in Judiciary Committee, and again to the Rules Committee, that would carve out an exception to the prohibitions of H.R. 476. Under my amendment, those prohibitions would not apply in cases where the minor child's pregnancy was caused by sexual contact with a parent, step-parent, custodian, or household or family member. This closed rule, however, makes it impossible for any Member to vote on this valuable amendment.

Sadly, some pregnancies result from unwanted sexual contact. Adding to that horror is the fact that many families are unable or unwilling to deal with the realities of the situation. A mother may choose not to believe that the

child's father or step-father could have done such a horrible thing. She may even share the child's confidences with the very person who committed the deed—thus potentially putting the child at greater risk.

Let me tell you about the tragic case of Spring Adams, a 13-year old sixth grader from Idaho. She was impregnated by her father's acts of incest. When he learned that she was planning to terminate a pregnancy caused by those acts, he shot her to death.

My amendment to H.R. 476 addresses this problem. When the child in such a situation turns instead to a grandparent, adult sibling, boyfriend, or religious leader, we should let her do so. And we should let them help her. Otherwise, we will find young girls, impregnated by relatives on household members, seeking to deal with it in any way they can—whether they do so by traveling alone to another state for the procedure, or take care of it through a self-induced or illegal, back-alley abortion.

Unfortunately, the closed rule we have before us means that none of my colleagues can address this problem with H.R. 476. Instead, these children, who have been victims of incest or nonconsensual sex with a household member, will be forced to confide their pregnancy to the person who violated them. We should not demand that of the child.

I urge a rejection of this rule that blocks valuable amendments from an overly harsh bill. Vote ''no'' on the rule.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act.

Twenty-seven states, including my home state of Nebraska, have laws requiring that a parent receive notification or give consent before their young daughter can have an abortion. These laws are designed to honor the rights of parents and protect young girls from being sexually exploited or injured. Unfortunately, they are often circumvented by the widespread practice of taking young girls across state lines to receive an abortion, a practice which is utilized by sexual predators.

In one example, a 12 year-old girl was taken to an out-of-state abortion clinic by the mother of the man who had raped and impregnated her. This young girl's mother learned what had happened only when her daughter returned home with severe pain and bleeding that required medical attention. H.R. 476 would help prevent such terrible situations by making it a Federal crime to dodge a parental involvement law by transporting a minor to an out-of-state abortion provider.

If a teenage girl needs permission to take an aspirin at school, her parents should certainly be notified about her receiving a potentially-harmful medical procedure. Loving guidance and support from parents is also crucial for young women facing the difficult situation of having a child out of wedlock. Even the abortion provider Planned Parenthood acknowledges on its website that, and I quote, ''Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with an unwanted pregnancy. Few would deny that such guidance ideally should come from the teenager's parents.''

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 476 to protect the rights of parents, to protect the rights of states, and most importantly, to protect young girls from sexual predators.

Mr. WELDON of Florida. Mr. Speaker, I rise today to give my support to H.R. 476, the Child Custody Protection Act, of which I am a cosponsor. This important legislation protects our daughters from being transported across state lines to be subjected to abortion, an invasive medical procedures, without the consent of their parents. Thirty-six states have parental consent laws in place to ensure that young teenaged girls do not undergo an abortion without their parent's consent. As a medical doctor I understand the physical and emotional ramifications of abortion. If parental consent is required for a child to receive an aspirin in school or to take a field trip, how much more critical is parental consent for an abortion?

Moms and Dads should play a critical role in these kinds of decisions. It is simply not acceptable for third parties with their own agenda and interests to circumvent the role of parents, particularly when the state of residence has reinforced these rights for parents. All to often third parties such as sexual predators and abortion providers take advantage of these girls for their own purposes, and the parents are left to deal with the consequences. When the long-term repercussions such as medical complications and depression set in, old boyfriends and abortion companies are not there for the child, instead the parents are left to suffer as they watch their daughters suffer.

Last September Eileen Roberts whose daughter was a victim of a non-parent assisted abortion, testified before the House Judiciary Committee about the horrors of this practice. She stated:

I am horrified that our daughters are being dumped on our driveways after they are seized from our care, made to skip school, lie and deceive their parents to be transported across State lines whether that distance be two miles or 100 miles. Where are these strangers when the emotional and physical repercussions occur? They are kidnapping another young adolescent girl and transporting her for another secret abortion, and thus the malicious activity occurs over and over. When will this activity stop? When will those responsible for these secret abortions be held accountable for the financial costs of emotional and physical follow-up care from a disastrous legal abortion?

I am reminded of the many young adolescent teens, especially Dawn from New York, whose parents were notified in time to make funeral arrangements after their daughter's legal abortion. Mrs. Ruth Ravenell and her husband were awarded $1.3 million dollars by the State of New York for the wrongful death of their 13-year-old daughter. Mrs. Ravenell, shared with me and the Senate Education and Health Committee in Richmond, VA that she sat in the hospital before her daughter died, with her hand over her mouth to help keep herself from screaming.

