

defeat of the monstrous Nazi war machine. Ultimately, German forces retreated into Austria, the Soviet Army arrived liberating Budapest.

Mr. Speaker, in a more direct and perhaps more personal sense than some of my colleagues here in the House, I have the greatest respect and admiration for the sacrifices of American soldiers and American pilots, many of whom give their lives in this epic battle against the evil forces of Adolph Hitler. In many ways, Mr. Speaker, victory in Europe in May 1945 marked more a beginning than an end.

It marked the end of the Nazi threat to freedom, but marked the beginning of a new United States involvement in Europe. As the Cold War began even before the guns of the Second World War became silent, the United States worked with our European allies to defend freedom from the Soviet Union with the Berlin airlift, the establishment of NATO, and strong American support for European cooperation which finally led to the establishment of the European Union.

As we look back on May 1945, at the exhilaration and camaraderie that we all shared at that time, I regret that some of that unity and cooperation has vanished. I regret that some of the countries that were liberated by the shedding of American blood in Normandy, and hundreds of other battlefields across the continent, are now cynically critical of our actions and obstructive of our efforts.

Our fight against terrorism is no less a struggle for our common freedom and democratic way of life than was the fight against Nazi Germany.

Mr. Speaker, I owe my life to the American military, and to the military forces of the other allied countries who liberated Europe at an enormous cost. I am honored to join in paying tribute to the men and women who served in Europe during World War II and in remembering them on this 60th anniversary of the liberation of Europe.

This was truly the Greatest Generation. And I urge my colleagues to support this resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back, I just want to thank the gentleman from California (Mr. LANTOS) again for his eloquent statement. He truly, he and his wife, Annette, are the personification of liberation. They are survivors of the Holocaust; and he just has been a great champion for human rights.

And so many Members of this body have served in World War II as well, including the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on International Relations, who served in the Pacific theatre and was very active in the liberation, obviously, against Imperial Japan.

But, again, I want to thank the gentleman from California (Mr. LANTOS)

for his leadership and his very eloquent statement.

Mr. NADLER. Mr. Speaker, 60 years ago the guns and bombs in Europe fell silent, and President Truman announced victory over Europe to a proud and free world.

I rise today to commemorate the 60th anniversary of this great and very important day, and to recognize the sacrifices and accomplishments of the men and women who so bravely served to defeat hate and aggression.

I join millions of people participating in thousands of events, in New York City, all across the United States, and around the world, in observing and honoring the courage of American service-members, allied soldiers, and home front workers.

During April 1945, allied forces led by the United States overran Nazi Germany from the west while Russian forces advanced from the east. On April 25, American and Russian troops met at the Elbe River. After 6 years of war, suffering, and devastation, Nazi Germany was formally defeated a few days later on May 8, 1945.

It was a bittersweet victory. Over 400,000 American soldiers died in World War II; 350,000 British soldiers gave their lives; and a staggering 20 million Russian soldiers and civilians perished in the war fighting German aggression on their home soil. The war also brought about the most horrendous systematic murder which humanity has ever known, the Holocaust.

In memory of all the victims of World War II, it is our duty to raise our voices as one and say to the present and future generations that no one has the right to remain indifferent to anti-Semitism, xenophobia and racial or religious intolerance.

This is an occasion to remember and commemorate. We must remember why the war was fought, remember the victims and heroes, and thank those who fought so hard and sacrificed so much.

V-E Day marked the promise of a peaceful future for a Europe ravaged by unspeakable horror and war. Although freedom did not come to every European nation following the defeat of Nazi Germany, today we stand at the threshold of a very hopeful future based on sovereignty, democracy, freedom and cooperation.

Mr. Speaker, I take this opportunity to honor those individuals who gave their lives during the liberation of Europe, to thank the veterans of World War II, and to commemorate the defeat of Nazism and Fascism by freedom-loving people.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 233, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. 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. Res. 233.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o'clock and 31 minutes p.m.

AUTHORIZING SPEAKER TO POSTPONE FURTHER PROCEEDINGS ON MOTION TO TABLE HOUSE RESOLUTION 253

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Chair be authorized to postpone further proceedings on a motion to lay on the table the Conyers resolution to a time designated by the Speaker.

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

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. CONYERS. Mr. Speaker, in accordance with my request of last Thursday, I offer a privileged resolution (H. Res. 253) as to a question of the privileges of the House and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

H. RES. 253

Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the "Child Interstate Abortion Notification Act," on Wednesday, April 13, 2005 and ordered the bill reported on that same day;

Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109-51;

Whereas, during the markup of H.R. 748, Representatives Nadler, Scott, and Jackson-

Lee offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

Whereas, because Representatives Nadler, Scott, and Jackson-Lee called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109-51;

Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109-51 by captioning these five amendments with inflammatory, inaccurate captions implying that these three Members of Congress condoned the criminal behavior of "sexual predators";

Whereas, as one example, while an objective, nonargumentative description of one of Representative Nadler's amendments would read, "exempts a grandparent or adult sibling from the criminal and civil provisions of the bill," and is in fact the language the Committee on the Judiciary used to caption this amendment in past reports on this legislation, the caption in House Report 109-51 was instead, "Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor." (Similar problems occurred in describing amendments offered by Representatives Scott and Jackson-Lee);

Whereas, when Representative Sensenbrenner, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee on Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109-51;

Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

Whereas the vote captions published in House Report 109-51 appear to be purposefully inaccurate and misleading, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House; and

Whereas this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109-51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

Under rule IX, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as the designee of the majority leader, each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

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

Mr. CONYERS. Mr. Speaker, I rise to offer a resolution concerning the privileges of the House.

The deliberate misrepresentation of Members of the House of Representatives' amendments is unprecedented.

And I do this because the Committee on the Judiciary report on H.R. 748 mischaracterized amendments offered by Members in a way that distorted both the effect of the amendments and the intentions of the Members.

I offer this resolution to protect the rights of every Member in this body. None of us wants to see our amendments mischaracterized in a way that undermines our good faith. None of us wants to see our legislative work distorted in a way that diminishes our motives. I am not eager to bring this matter to the floor of the House, but I do so as a last resort to achieve a resolution that is fair and just.

There is little doubt in my mind that the amendment characterizations included in the committee report were distorting and damaging. Taking an amendment written to exclude grandparents and describing it as one protecting sexual predators crosses a line of good faith and comity so essential to the operation of this House.