Eileen Roberts, whose daughter was encouraged by her boyfriend, with the assistance of an adult friend, to obtain a secret abortion without telling her parents. Eileen's daughter suffered from depression, medical complications, and sever pelvic inflammatory disease which caused the family terrible pain and suffering and cost $27,000 in medical bills.

Mr. Speaker, we must take action to protect our children from these attacks on the family. We must protect girls from being coerced to have an abortion without even their parents' knowledge. Children should not be transported across state lines for major medical procedures with the express intent to circumvent the laws and parental involvement. H.R. 476 will preserve the right of parents and will protect our children.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the bill.

The legislation we are considering today would prohibit anyone—including a step-parent, grandparent, or religious counselor—from accompanying a young woman across State lines for an abortion.

This is a dangerous, misguided bill that isolates our daughters and puts them at grave risk. Under this legislation, young women who feel they cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without help from any responsible adult. Some will seek dangerous back-alley abortions close to home. Others will travel to unfamiliar places seeking abortions by themselves.

Thankfully, most young women—more than 75 percent of minors under age 16—involve their parents in the decision to seek an abortion. That's the good news. And as a mother and a grandmother, I hope—as we all hope—that every child can go to her parents for advice and support.

But not every child is so lucky. Not every child has loving parents. Some have parents who are abusive or simply absent. Now, I believe that those young women who cannot go to their parents should be encouraged to involve another responsible adult—a grandmother, an aunt, a rabbi or minister—in what can be a very difficult decision.

Already, more than half of all young women who do not involve a parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve another adult relative. That's a good thing. We should encourage the involvement of responsible adults in this decision—be it a step-parent, aunt or uncle, religious minister or counselor—not criminalize that involvement. Unfortunately, this bill will impose criminal penalties on adults—like grandmothers who come to the aid of their granddaughters.

I am a grandmother of six—and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As much as we might wish otherwise, family communication and open and honest parent-child relationships cannot be legislated. When a young woman cannot turn to her parents, she should certainly be able to turn to her grandmother or a favorite aunt for help. Unfortunately, this legislation tells young women who cannot tell their parents: don't tell anyone else.

Parental consent law do not force young women to involve their parents in an hour of need. We know that it can do just the opposite. Indiana's parental consent law drove Becky Bell away from the arms of her parents and straight into the back alley. Parental consent laws don't protect our daughters—but they can kill them. They don't bring families together—but they can tear them apart. And so I ask, why can't we do more to bring families together, and to keep our people safe?

I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to teach teenagers to be abstinent and responsible. And we need a comprehensive approach to keeping teenagers safe and healthy. We do not need a bill that isolates teenagers and puts them at risk. I urge my colleagues to vote no on this legislation.

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 more than thirty 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 states' 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 issues, 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 H.R. 476. H.R. 476 amends title 18, Untied States Code, to prohibit taking minors across State line 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 the 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, H.R. 476.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support a common-sense bill to empower parents and protect children. The Child Custody Protection Act is first, last and always about the youngest and most vulnerable members of our society.

Girls under the age of eighteen should be protected from people who set out to break a state's law—especially when the decision is one that can never be reversed.

States have wisely enacted parental consent and notification laws to ensure mothers and fathers are fully involved in their children's lives. Just as they have control whether or not to permit an aspirin to be dispensed to their son or daughter in school, the parent-child relationship must not be undermined on the subject of abortion.

There is an abundance of evidence from the Yellow Pages to prove abortion clinics advertise to minor girls. ''No parental consent needed'' caters to the out-of-state girl who is often scared and confused. Children should not have their parents' counsel replaced by the phone book.

I commend the sponsors and supporters of this legislation—both Democrat and Republican—and urge passage of the bill.

Ms. BROWN of Florida. Mr. Speaker, I rise today in strong opposition to this bill. While the other side likes to call this bill the Child Custody Protection Act, I have named it the Rapist and Incest Perpetrator Protection Act. This bill does not protect girls and their families. This bill protects the rights of those who rape and molest young girls by forcing these vulnerable girls to gain permission from the very person who has committed this awful crime to exercise her constitutionally protected right.

The fact is that over 60 percent of parents now are already involved in this important decision of their daughters' lives. But if a parent is the perpetrator of a crime against these girls, and she turns to a grandparent or a teacher or a religious leader for help, that grandparent or religious leader can be dragged off to jail for doing what is right.

Under this bill, if a man from my state of Florida helped his younger sister across state lines to Georgia because she feared telling her abusive parents or because the clinic in Georgia was actually closer and more convenient, this older brother could be charged with a felony. Not only that, but anyone who knew that he helped her could be charged as a co-conspirator. The receptionist at the clinic who gave directions from Florida could be charged. The person performing the intake interview or counseling who knew of her Florida address would be charged. If they spent the night at an aunt's house in Georgia, that aunt could also be thrown in jail.

This is wrong. This bill is wrong. The government cannot mandate healthy and open family communications where it does not already exist. If passed into law, this bill will cause many young women to face very important decisions alone, without any help. I urge Members to vote overwhelmingly against this bill.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Child Custody Protection Act. This parental rights legislation prohibits the transportation of a minor across state lines to obtain an abortion if the requirements of a law in the state where the individual resides requiring parental involvement in a minor's abortion decision are not met before the abortion is performed. Twenty-seven states require parental consent or notification of minors seeking to abort their babies. It is a shame that as we are working to promote parental involvement, their rights are being activity circumvented.

News reports and published studies reveal that large numbers of minors are crossing state lines to obtain abortions, and many of these cases involve adults rather than parents transporting the minors. This is especially worrisome when the pregnancy is a result of statutory rape. Not only are our daughters being preyed upon by older men, but they are further psychologically damaged by having to obtain an abortion without even the support of their parents. A California study found that two-thirds of the girls were impregnated by adult, postschool fathers with a median age of 22. It is estimated that 58 percent of the time girls seek an abortion without parental knowledge, they are accompanied by their boyfriend. Even those of you who support the supposed ''choice'' to abort babies cannot be in favor of the intimidation of teenage girls by older males.

The Child Custody Protection Act is not a federally parental involvement law; it merely ensures that state laws are not evaded through interstate activity. It does not encroach upon state powers, but reinforces them. Pennsylvania is one of the states with parental notification requirements. The Pennsylvania appeals court noted, ''although a parent's right to make decisions for her child is tempered in the instance of abortion, at least in Pennsylvania that parent has the legitimate expectation that procedural safeguards designed to protect the minor will be observed.'' Parents in Pennsylvania and 27 other states need our help to guaranteeing that these laws are upheld.

Parental rights protect not only parents but minors as well. We have all read numerous studies indicating the benefits of parental involvement in a child's education. Parental involvement and guidance in life is even more critical. Pregnancy is a life changing experience, especially for teenagers, and we should not further distance them from their parents at a time when they need as much support and love as they can get. We cannot allow parental rights to be bypassed. I encourage my colleagues to join me in support of the Child Custody Protection Act.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed that today we will vote on H.R. 476, the so-called ''Child Custody Protection Act.'' This anti-choice bill would dangerously criminalize help from relatives and close friends who assist young women struggling with the most difficult personal challenges.

I wish that every child was in a loving family that they could turn to first. The facts are, however, that many young women do not have that type of relationship with their parents and in too many cases we have seen the actual problem caused by abusive close family members.

People who would deny women reproductive choice have altered their tactics to chip away at women's reproductive freedoms; this is one of the most insidious examples. This bill would limit the choices for the most desperate women and is part of an overall anti-choice strategy that I reject.

Draconian measures like H.R. 476 often have unintended consequences that can lead to desperate actions with dire consequences for the mental health and physical well-being of our nation's young women.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to H.R. 476, the Child Custody Protection Act because the bill is unconstitutional, dangerous, anti-family, and incredibly broad.

1. The bill is blatantly unconstitutional in at least three respects:

First, the bill violates minors' due process rights by increasing their risk of physical harm. This violates the principles of Carey v. Population Services, where the Supreme Court held that a state may not seek to deter sexual activity by ''increasing the hazards attendant on it.''

Second, H.R. 476 contains an inadequate exception to protect women's lives, and it does not have any exception to protect a woman's health—in clear violation of Planned Parenthood v. Casey.

Finally, the bill violates the Privileges and Immunities Clause by denying citizens the right to travel freely and enjoy the legal rights of citizens of other states. In violation of these principles of federalism, the bill saddles a young woman with the laws of her home state no matter where she travels in the country.

2. The bill is also dangerous because it takes away from young women safe alternatives to parental involvement—such as turning to close relatives, close family friends, and religious counselors—and replaces them with life-endangering ones, such as hitchhiking, self-induced, or back-alley abortions. If you don't believe me, ask Becky Bell's family. She died from a back alley abortion as a result of Indiana's parental consent law when she was afraid of confiding in her family.

The bill will inevitably lead to increased family violence. We know that one-third of teenagers who do not tell their parents about a pregnancy have already been the victim of family violence. We also know that the incidence of family violence only escalates when a teenage daughter becomes pregnant. This bill will only exacerbate those problems.

3. In addition, the bill is anti-family because it will turn family members into criminals. In a state that requires the consent of both parents, a single parent who takes a child across state lines would be subject to criminal charges, even if the other parent was estranged or their whereabouts were unknown. Grandparents would also be subject to prosecution, even if they were the child's primary caregiver.