Descriptions this pejorative are not only inappropriate; they are without precedent. This has never happened before in my memory. If we look at the RECORD, we will see that the three previous committee reports describing these amendments use neutral and objective terms. The same is true of the amendment descriptions prepared by the majority staff on the Committee on Rules as well as the majority staff on the Republican Conference.

I cannot agree with the contention that the obligation should have been on the Members to draft these amendments more narrowly. The amendments were drafted in a careful and straightforward manner as they have been for each of the last four Congresses. The duty should not be on us to exclude categories of persons who have nothing to do with the underlying amendment.

Let me close by stating that the majority will not control this body forever. There will come a time when members of another party are the ones interpreting the rules, writing the committee reports, and explaining the amendments. Whoever controls this body tomorrow or next year, we will all be better off today if we do not rewrite each other's words or disparage each other's intentions.

I support this privileged resolution and urge the rest of my colleagues to do the same.

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

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

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I would like to ask if the distinguished chairman wishes to repeat his tactic of last week of waiting until everybody else has spoken and then mischaracterize what we have said so that we cannot reply to him.

Is that his intent today? Is that why he is reserving his time now so that he can speak after everybody else has spoken?

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

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

Mr. SENSENBRENNER. That is not my intent, Mr. Speaker.

Mr. NADLER. Mr. Speaker, is it his intent to let anybody on this side speak after he has spoken even if he closes?

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

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

Mr. SENSENBRENNER. Mr. Speaker, his side has the right to close as the proponents of the resolution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for his answer.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) stated the point of this resolution pretty accurately and I think completely.

I want to deal with some misstatements that have been made or have been reported to have been made in defense of this unconscionable, lying report of the committee. It was said on the floor of the House last week that the question is one of intent versus effect. My amendment was very simple. It said that grandparents and adult siblings of the person getting the abortion should not be subject to the provisions of the bill. It was reported as: "Mr. NADLER offered an amendment to provide sexual predators an exemption from the provisions of the bill if they were adult siblings or grandparents."

The fact is in the entire debate over that amendment, in fact, in the entire debate over all of the amendments, all of which were characterized as dealing with sexual predators, in the debate in the committee over those five amendments, no one, no one in the majority, no one in the minority mentioned the words "sexual predators." No one in the committee debate said this amendment might protect sexual predators. It did not occur to anybody. So on that level the report is dishonest, and the chairman or whoever else had anything to do with it owes this body an apology.

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

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

Mr. SENSENBRENNER. Mr. Speaker, I would refer the gentleman to the statement made by the gentleman from

Ohio (Mr. CHABOT) that is on the bottom of page 84 which talks about the potential of sexual predators.

Mr. NADLER. Mr. Speaker, reclaiming my time, that is not with respect to my amendment. That was with respect to another amendment. That was with respect to a different amendment.

In respect to my amendment, which was characterized as dealing with sexual predators, nobody mentioned the words "sexual predators" or raised that.

It has also been said that the intent may have been not with sexual predators; the intent may have been grandparents and siblings, but could a grandparent or a sibling be a sexual predator? In that eventuality this would protect sexual predators.

Yes, in that eventuality the amendment would protect sexual predators. But, of course, the bill itself said that the parents could sue, the parents could sue the doctor who performs the abortion or the person who transports the minor. But the parent could be a sexual predator. The pregnancy could have been caused by rape or incest. This would give the sexual predator the right to profit from his own predation.

I, in fact, offered a motion to recommit to correct that defect in the bill, but the majority voted it down. Why, I do not know. But they voted it down because apparently they wanted sexual predators, in the unlikely event that the parent was a sexual predator, to be able to sue. There is no other interpretation possible.

But, as I said last week, if someone wanted to say on the floor of the House or in the committee, as no one did in the committee, that one has not anticipated the rare eventuality that a grandparent would be a sexual predator and maybe they should amend the amendment, that would have been a fair comment. Fair comment in a debate. It is not a fair characterization of the amendment.

There is a clear difference between expressing views in a debate and saying that one's amendment could be used by a sexual predator under certain circumstances, which might be a fair comment. It would be fair comment to say those circumstances are so rare that we do not have to worry about them or they are right or whatever. It is different. It is different, it is dishonest, it is a disgusting rape of the rules of this House to characterize the amendment in a one-sentence report that this was an amendment dealing with sexual predators. No, it was not. It would be just as dishonest as if we reported the bill and said this was a bill to allow sexual predators to sue doctors.

□ 1745

The gentleman from Wisconsin (Mr. SENSENBRENNER) and everybody associated with this owes an apology to the House and a correction to the American people.

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

Mr. CONYERS. Mr. Speaker, can we inquire of the distinguished chairman of the Committee on the Judiciary, who has not used any of his time yet, how many speakers he has?

Mr. SENSENBRENNER. Mr. Speaker, we have five speakers.

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

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

Mr. Speaker, last week, the House overwhelmingly passed H.R. 748, the Child Interstate Abortion Notification Act, by a bipartisan vote of 270 to 157. One of the primary purposes of that common sense legislation is to prevent sexual abusers from taking vulnerable young girls across State lines for an abortion without telling the girl's parents.

At the Committee on the Judiciary markup on this bill, some Members offered amendments that would have created blanket exclusions from the criminal prohibitions in the legislation without any exceptions for those who would commit statutory rape or incest. The loopholes those amendments would have created could be exploited by the very sexual predators; that is, those who would exploit vulnerable young girls and commit statutory rape or incest whose conduct the bill is designed to bring to light. Those amendments were accurately described in the committee report. All of the amendments offered would have carved out exceptions that could be exploited by sexual predators who sought to destroy evidence of their crimes by secretly taking a minor without her parent's knowledge to another State to have an abortion.

The amendments offered by the minority would have created those blanket exclusions for certain large classes of people who are not a minor's parents. Those classes of people were "taxicab drivers, bus drivers, or others in the business of professional transport;" "clergy, Godparents, aunts, uncles, or first cousins of a minor;" and "grandparents or adult siblings."

If any of the people described in the amendments offered became involved with a minor in a sexually abusive way, they would have been flatly excluded from the criminal prohibitions of H.R. 748, one of the primary purposes of which is to prevent sexual predators from continuing to abuse minors undetected. That purpose is reviewed extensively in the committee report in an entire section entitled "CIANA Protects Minor Girls From Sexual Assault." The amendments offered at the Committee on the Judiciary markup were directly contrary to a primary purpose of the legislation. If the proponents of this resolution only understood that preventing sexual abusers from continuing to abuse a minor girl without a parent's knowledge is a primary purpose of H.R. 748, they would understand why the descriptions of their amendments are what they are.