4. Finally, the legislation is incredibly broad. Supporters of this bill claim to be targeting predatory individuals that force and coerce a minor into obtaining an abortion. However, the net cast by this bill is far broader and far more problematic. Under the legislation, anyone simply transporting minor could be jailed for up to a year or fined or both. Any bus driver or taxi driver unaware that the young woman has not engaged a formal parental involvement process could conceivably be sent to jail under this prohibition. The same applies to emergency medical personnel who may be aware they are taking a minor across state lines to obtain an abortion, but would have no choice if a medical emergency were occurring.

What we have is yet another shortsighted effort to politicize a tragic family dilemma that does nothing to respond to the underlying problem of teen pregnancies or dysfunctional families.

I urge the Members of vote ''no'' on this simple-minded, dangerous, and misguided legislation.

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

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

Pursuant to House Resolution 388, the bill is considered read for amendment, and the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill H.R. 476 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 4, after line 7, insert the following:

''(3) The prohibitions of this section do not apply with respect to conduct by an adult sibling, a grandparent, or a minister, rabbi, pastor, priest, or other religious leader of the minor.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes in support of her motion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was just listening to a discussion that reminded me that we have come repeatedly to the floor to discuss this issue, and I do not intend by this motion to recommit any of the debate that has preceded us to diminish the consciousness and the sense of dedication and commitment that our colleagues have when they come to the floor of the House; but I believe that it is extremely important that this Congress, this House, reach to their higher angels, and understand that there are people who suffer every day, whose lives may be different from those of us who have spoken today.

I have heard women in this debate mention their family members, their children and the relationships they have. I have a 22-year-old daughter and 16-year-old son, and we work very hard to keep the lines of communication open, being there for them. If they were talked to by someone else, they might say on some things I want to not speak to parents who are loving and nurturing, of which my husband and myself believe that we try to be. I could not give you a response. I know what we try to do as a family.

But even in the instance where we try, what about the reality of life? What the majority is doing today, Mr. Speaker, is ignoring their own proposition, which says we have a responsibility to protect a child from someone who may be putting his interest ahead of the child's at a most vulnerable time. Those are words by the majority leadership. Yet this bill does that. It takes the political and moral views of the majority and imposes them on young women who may not feel the same way.

This motion to recommit says this. This is a motion to recommit that no one should oppose, and that is that the prohibitions of this section do not apply with respect to the conduct by an adult sibling, a loving sister or brother, a loving grandparent, a minister, rabbi, pastor, priest or other religious leader of a minor.

Mr. Speaker, life is real; and I do not know if many of you are aware of lives that young people live. Thirteen-year-old Anita lives with her grandmother, Joy, who she calls Momma. After noticing that Anita had become withdrawn and observing changes in her sleeping and eating patterns, Grandma Joy, Momma, suspected that Anita was pregnant.

At first Anita denied she could be pregnant. Joy finally got Anita to open up, and Anita revealed, Mr. Speaker, that she had been raped. Anita could not stop crying, shaking and vomiting as she told Joy the story; and she told Joy that she did not want to have a baby, because Anita was 13 years old.

Anita was raped. Anita was not engaging in frivolous sex. She was raped. Fortunately, Joy and Anita do not live in a State with parental consent, because Anita's mother is a drug addict, Mr. Speaker. She is part of America's society, but she is not a mother who is able to counsel with this young girl.

Had Joy and this mother lived in another State, this young girl, who had already been so traumatized by rape, would have further been harmed by parental involvement, but even more so harmed by this Federal law that would keep Momma, Momma, who this little girl lives with, from taking her to a place of safe haven, where they might have consulted with their religious leader, and little Anita to be able to rebuild this young girl's life. Raped.

This bill does not answer the health of the child. This bill does not confront the reality of American life, where children live in homes where there is no parent. This bill does not confront the constitutional rights of children and choice and the right to privacy.

This motion to recommit, Mr. Speaker, is a fair motion. How can anyone in this body vote against a grandparent, a loving adult sibling, a minister, a rabbi or pastor or priest or religious leader who would guide and consult with the family? These are the very same rights and privileges that we give to all who claim to live in the bounty of this land.

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This is tragic. It is well known that young people live alone as well, like the one I mentioned, April, the single mother, 16 years old, of a 2-year-old child and whose stepfather abused her and, therefore, no relationship with the natural mother.

We are denying the privileges of a familial situation, and I would ask my colleagues who value this legislation as family values, where is your heart to match the family values? Where is it reasoned that you would deny that grandmother and that adult sibling and that ministerial or that religious leader from helping to protect the constitutional rights that exist?

Mr. Speaker, I ask my colleagues to instruct by a motion to recommit this bill to go back and be able to emphasize family values for real, with a heart.

Mr. Speaker, I am very disappointed. Here we are, adult legislators who raise families and promote family unity. But yet this bill before us alienates young adolescents from their families and people that care about them.

H.R. 476, the Child Custody Protection Act, would criminalize anyone transporting a minor across state lines if this circumvents the state's parental involvement laws.

While I strongly oppose this bill, I offered amendments in Committee that would have at least given a young woman the support of a family member or clergy person during this time. Except that the Democrats were not allowed to offer any amendments to soften the effects of this family-destructing bill. Amendments were the only chance for this bill to assure that the young woman who decides to get an abortion, for whatever reason, has the support of a loving family member or respected member of the clergy. She should not do it alone when she can't. The Majority said that ''very often, parents are the only ones that know their child's psychological and medical history. Not consulting with parents can lead to health and safety risks.'' On the contrary, this bill is detrimental to young women's health.

First of all, legal abortions, particularly early in pregnancy, are very safe—safer than carrying a pregnancy to term. Secondly, studies demonstrate that minors are capable of making competent medical decisions without parental involvement. Further, states that do not permit minors to consent to abortion do permit them to consent to childbirth. If the true purpose of this bill is to protect children rather than to impose another obstacle on young women's right to choose, this anomalous result would be resolved here today.

The Majority continues by saying, ''We have a responsibility to protect a child from someone who may be putting his interest ahead of the child's, at a most vulnerable time.'' This is what this bill does. It takes the political and moral views of the Majority and imposes them on young women who may not feel the same way. If we are concerned about promoting healthy family communication and family values, we will not accomplish that with this bill. Many young women who feel they cannot seek the counsel of their parents turn to other trusted family members when they face a crisis pregnancy. As a matter of fact, one study found that 93% of minors who did not involve a parent were accompanied by someone else in the reproductive health facility.

This bill would criminalize the conduct of a grandmother who helps her granddaughter in time of need. Aunts, uncles, and other trusted family members would face imprisonment if they accompany a young relative across state lines without complying with her home state's parental involvement law. This bill would isolate young women from supportive and protective family members rather than uniting families.

If my colleagues on the other side of the aisle really believe in family unity and cared about their health, then they would have been amenable to the amendments that we attempted to make in order.

That is why I am offering this motion to recommit. Our ultimate goal is to provide access to health care that is in the best interest of the adolescent. This bill prohibits that. My motion is to send this back to the House Judiciary Committee and report back exempting adult siblings, a grandparent, or a religious leader who helps a young woman in this situation. These are adults who care for adolescents and would offer assistance when confiding in their parents is not feasible. My colleagues on the other side say that this bill protects minors who cannot tell their parents because minors can appear before judges and bypass any parental involvement law. Judicial bypass procedures often pose formidable obstacles to young women facing crisis pregnancies. Some anti-choice judges routinely deny minors' petitions.

For example, a judge in Toledo, Ohio, denied permission to a 17-year-old woman—an 'A' student who planned to attend college and who testified that she was not financially or emotionally prepared for motherhood at the same time. The judge stated that the young woman had ''not had enough hard knocks in her life.''

Mr. Speaker, if we really care about the health and well-being of our young citizens, then we must send this bill back.

Mr. CHABOT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, these individuals that are referred to in this motion to recommit, siblings and grandparents and religious leaders, ministers, that sort of thing, do not have the authority now to authorize any medical procedures for a minor child or to council or guide that child as she makes important medical decisions. So why should the fundamental rights of parents to consult and advise their pregnant daughters be thrown aside, only in the context of abortion?

The purpose of this bill is to ensure that the rights of parents to be involved in their daughter's abortion decision is not interfered with. Judicial bypass procedures contained in all parental notice and consent statutes allow a pregnant minor in some circumstances to obtain an abortion without having notified or gained the consent of her parent or legal guardian in cases of sexual abuse or incest and those types of things, for example. Those who want to add these exemptions have a fundamental problem with the underlying State laws that only provide parents a right to consent to or receive notice of this procedure. The inclusion of these individuals is a matter for each individual legislature to decide, not Congress.

The purpose of H.R. 476 is to enforce State laws as they are. If extended family members or religious leaders are truly interested in the best interests of the pregnant young girl, they will encourage and support her as she takes the difficult step to either inform her parents or guardian about her pregnancy, or to pursue a judicial bypass. It is certainly not in the best interests of a pregnant young girl for anyone, including a religious leader or extended family member, to assist her in evading the laws of her home State and secretly transporting her miles away from those who love her most in order to undergo a potentially dangerous procedure that carries with it serious medical consequences, serious long-term consequences.

Parents are in the best position to make decisions about their minor children. Parents have their children, they love their children, they nurture their children, they care for them. They are in the best position, not anybody else.