If an amendment were offered to a bill that would make it a Federal crime to commit terrorist acts and an offered amendment would exclude conduct by, for example, taxi drivers, then that amendment would allow a taxicab driver to commit terrorist acts without being prosecuted. That would be an accurate description of such an amendment. In the very same way, those who happen to drive taxi cabs or work in the business of professional transportation should not be free to commit statutory rape and transport a minor across State lines to get an abortion without telling one of the girl's parents. And brothers, uncles, or Godparents should not be allowed to commit incest and then transport a young girl across State lines to get an abortion so evidence of their crimes are destroyed without telling one of the girl's parents about the abortion. There is nothing inaccurate with describing amendments that would do just that in just that way.

The incidence of statutory rape in this country is shocking. As a recent presentation given at a U.S. Department of Health and Human Services Conference on the Sexual Exploitation of Teens showed, of minor girls' first sexual experiences, 13 percent constitute statutory rape. Further, the younger a sexually experienced teen is, the more likely they are to experience statutory rape. Of sexually experienced teens age 13 or younger, 65 percent experienced statutory rape. Of those age 14, 53 percent experienced statutory rape. Of those age 15, 41 percent experienced statutory rape. And also, blacks and Hispanics are much more likely to experience statutory rape. Creating blanket exclusions in the bill for large categories of people would create a huge loophole in the legislation that statutory rapists could exploit.

Regarding family incest, one recent Law Review article summarized the research regarding the prevalence of sexual conduct among siblings as follows: "Brother-sister sexual contact may be five times as common as father-daughter incest." A survey of 796 New England college students revealed that 15 percent of females had a sexual experience with a sibling. Further, among those reporting sexual abuse, the incidence of abuse by cousins ranges from 10 percent to 40 percent among various studies; and 4.9 percent of women report an incestuous experience with an uncle before age 18; and 16 percent of rape victims are raped by relatives other than their father.

Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, cousins, and uncles would not protect young girls who are made victims of incest by their adult siblings, cousins, or uncles.

Further, pregnancy as a result of all these crimes is all too common. As one Pennsylvania court has pointed out, "25 percent of incest victims become pregnant. The ratio is greater among victims of incest than those of rape because incestuous conduct is usually

long-term and progressive, whereas rape is usually a one-time occurrence."

Another amendment offered at the Committee on the Judiciary markup of H.R. 748 accurately described the amendment as "creating an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill." That statement is true. That amendment would have created an opportunity for a sexual predator to escape conviction if they could make a showing to a Federal court that the judicial bypass provisions of the State law were somehow ineffective or somehow violated confidential information related to a minor's pregnancy.

If a sexual predator made a showing to the court of either of these issues, neither of which would expose the predator's crimes, then that sexual predator would completely evade the requirements of H.R. 748, which are designed to expose sexual predators and prevent future sexual abuse.

The final amendment offered was again accurately described in the committee report as an amendment that would have exempted from prosecution under the bill "those who aid the criminals who could be prosecuted under the bill." That is true as well. That amendment would have excluded from the bill anyone who did not commit an offense in the first degree. The consequences of adopting that amendment would have been to allow anyone who aided or abetted a criminal who ran afoul of the criminal prohibitions of H.R. 748 to instead get off scot-free.

In sum, the effect of the amendments offered as described in the committee report would have been to exempt cab drivers, other professional transporters, and certain relatives who are not parents, from the criminal prohibitions of H.R. 748, and that would have prevented the parents from knowing when those perpetrators of statutory rape or incest were secretly taking their children across State lines for an abortion to destroy evidence of their crimes.

Now, to be clear, all of the descriptions of the amendments in the committee report are descriptions of the amendments and not of the intent of anyone offering the amendments. These brief descriptions do not impugn the integrity or motivation of any Member offering the amendment; they simply describe the consequences, regardless of intention, of the amendments. The description of the amendments in the committee report were all phrased in the conditional; that is, they make it clear that the loopholes created by the amendments as written could be used by sexual abusers of vulnerable minors, and could be exploited by certain people if those people sexually abused vulnerable minors.

The text of the privileged resolution before us is patently false. The resolution states that the chairman of the Committee on the Judiciary "Explained that it was his purpose and in-

tention to include derogatory and inaccurate captions in House report 109-51." I have done nothing of the sort, of course, and that statement is entirely false, as I have explained already. The text of the resolution also claims that "the Committee on the Judiciary purposefully and deliberately mischaracterized the votes" at the Committee on the Judiciary markup. That too is false. Indeed, the tallies of the votes cast are accurately set out in simple table form in the committee report for all to see.

Further, the resolution contains no allegation whatsoever that any Rules of the House of Representatives were violated, even in spirit, because such is obviously not the case, even to the authors of the resolution.

Finally, I offered to amend the text of the descriptions of the amendments offered in the sections of the committee report entitled "vote of the committee," provided that those who offered the amendments acknowledged that, due to the way they were drafted, they opened the bill up to the harmful consequences of allowing sexual predators to exploit the loopholes such amendments would create in the bill.

Instead of admitting the obvious, and having the committee report amended to their liking, and moving on, they refused to do that because, for some reason, they felt they could benefit from extending the debate on this issue.

The minority had ample time to include dissenting views in the committee report, and they did so. For example, the minority views state that the Child Interstate Abortion Notification Act is "overtly hostile to families." The minority views in the committee report also describe the legislation as "antiphysician and antifamily." Further, the gentleman from New York (Mr. NADLER), over the years during which this bill has been debated, including this year, has gone so far as to claim that H.R. 748 is akin to the Fugitive Slave Act of 1850, which required the return of slaves to their owners in other States.

As the committee report describes, the gentleman from New York (Mr. NADLER) stated, "It seems to me what this bill is, is really akin to the Fugitive Slave Act of the 1850s where you are enabling one State in the south, which had slavery, to reach over into another State and say, we want our slave back." And that is at page 56 of the committee report. And, at the Committee on the Judiciary markup of H.R. 748 on April 13, 2005, the gentleman from New York (Mr. NADLER) stated, "This bill is the only situation that I can think of since the Fugitive Slave Act of the 1850s where we have a young person carry the law of one State on his back like a cross to another State, to enforce the law of the first State in the second State where it is not the law." That is at page 81.

The statement of the gentleman from New York (Mr. NADLER) directly equates parents with slaveholders. But

parental rights, which H.R. 748 protects, are not the rights of the slave owner. They are rights of loving and caring people: parents, who deserve a chance to work with their children through difficult times and express their love to their children in their children's moments of greatest need.