For these reasons and others, I urge my colleagues to vote against this motion to recommit.

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong opposition to this motion.

I would remind my colleagues that this motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) is essentially the same as the one that was offered back in 1999, and it was defeated by this body 164 to 268. This motion again seeks to cut out the parent. And the parent, as the gentleman from Ohio (Mr. CHABOT) just pointed out—not the religious leader, not some grandparent, not a sibling that happens to be an adult—is the legal guardian. If there is a problem, if there is some kind of injury that results as a result of that abortion, who is responsible? It is not going to be the brother or the sister. It is certainly not going to be the grandparent. It will be the parent. We should not cut the parent out of parental involvement by refusing them consent or knowledge about an abortion.

Mr. Speaker, this legislation has been very carefully crafted by the gentlewoman from Florida (Ms. ROS-LEHTINEN) and members of the Committee on the Judiciary. This is a killer motion, and I hope it will be defeated.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of the motion to instruct conferees on the issue of payment limitations which the distinguished gentleman from Michigan (Mr. SMITH) has offered.

It is clear that strong payment limitation language would improve the integrity of the farm program payments and help to retain public support for these programs essential to rural areas. Making this change will also help prevent the overwhelming consolidation of farms that has resulted in a decrease in small- and medium-sized family farm operations. The savings achieved from this provision could then be directed to other worthwhile agricultural programs.

A survey conducted by 27 land grant universities found that 81 percent of the agricultural producers across the country supported placing limits on support payments thereby directing dollars to where they are actually intended. Furthermore, a 2001 General Accounting Office report found that in recent years, more than 80 percent of farm payments were made to large- and medium-size farms. In 1999, for instance, 7 percent of the nation's farms—those with gross agricultural sales of $250,000 or more—received about 45 percent of the payments. With Congress facing so many spending priorities, we must demonstrate to our constituents that we are using taxpayers' money more efficiently.

It is important to note that this motion to instruct expresses support for redirecting these funds to agricultural research and conservation. Our choice is clear—we can continue to funnel millions of dollars to some of the wealthiest farms or we can make an investment in the future of agriculture which will benefit all producers and all Americans.

Mr. Speaker, this Member strongly supports the motion to instruct and encourages his colleagues to vote for it.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage, followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 15, as follows:

[Roll No. 96]

YEAS—173

Abercrombie	Gilman	Moore
Ackerman	Gonzalez	Moran (VA)
Allen	Green (TX)	Morella
Andrews	Greenwood	Nadler
Baca	Gutierrez	Napolitano
Baird	Harman	Neal
Baldacci	Hilliard	Olver
Baldwin	Hinchey	Owens
Barrett	Hinojosa	Pallone
Bass	Hoeffel	Pascrell
Becerra	Holt	Pastor
Bentsen	Honda	Payne
Berkley	Hooley	Pelosi
Berman	Houghton	Price (NC)
Biggert	Hoyer	Rangel
Bishop	Inslee	Rivers
Blagojevich	Israel	Rodriguez
Blumenauer	Jackson (IL)	Rothman
Boehlert	Jackson-Lee (TX)	Roybal-Allard
Bonior	Jefferson	Rush
Boswell	Johnson (CT)	Sabo
Boucher	Johnson, E. B.	Sanchez
Brady (PA)	Kaptur	Sanders
Brown (FL)	Kennedy (RI)	Sandlin
Brown (OH)	Kilpatrick	Sawyer
Capps	Kind (WI)	Schakowsky
Capuano	Kucinich	Schiff
Cardin	LaFalce	Scott
Carson (IN)	Lampson	Serrano
Carson (OK)	Langevin	Shays
Castle	Lantos	Sherman
Clay	Larsen (WA)	Simmons
Clayton	Larson (CT)	Slaughter
Condit	Lee	Smith (WA)
Conyers	Levin	Solis
Coyne	Lewis (GA)	Spratt
Crowley	Lofgren	Stark
Cummings	Lowey	Strickland
Davis (CA)	Luther	Sweeney
Davis (IL)	Lynch	Tauscher
DeFazio	Maloney (CT)	Thompson (CA)
DeGette	Maloney (NY)	Thompson (MS)
Delahunt	Markey	Thurman
DeLauro	Matheson	Tierney
Deutsch	Matsui	Towns
Dicks	McCarthy (MO)	Udall (CO)
Doggett	McCarthy (NY)	Udall (NM)
Dooley	McCollum	Velazquez
Engel	McDermott	Visclosky
Eshoo	McGovern	Waters
Etheridge	McKinney	Watson (CA)
Evans	Meehan	Waxman
Farr	Meek (FL)	Weiner
Fattah	Meeks (NY)	Wexler
Filner	Menendez	Woolsey
Ford	Millender-McDonald	Wu
Frank	Mink	Wynn
Frost		
Gephardt		