The Fugitive Slave Act was a catalyst for the Civil War, whereas the Child Interstate Abortion Notification Act passed with overwhelming bipartisan support in the 109th Congress by a vote of 270 to 157, including 54 Democrats who voted for the legislation. America's parents should not be considered slave owners and their children slaves. America's parents are caring, loving mothers and fathers who simply want to know when someone else, anyone else is taking their own daughter across State lines for an abortion.

Now, when I hear statements that equate America's parents with slave owners and statements that equate America's children to slaves, I will tell it as it is.

□ 1800

And when an amendment is offered that would allow a sexual predator to exploit a loophole in the bill directly contrary to that bill's purpose, I will also tell it as it is.

Now, with all of these facts, I would suggest we put this issue to rest and be thankful that the House passed, in an overwhelmingly bipartisan fashion, a bill that would protect the fundamental rights of parents and the safety of our minor daughters everywhere.

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

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is amazing to me that the chairman of the committee continues to smear other Members of the House on this floor. The bill says nothing about sexual predators. The words sexual predator or abusers do not appear in the bill, number 1.

Number 2, by the chairman's logic any bill on the floor of the House that gives veterans benefits or gives educational benefits, gives benefits to sexual predators as long as it does not specifically exclude them; and any such bill could be fairly described as a bill to give benefits to sexual predators.

Number 3, I did use that language that the chairman quoted about the Fugitive Slave Act, but I was not comparing parents to slave owners. I was saying that the two bills were similar in that both would use, and that was in the quote, both would use the power of the Federal Government to export the laws of one State into another, and all of these things are opinions. Opinions are fine in the views. They are not fine in the reports of the amendment. That is where the smear is.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), a senior Member in the House.

Mr. OBEY. Mr. Speaker, I very much respect the gentleman from Wisconsin (Mr. SENSENBRENNER); we are friends and have been for 30 years.

I voted for the bill that precipitated this debate. I voted with the gentleman for that bill. But this debate is not about that bill, and it is not about the issue of sexual predators. It is about whether or not we can trust each other to deal with each other with fairness and with accuracy. It is about whether or not the majority will use its power to unilaterally mischaracterize any effort by any Member of the minority.

I served a long time ago, and so did the gentleman from Wisconsin (Mr. SENSENBRENNER), with a fellow by the name of Bill Steiger. He was one of the great Members in the history of this House.

He spent a great deal of time trying to ensure that the CONGRESSIONAL RECORD accurately reflected what each and every Member said and did on this House floor. I think we owe it to his memory and the memory of others who fought the same battle, to remember, as this resolution says, that it is the long and established practice in the House for reports to describe recorded votes with objective, nonargumentative captions.

I agree with this resolution that the committee majority departed from that practice by captioning these five amendments with inflammatory captions. There is enough skill on the part of the majority staff of the Judiciary Committee to describe any amendment offered by any Member in a non-pejorative, non-argumentative way.

It is difficult to avoid the conclusion that the language used was intended to hurt the Member who offered it, not to provide an accurate description; and I do think the committee owes the minority an apology.

Mr. SENSENBRENNER. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 15 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 19 minutes remaining.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the resolution. H.R. 748, the Child Interstate Abortion Notification Act, makes it illegal to transport a minor across State lines for the purposes of getting an abortion. Now, transport is not defined in the bill.

When the Judiciary Committee marked up the bill, I offered an amendment which said simply that we should exempt taxicab drivers and others in the business of professional transport from the transportation provisions of the bill, because as written, it would be

a Federal crime for a taxicab driver to take a young woman who gets in a cab and says, take me to the abortion clinic so I can get an abortion.

If the taxicab driver complied with that task, he would be committing a Federal crime. Now, even if he were not prosecuted, there is a civil liability provision in the bill which exposes the cab driver and through the principles of agency, the entire cab company, to civil liability by the parents of the young woman who find out how she got to the clinic.

So let me read my amendment: "The prohibitions of this section shall not apply with respect to conduct of taxicab drivers, bus drivers or others in the business of professional transport."

However, the report in the markup filed by the majority described the amendment thusly: "Mr. SCOTT offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers or others in the business of professional transport."

Now, I will let the public decide whether or not that is a distortion. I believe that it is. But I would just say that if a prosecutor has evidence that a person is a sexual predator, the last thing they would do would be to go to this provision of the code, which is a misdemeanor, rather than the various felonies that they could prosecute the person for.

The amendment does not immunize a sexual predator from the crimes of being a sexual predator, just the provisions of this transportation provision which is just a misdemeanor.

Now, Mr. Speaker, let me just say, in any event, whatever you think of the bill, this distortion obviously speaks to character; but in my view, the descriptions in the committee report and the distortion of those amendments, particularly the one I just described, say more about the character of the person responsible for describing the amendment that way and the character of those trying to defend the distortion, than it does about my amendment.

I would therefore, Mr. Speaker, hope that we would pass the resolution so that the House will not be on record as condoning such misrepresentations.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman on the Subcommittee on the Constitution.

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

Last Wednesday this House passed H.R. 748, the Child Interstate Abortion Notification Act, CIANA. It was a bipartisan vote. It was 270 to 156; 63 percent of this House voted for this bill. And as was mentioned before, 54 Democrats, almost two-thirds of this House voted for this bill.

Now, enacting CIANA was critical. It is very, very important to better protect young girls from falling prey to abusive boyfriends and older men and ensuring that parents have the oppor-

tunity to be involved in their daughters' medical decisions.

CIANA accomplished this, both these purposes, first by making it a criminal offense to transport a minor across State lines in order to obtain an abortion in another State and avoiding a parental notification law in that State.

The second purpose is accomplished by requiring that a parent or legal guardian is notified that an abortion is going to be performed on their daughter. The bill was carefully crafted to prevent those who do not have the minor's best interests, and more than likely they have already committed statutory rape or incest, from being able to destroy critical evidence through an abortion.

Statistics demonstrate that the incident of statutory rape is occurring with increasing frequency. Moreover, the number of incest cases is becoming all too prevalent. The amendments that are at issue here that were offered during the full Judiciary Committee markup would have broadened the categories of individuals who could be exempted from the bill's reach, thus increasing the likelihood that these provisions could be exploited.

For example, the amendments offered to exempt taxicab drivers, as has been mentioned, bus drivers, and others in the business of public transport, clergy, godparents, aunts, uncles, first cousins of the minor, grandparents or adult siblings, it would have given any of those individuals who may be sexually abusing a young girl, in essence, a safe harbor, thus defeating the primary purpose of CIANA.

The characterizations of the amendments, as reflected in the committee report, accurately describe the safe harbor that would be afforded to abusive men through the amendments offered.

Now, was that the intention of the proponents of the amendments? Certainly not. But could it be the result, if the amendments had passed? Yes, it could. The American people overwhelmingly support laws that require parents to be notified before a minor has an abortion.

In March 2005, 75 percent of 1,500 registered voters indicated their support for parental notification laws. The fundamental rights of parents in parental notification laws are supported by Supreme Court precedent. Amendments that alter and allow these laws to be exploited should have been defeated, and they were.

I urge my colleagues to defeat this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I particularly want to thank the distinguished gentleman from

Michigan (Mr. CONYERS) for allowing us to debate today, really, the integrity of the House.

This debate is not about the underlying bill, H.R. 748. That is not what it is about. It simply is about those in power abusing power, taking advantage of the minority, and not telling the truth.

Frankly, the amendments that were offered, there is no language whatsoever that would equate to the description that was in the final report or the report of the particular committee.

In fact, as the resolution reads, although it is the long and established practice on House reports to describe recorded votes with objective, non-argumentative captions, the Committee on the Judiciary majority departed from the practice in House Report 109-51 by captioning those five amendments with inflammatory, inaccurate captions, implying that these three Members of Congress were engaging in criminal behavior.

Let me tell you that my constituents said to me, we are glad that you are concerned about grandparents and clergy. That is what the amendment was about. And the inaccuracy subjected the Members, the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER), and myself, to ridicule, and, of course, disparaging remarks in newspaper articles around the Nation.

Now, in the course of debate, we welcome the ability to debate passionately about these issues. We welcome the media's criticism about the accuracy of the work that we do in this body. But what we do not welcome is a direct mischaracterization of these actual words that were being written and put forward in the debate in the Judiciary Committee.

And so I would ask my colleagues to support this resolution, because, again, as you get up time after time to debate the underlying bill, Mr. Speaker, this is not the issue. The issue is, in the report, you mischaracterized three Members of Congress whose language did not say anything about what you represented it to be: Nothing about criminal behavior, simply to protect the rights of grandparents and clergy, simply to protect the rights of those who innocently might be carrying individuals across State lines.

I cannot imagine, in the history of this Congress, why an amendment offered by JACKSON-LEE that had to do with a GAO study turned out to be criminal behavior, or an amendment that had to do with clergy and grandparents turned out to be criminal behavior.

Mr. SENSENBRENNER, I would simply ask, in the sense of comity, collegiality, respect, that this be clarified and you ask your colleagues to support this privileged resolution, because the members of the Judiciary Committee must go back to Room 2141 in Rayburn and sit down and address the laws of this land and the Constitution of the United States of America.

We should not be divided on upholding the laws of this land because of the lack of judiciousness of the writing of a report that could be solved today.

Mr. Speaker, I ask my colleagues to support the privileged resolution to clarify the record and to make this right by the American people and the Members of the House.

Mr. Speaker, I rise in strong support of the resolution introduced by the Gentleman from Michigan, the distinguished Ranking Member of the Committee on the Judiciary, from where the underlying legislation was initially reported. In introducing this resolution, he has attempted to "set the record straight" with respect to House Report 109-51 and the way that it has been patently misrepresented and maligned the authors of amendments to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

Rule IX, paragraph (1) of the House Rules states that:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.

This resolution was properly and justifiably introduced because, in this case, the privileges of "dignity" and "the integrity of [the House's] proceedings" have been patently violated. To purposefully misreport the good-faith amendments that have been offered by Members of this venerable House debases the nature and trustworthiness of the House Report. After this debacle, Members will have to scan committee reports with a fine-toothed comb—not for substantive value, but for accuracy and veracity of their reporting value. This is the diminution of the dignity of the process. This is the diminution of the integrity of the House.

My distinguished colleagues have joined to introduce this resolution in order to make it clear to the American people that we do not associate ourselves with the misrepresented portions of House Report 109-51. I plan to offer a similar resolution that speaks specifically to the nature of the misreporting of amendments that I offered during the Committee markup of H.R. 748.

One point that my resolution will make is that House Report 109-51 not only improperly made negative inferences as to the import and intent of my amendments, but it combined two distinct and separately-offered amendments into one.

In terms of the personal privileges violated by the report, the misreporting—and the malreporting of the amendments offered by my colleagues Mr. SCOTT, Mr. NADLER, and me affected our rights, reputation, and conduct. As founder and Chair of the Congressional Children's Caucus, a report that cites an amendment offered by me that would exempt sexual predators from liability is at the very least offensive.

My constituents and the constituents of my colleagues do read House Reports, and the nefarious language that the Chairman avers as representative of his true intentions should be highlighted as contrary to the ideals on which this House, this government, and this nation were established.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to

please address their comments to the Chair and not to individual Members.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY.)

□ 1815

Mr. FEENEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am really disappointed that we have descended to this level because I have some great friends that I admire on the other side. The ranking member from Michigan is somebody who has had a distinguished career and I appreciate him. I appreciate the other Members who have spoken tonight and I respect them. I have enormous respect for the gentleman from Wisconsin (Mr. SENSENBRENNER).

We serve on a committee which is not a fluff committee. It often has, as the gentleman from Michigan (Mr. CONYERS) knows, some very controversial issues. And we typically deal with these issues as ladies and gentlemen with the highest respect for one another, even though we often vehemently disagree.

One thing we know is that last week, the United States House of Representatives overwhelmingly, on a bipartisan basis, passed House Resolution 748, the Child Interstate Abortion Notification Act.

One thing we know is that the purpose of this bill was to prevent sexual abusers from taking vulnerable young girls across State lines for the purpose of abortion without telling that young lady's, young woman's mom or dad.

Support for parental notification as we know is widely supported amongst the American public. As a matter of fact, in the State of Florida, which I respect, the people of Florida, amended our Constitution in 2004 and overwhelmingly passed an amendment to our Constitution that provides as follows, "The legislature is authorized to require by general law for notification to a parent or guardian of a minor before termination of the minor's pregnancy."

Now, Mr. Speaker, the Judiciary, during its mark-up which I participated in considered several amendments. I have to say that the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER) who spoke, the gentlewoman from Texas (Ms. JACKSON-LEE) are people that I respect enormously for their passion for their beliefs. They offered amendments. There is nothing in the committee report that disparages any of the intentions of these Members. The committee report does describe the effect of some of the amendments that are offered.