NAYS—246

Aderholt	Boehner	Calvert
Akin	Bonilla	Camp
Armey	Bono	Cannon
Bachus	Boozman	Cantor
Baker	Borski	Capito
Ballenger	Boyd	Chabot
Barcia	Brady (TX)	Chambliss
Barr	Brown (SC)	Coble
Barton	Bryant	Collins
Bereuter	Burr	Combest
Berry	Burton	Cooksey
Bilirakis	Buyer	Costello
Blunt	Callahan	Cox

Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bartlett
Clement
Clyburn
Dingell
Hastings (FL)
Jones (OH)
LaTourette
Miller, George
Pryce (OH)
Ryan (WI)
Taylor (MS)
Taylor (NC)
Thornberry
Traficant
Watt (NC)

□ 1344

Messrs. KILDEE, RAHALL, ORTIZ, MCNULTY, BILIRAKIS and STUPAK changed their vote from ''yea'' to ''nay.''

Mr. GILMAN, Ms. SANCHEZ, and Messrs. GREENWOOD, SHAYS, and FORD changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. LANGEVIN. Mr. Speaker, my vote was recorded incorrectly on the motion to recommit on H.R. 476. My vote would be a ''no'' on the motion to recommit.

The SPEAKER pro tempore (Mr. LINDER). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:

[Roll No. 97]

AYES—260

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley
Frank
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kind (WI)
Kirk
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Barcia
Callahan
Clement
Clyburn
Dingell
Dunn
Hastings (FL)
Jones (OH)
LaTourette
Pryce (OH)
Thornberry
Traficant
Watts (OK)

□ 1354

So the bill was passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 97, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. WATTS of Oklahoma. Mr. Speaker, my vote was not recorded on the Child Custody Protection Act, vote No. 97. I ask that the RECORD reflect that had my vote been recorded, I would have voted ''aye.''

Mr. BARCIA, Mr. Speaker, due to an unavoidable conflict I was unable to cast a vote on rollcall No. 97, question: on passage of H.R. 476, the Child Custody Protection Act. I ask that the RECORD reflect that if I were able to cast my vote it would have been ''aye.''

Ms. KILPATRICK. Mr. Speaker, I inadvertently voted "yea" on final passage of the Child Custody Protection Act (rollcall vote 97) when I meant to vote "no." Please let the RECORD reflect my true intention and note this statement in the appropriate place in the CONGRESSIONAL RECORD.

THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. KENNEDY of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 51, not voting 22, as follows:

[Roll No. 98]