There is a huge difference between accurately describing the effect of an amendment and ascribing ill motives to the people who offered the amendments. These are people of great will, of great determination, of great passion, of great belief but we disagree. And as the chairman said, there is no

exception provided for grandparents who happen to molest a child, for taxicab drivers, for uncles, for nieces in any of the amendments that were offered.

And I did not speak on the amendments. As the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member said, there was not a whole lot of discussion about some of these amendments and that is try. Not because we did not understand the ramifications. We understood the effect. I did not speak at all because if every one of the members of the Committee on the Judiciary spoke for 5 minutes on each amendment as we are entitled, we would never get through our business protecting children who are impregnated by people that molest them.

And so we knew what we were voting on and the job of the committee staff is to describe the effect of the amendment, not the debate. That is what the CONGRESSIONAL RECORD does. That is what our ability when we insert language into the RECORD does. It is not the job of the committee staff.

As the chairman said, my friend from New York (Mr. NADLER) has frequently compared this bill to the Slave Holders Protection Bill in the 1850s. It is a very different story to protect parents and minor children that have been abused, sexually and molested and impregnated than comparing that to the rights of slave holders.

Comparing the rights of parents is something that Americans are for. Protecting the rights of slave holders is something Americans are against. And to compare that I think is very unfair.

I will say that the gentleman from New York (Mr. NADLER) is somebody I respect a great deal, but the effect of his amendment did not shield anybody that might have been an abuser or a molester of these children.

With that, I ask respectfully that the gentleman withdraw this motion. We can get back together and agree when we can. But, by golly, we would ask the gentleman from Michigan (Mr. CONYERS) to withdraw this privileged motion.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds. I want my friend, a member of the Committee on the Judiciary, the gentleman from Florida (Mr. FEENEY) to understand it is not about anything in the debate that took place to which we were objecting. It is about the entitlement of the amendments which were totally misconstrued.

Mr. Speaker, I yield 3 minutes the gentlewoman from California (Ms. ZOE LOFGREN), a member of the committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to defend the integrity of the House this evening. The established practice of the House regarding committee reports is to accurately and objectively describe the proceedings when a bill is considered in committee. These reports are historical products that are used to understand and determine the intent of a bill, opposition to

a bill, and to provide any additional information to understand the context of a bill reported by committees of the House.

In committee we argue and we disagree and we offer amendments and we vote. We may vote and disagree in committee, but when the report is issued it is supposed to be objective. This institution must uphold this established practice of describing a committee mark-up in an accurate and objective manner so that history is accurately documented and reported for generations to come. Unfortunately, that is not what happened last week when the Committee on the Judiciary reported H.R. 748 to the House floor with the committee report, House Report 109-51.

Republicans that ruled the Committee on the Judiciary mischaracterized five Democratic amendments in an extremely disparaging and distorting manner. When alerted to the misleading and inaccurate description of the amendment in the committee report, they refused to correct the mischaracterization.

Here is something I can say that would be true about H.R. 748. The bill could permit a father who raped his daughter to profit in a lawsuit against his minister. That is a true thing about that bill. It is an argument against the bill. But no one expects that argument against the bill to substitute for the name of the bill in the committee report.

In prior Congresses, Democratic amendments like these were described in neutral terms. The vote last week was about H.R. 748. The vote this week is about arrogance and abuse of power and ignoring the rules.

The Republicans changed the ethics rules when they were afraid they might not work for them at the beginning of this Congress, and we are all watching the other body looking about changing the rules relative to filibuster because it suits their purpose and now this.

We, including the chairman of the committee, each have a duty to uphold the integrity of this institution. We must not play politics with the records of history. The majority should live by the rules and precedents of the House. The House cannot function if the majority uses its raw power to corrupt the record of the proceedings.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BERMAN), a member of the House Committee on the Judiciary.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me time.

I see the logic of the majority. If they were commenting on the Bill of Rights, the fourth amendment is an amendment designed to quash evidence coming from an unlawful search and seizure that could allow the conviction of sexual predators. The fifth amendment gives sexual predators the right to protect themselves from self-in-

crimination. The sixth amendment allows wily and cunning lawyers to use cross examination and technical rules to keep sexual predators from getting convicted.

This is how the majority chooses to interpret, in this particular case, the substance and the intent of a series of amendments made to the bill we voted on last week.

I have great respect for the chairman of the committee. He is a fair and honest man, and he has worked hard to defend the jurisdiction of the committee. And what has been done here with this majority report in that context is a tremendous disappointment to me. It essentially left us with no recourse but to bring a motion like this to the floor of the House.

To create the absurd situation and then characterize the result of a particular amendment by that absurd situation does not do any justice or any service to this process, to this institution, or to our committee.

We depend, we in the minority depend on a process that relies on honesty and good faith and the duties and those duties, I truly believe, were breached in the case of this report.

The minority has regarded to file its dissenting views without the benefit of having to have seen the report which they are dissenting. That is inherently an illogical system, but we have gone along with it, but when something like this happens, it raises serious questions about the legitimacy of that particular process.

I think a great wrong has been done to several Members of this body by virtue of the way the majority has characterized this amendment. I think those characterizations should be withdrawn. I think an apology should be made to them, and I urge the passage of this motion.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me time on this important issue.

The stated purpose of the Child Interstate Abortion Notification Act is to protect the health and safety of young girls by allowing parental involvement when their home States have thought it appropriate to require such involvement.

As a general rule, no one has a young girl's best interest at heart more than her parents. Where this rule is not the case, the law allows for judicial bypass of the parental involvement requirements. Therefore, the amendments introduced by the Democrats in the Committee on the Judiciary are unnecessary. Moreover, these amendments are dangerous.

As my distinguished Committee on the Judiciary colleagues have explained, the health and safety of these young girls is not protected by providing a blank exemption for those who may have sexually abused them. That is precisely what these amendments

did. They provided blanket exclusions with open doors for sexual predators to exploit to cover up their crimes.

Far too often, the adults transporting these minors across State lines to circumvent their home State's parental involvement laws are grown men who have sexually preyed upon the girls. We have heard those statistics delivered by the chairman.

To exempt certain classes which characteristics show are highly likely to be sexual predators would gut the intent of this bill, to protect the health and safety of young girls. The descriptions of the amendments in the committee report only describe the potential effects of the amendments if they had been adopted. They do not describe the motives of those offering the amendments as has been stated.

The minority had the opportunity to include dissenting views in the committee report and they did. And those dissenting views do characterize the motives of those who supported this legislation.

It has already been spoken to as the remarks by the gentleman from New York (Mr. NADLER) with regard to the Fugitive Slave Act, and so I would just say this, that I am amazed that this subject was brought up. I am amazed that the minority wants to have a national debate over this subject matter. When I look at these exemptions and exclusions, this open door, cabdrivers, bus drivers, professional transport people, clergy, godparents, grandparents, adult siblings, aunts, uncles, brothers, sisters, not the family cat, not the family dog, but everything else you can imagine including the pizza delivery boy are exemptions from this bill.

If those amendments had all gone on the bill, it would have been gutted in the bill and it would have gone down because I would have voted against it and so would the rest of us in the majority.

I think it is clear the result of the position that is taken here. What is not clear is the motive as to why we would want to have a national debate to talk this over again when we clearly understand that we are trying to protect the rights of parents, not the rights of grandparents, aunts, uncles, brothers, sisters and siblings.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

I tell my dear friend who just left the well, we are not here to debate the bill. We debated the bill in committee. We debated it on the floor. We are talking about the titles in the section that were mislabeled.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, let me begin by quoting from Section 1001, Title 18 of the United States Code that also applies to the legislative branch.

"Anyone knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact;

2, makes any materially false, fictitious or fraudulent statement or representation; or, 3, makes or uses any false writing or document, knowing the same to contain any materially false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years or both."

□ 1830

The Committee on Rules discovered last week that the Committee on the Judiciary report on the Child Interstate Abortion Notification Act, authored by the majority staff, in conflict obviously to the United States Code, contained amendment summaries that had been rewritten by the staff for the sole purpose of distorting the original intent of the authors. I have to admit I was livid.

I was certain it must have been an oversight because I could not imagine that the Committee on the Judiciary, of all things, or the Committee on the Judiciary chairman, whom I have known for 18 years, would stand by a committee report that would so deeply mischaracterize and falsify the intent of several amendments offered by Democrat members of the committee.

At least five amendments to the bill, designed to protect the rights of family members and innocent bystanders from prosecution, were completely rewritten to make as though it was the original intent of the authors. This is a shocking abuse of power, and it must not stand.

The fact is that the Republican majority must do the right thing here today. They must give us a new committee report containing the proper captions so that it accurately reflects the intentions of the authors. Furthermore, I think the chairman of the committee owes those Members an apology for soiling their reputation in the names of partisan politics.

To falsely rewrite the intent of amendments submitted by another Member, to intentionally distort its description is unacceptable. No Member should go through what our colleagues have had to go through. None of us should have our reputations dragged through the mud.

It is absolutely arrogant of this majority to believe that they can tamper with official congressional documents for political purposes. It is absolutely arrogant, and the American people will not be pleased with it. It is an affront not only to those of us in the House but to the American people and to history, Mr. Speaker; and unless it is amended, I am sure that we will see these again in the form of campaign attack mail pieces, and honorable, hardworking Members of this Congress will be forever branded. No wonder we have a lack of civility in this House.

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

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Michigan

(Mr. CONYERS) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. WATT), a member of the committee.

Mr. WATT. Mr. Speaker, I am really saddened today, and I am not sure whether I am more disappointed because of the mischaracterization of the amendments in the committee report or whether I am more saddened by the fact that the members of a committee on which I have served now for 13 years would be here on the floor defending the characterization that was put in the committee's report.

I would just hope that we can get the committee to file an amended report that clears this up and we can put this behind us and go on. This is saddening, and if we cannot get that, I think it would be a really, really sad commentary on this institution and what our committee has sunk to in this Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Speaker, while I am not an attorney, it is my understanding that the perfect defense for a charge of libel is the truth.

We have heard no discussions today about the substance of the descriptions in the committee report, and that is because the descriptions of the effects of the amendments in the committee report were accurate.

Contrast that with the dissenting views the minority attached to the committee report. For example, the minority views state that the Child Interstate Abortion Notification Act is "overtly hostile to families." The minority dissenting views in the committee report also describe the legislation as "anti-physician and anti-family."

Now, 270 Members of the House voted for legislation that the minority views stated was "overtly hostile to families." Fifty-four Members of the other side of the aisle, the Democrat Party, voted for that bill. Surely there is no comparison between stating that broadly supported legislation, designed to protect parental rights and the health and safety of young women, is "overtly hostile to families" and accurately describing the consequences of poorly drafted amendments to the legislation.

Further, the gentlewoman from New York (Ms. SLAUGHTER) who we heard from earlier in her press release last week referred to a conspiracy to "falsely rewrite the intent of an amendment."

First, there was no rewriting. The majority of the committee, in describing offered amendments, do not cut and paste any description of an amendment

into a committee report. The majority describes the amendment offered as it understands it.

Second, the purpose of describing an amendment is not to describe its intent. Its purpose is to describe its meaning and effect. What matters is not what is in the mind of a Member offering an amendment. It is what the text of the amendment offered would mean if it were made a part of the bill. Describing the effects of an amendment as it where is not the same as describing the subjective intent of the person offering the amendment.

A committee report should do the former, not the latter, because what matters at the end of the day are the actual words on the page of a bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, in my 16 years in office, I have seldom seen such a blatant disregard for the truth. What occurred in this body last week during the consideration of the bill should be an embarrassment to every Member of this Congress. To purposely mischaracterize amendments offered during committee consideration of a bill is simply outrageous, and quite frankly, it sets a dangerous precedent.

Many of us have different views and even deep disagreements about the important issues we consider in this institution, but we should be using the power of debate to resolve those differences. Instead, the majority is using parliamentary gimmicks and deliberate mischaracterizations to misrepresent the intentions of other Members of this body.

The official record exists to record the views and actions of the participants of the debate, not to editorialize and inflame the debate. To go so far as to change the descriptions of amendments, to use an official document to mislead the American people about alternatives suggested by the minority is a gross abuse of power by the majority, and it is just not honest. If we allowed this or similar action by either party to go unchecked, if we let this happen now, it will almost certainly happen again.

The Congress can do better. The American people certainly deserve better, and I urge my colleagues on both sides of the aisle to support this important resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for the time.

Mr. Speaker, my comments prepared for now had essentially to do with the point that has been made already here many times. Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, for cousins and uncles would not protect young girls who are made victims of incest by those

very adult siblings, cousins or uncles; and it would be a terrible idea to add that to a bill whose primary purpose is to protect the rights of parents and their children.