AYES—361

Ackerman	Coyne	Green (WI)
Akin	Cramer	Grucci
Allen	Crenshaw	Gutierrez
Andrews	Crowley	Hall (OH)
Armey	Cubin	Hall (TX)
Baca	Culberson	Hansen
Bachus	Cummings	Harman
Baker	Cunningham	Hart
Baldacci	Davis (CA)	Hastings (WA)
Baldwin	Davis (FL)	Hayes
Barcia	Davis (IL)	Hayworth
Barr	Davis, Jo Ann	Herger
Barrett	Davis, Tom	Hill
Bartlett	Deal	Hilleary
Barton	DeGette	Hinchey
Bass	DeLauro	Hinojosa
Becerra	DeMint	Hobson
Bentsen	Deutsch	Hoeffel
Bereuter	Diaz-Balart	Hoekstra
Berkley	Dicks	Holden
Berman	Dooley	Holt
Berry	Doolittle	Honda
Biggert	Doyle	Hooley
Bilirakis	Dreier	Horn
Bishop	Duncan	Hostettler
Blumenauer	Dunn	Houghton
Blunt	Edwards	Hoyer
Boehlert	Ehlers	Hulshof
Boehner	Ehrlich	Hunter
Bonilla	Emerson	Hyde
Bono	Engel	Inslee
Boozman	Eshoo	Isakson
Boswell	Etheridge	Israel
Boucher	Evans	Issa
Boyd	Everett	Istook
Brady (TX)	Farr	Jackson (IL)
Brown (OH)	Fattah	Jefferson
Brown (SC)	Ferguson	Jenkins
Bryant	Flake	John
Burr	Fletcher	Johnson (CT)
Burton	Foley	Johnson (IL)
Buyer	Forbes	Johnson, E. B.
Callahan	Ford	Johnson, Sam
Calvert	Frank	Jones (NC)
Camp	Frost	Kanjorski
Cannon	Gallegly	Kaptur
Cantor	Ganske	Keller
Capito	Gekas	Kelly
Capps	Gephardt	Kennedy (RI)
Cardin	Gibbons	Kerns
Carson (IN)	Gilchrest	Kildee
Castle	Gillmor	Kilpatrick
Chabot	Gilman	Kind (WI)
Chambliss	Gonzalez	King (NY)
Clay	Goode	Kingston
Coble	Goodlatte	Kirk
Collins	Gordon	Kleczka
Combest	Goss	Knollenberg
Conyers	Graham	Kolbe
Cooksey	Granger	LaFalce
Cox	Graves	LaHood
Lampson	Ose	Sherwood
Langevin	Otter	Shimkus
Lantos	Owens	Shows
Larson (CT)	Oxley	Shuster
Latham	Pascrell	Simmons
Leach	Pastor	Simpson
Lee	Paul	Skeen
Levin	Payne	Skelton
Lewis (CA)	Pelosi	Slaughter
Lewis (KY)	Pence	Smith (NJ)
Linder	Peterson (PA)	Smith (TX)
Lipinski	Petri	Smith (WA)
Lofgren	Phelps	Snyder
Lowey	Pickering	Souder
Lucas (KY)	Pitts	Spratt
Lucas (OK)	Platts	Stark
Luther	Pombo	Stearns
Lynch	Pomeroy	Stenholm
Maloney (CT)	Portman	Stump
Maloney (NY)	Price (NC)	Sullivan
Manzullo	Putnam	Sununu
Markey	Quinn	Tancredo
Mascara	Radanovich	Tanner
Matheson	Rahall	Tauscher
Matsui	Ramstad	Tauzin
McCarthy (MO)	Rangel	Taylor (NC)
McCarthy (NY)	Regula	Terry
McCollum	Rehberg	Thune
McCrery	Reyes	Thurman
McGovern	Reynolds	Tiahrt
McHugh	Riley	Tiberi
McInnis	Rivers	Tierney
McIntyre	Rodriguez	Toomey
McKeon	Roemer	Towns
McKinney	Rogers (KY)	Turner
Meehan	Rogers (MI)	Upton
Meeks (NY)	Rohrabacher	Velazquez
Mica	Ros-Lehtinen	Vitter
Millender-McDonald	Ross	Walden
	Rothman	Walsh
Miller, Dan	Roukema	Wamp
Miller, Gary	Roybal-Allard	Waters
Miller, Jeff	Royce	Watkins (OK)
Mink	Ryan (WI)	Watson (CA)
Mollohan	Ryun (KS)	Watt (NC)
Moran (KS)	Sanchez	Watts (OK)
Moran (VA)	Sanders	Waxman
Morella	Sandlin	Weiner
Murtha	Sawyer	Weldon (FL)
Myrick	Saxton	Weldon (PA)
Nadler	Schiff	Wexler
Napolitano	Schrock	Whitfield
Neal	Scott	Wilson (NM)
Ney	Sensenbrenner	Wilson (SC)
Northup	Serrano	Wolf
Norwood	Sessions	Woolsey
Nussle	Shadegg	Wynn
Obey	Shaw	Young (AK)
Ortiz	Shays	Young (FL)
Osborne	Sherman	

NOES—51

Aderholt	Hefley	Peterson (MN)
Baird	Hilliard	Sabo
Blagojevich	Jackson-Lee (TX)	Schaffer
Bonior		Schakowsky
Borski	Kennedy (MN)	Strickland
Brady (PA)	Kucinich	Stupak
Brown (FL)	Larsen (WA)	Sweeney
Capuano	Lewis (GA)	Taylor (MS)
Condit	LoBiondo	Thompson (CA)
Costello	McDermott	Thompson (MS)
Crane	McNulty	Udall (CO)
DeFazio	Meek (FL)	Udall (NM)
Delahunt	Menendez	Visclosky
English	Miller, George	Weller
Filner	Moore	Wicker
Fossella	Oberstar	Wu
Green (TX)	Olver	
Gutknecht	Pallone	

NOT VOTING—22

Abercrombie	Doggett	Rush
Ballenger	Frelinghuysen	Smith (MI)
Carson (OK)	Greenwood	Solis
Clayton	Hastings (FL)	Thomas
Clement	Jones (OH)	Thornberry
Clyburn	LaTourette	Traficant
DeLay	Nethercutt	
Dingell	Pryce (OH)	

□ 1402

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1403

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646 tomorrow.

The form of the motion is as follows:

Mr. DOOLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed:

(1) to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba.

PERMISSION FOR SPEAKER TO POSTPONE FURTHER CONSIDERATION OF MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that during consideration of the motion to instruct offered by the gentleman from Michigan (Mr. SMITH), the Chair may postpone further consideration of the motion to a time designated by the Speaker.

The SPEAKER pro tempore (Mr LAHOOD). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from Arkansas (Mr. BERRY) will be recognized for 30 minutes each.

The Chair will also announce that at 2:45 we will conclude temporarily the business of the House. So if we are not finished, we will come back to it.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to yield