But I had a chance just to kind of step back here for a moment, Mr. Speaker, and ask myself why the intensity of this debate. I would have to step back and say that respectfully I would submit that maybe it is about the foundational issue here of abortion because if we were not talking about the surgery of abortion, there would be no debate here. No one would say it is not all right to take a young girl across the State line for an appendectomy. That would be an outrageous discussion.

It really is about this whole notion of abortion, and I do not understand the intensity completely, but I believe it has something to do with the conscience in all of us collectively that we are beginning to realize that somehow, as Americans, we are bigger than abortion on demand; that 40 million dead children is enough; and that somehow we need to start asking the real question. The real question is, does abortion take the life of a child? If it does not, it is a nonissue. If it does, then we are in the midst of the greatest human holocaust in the history of humanity.

I think somehow we collectively in our hearts understand that, and therefore, it creates all this acrimony on the finer points; but the real abuse of power is that this body has the power to protect these little babies, and instead, we are debating the finer points in a committee report, and I am ashamed of that.

I pray that somehow we can get to the point where we can come together and not have to look back. The Fugitive Slave Act was a perfect example. We looked back and said how did we let that happen. That was an acrimonious debate, too. There was a little thing called the Civil War over it.

We do not need to proceed down that line. Somehow may compassion and the simple truth prevail here.

Mr. CONYERS. Mr. Speaker, may I ask the chairman of the committee how many speakers he has remaining.

Mr. SENSENBRENNER. If the gentleman will yield, just me to close.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member, the lead Democrat on the Committee on the Judiciary, for yielding me time, and for his great leadership to protect and defend the Constitution of the United States, the oath of office that we all take.

I, too, want to express my respect for the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the committee. I know that all the members of the Committee on the Judiciary have a difficult task. I commend all of the members of the

Committee on the Judiciary for the very important responsibility that they have in protecting the civil liberties of our country. There are so many complicated issues where there are differences of opinion but, hopefully, respect for that diversity of opinion, which is intrinsic to our democracy.

Mr. Speaker, I am very sad that it is necessary to come to the floor to speak on a resolution offered by the gentleman from Michigan (Mr. CONYERS), again the distinguished ranking member on the Committee on the Judiciary.

I think it is important to note why we are here. I understand why our Republican colleagues want to talk about the bill and not talk about this privileged resolution, because this resolution strikes right directly to the heart of our democracy and our right of freedom of speech on this floor and how our words are interpreted.

Questions of privilege, according to the House rules and manual, Mr. Speaker, as I am sure the Speaker well knows, questions of privilege shall be those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. It is that last point, the integrity of our proceedings, which is what is under assault by the Republicans in this action that they took last week. Truth and trust, they are the fundamentals of our work. We must speak truth so that we will be trusted.

I view what the Committee on the Judiciary leadership did on this bill as just another extension of the abuse of power of the Republican majority in the Congress of the United States, both in the House and in the Senate.

In both bodies, and let us just speak to our own, there is an attempt to limit the opportunity for Members to speak on the floor, to have substitutes, alternative amendments, that can come to the floor; and on the occasions when they do allow an amendment, they decide to misrepresent the amendment. Just when we think we have seen it all on the part of curbing debate in this House, the Republicans not only curb the debate; they decide what it is that we said and what it is that we wrote in our amendments that we were putting forth.

The disgusting misrepresentations that were advanced by the Republicans demand an apology by the chairman of the committee and a pledge by the Republican leadership in this House that this will never happen again; that this will never happen again.

□ 1845

We must be mindful of a standard we must uphold, not only for ourselves, but for the American people, to conduct ourselves at all times in a manner which shall reflect credibly on the House of Representatives. In doing so, the House must maintain the integrity of all of its proceedings, as the rules of the House dictate in the House Rules and Manual.

What happened last week to the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from Texas (Ms. JACKSON-LEE) was an outrage. An official report that the majority of the Committee on the Judiciary prepared to the legislation at hand deliberately and purposely mischaracterized their amendments in a manner that was insulting and derogatory.

Again, no wonder the Republicans do not want to talk about what is on the floor right now, which is a privileged resolution addressing the gross abuse of power of the Republicans. We had tried to say at meetings, and the gentleman from Michigan (Mr. CONYERS) tried to get an agreement with the majority that they would change the record and apologize; to admit that there was something wrong with what happened last week, and that would have made a difference in bringing this resolution to the floor. But, no, there was no admission that there was anything wrong with misrepresenting, not telling the truth about what was contained in those amendments.

Administrative functions, such as reporting of amendments and descriptions of these amendments, relate to the integrity, again, of the proceedings of the House and must be fairly described. If there is a controversy, then you go to the maker of the amendment and say, what is it, how would you characterize your amendment, you who are the maker of the amendment? But no, we had placed our trust that the majority would fairly describe something as administrative as an amendment offered by a Member.

In short, this should not even be an issue we need to be reviewing and scrutinizing. If this were to pass without discussion, think of the precedent that it would create; that the majority, on a regular and repeated basis, could use their power and abuse their power to write any characterization of any amendment that anyone made. Its simply wrong.

The behavior exhibited by the Republican majority with the Committee on the Judiciary report flies in the face of the comity and civility and honesty that we should all strive for. It is a further reflection, again, of the abuse of power we have seen here. It is an embarrassment to the House.

I was deeply disappointed to learn that the chairman of the Committee on the Judiciary has refused to apologize on his own accord. Our rules, Mr. Speaker, are our best defense. They are what make the debate and the democracy work. As I said, Mr. Speaker, you even see in this close on this important debate that there is an interest in stopping the conversation. I hope that the Speaker and the Republican leadership will reflect on their obligations to the House, and indeed, to all the Members of both parties, and that they will ask the chairman of the Committee on the Judiciary to apologize for the affront

to this House and the blatant abuse of position as the chairman of the Committee on the Judiciary.

This is, in my view, an aberration for the gentleman from Wisconsin (Mr. SENSENBRENNER). As I said, many of us, while we may disagree on issues, have held him in great esteem and respect. He is an articulate spokesperson for his point of view. But his point of view is not necessarily the point of view of everyone in this body, and his point of view should not be the description of the amendments that Members in the minority are presenting to the Congress. The leadership has a responsibility to ensure that this will not happen again.

I want to commend all the Members of the Committee on the Judiciary once again, Republicans and Democrats alike. I think you have a very challenging task. I want to particularly commend the gentleman from Michigan (Mr. CONYERS), and the people who were offended by this, though all of us were, but particularly in terms of the retelling of their amendments, the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, I will conclude by thanking the gentleman from Michigan (Mr. CONYERS) for his courage, because it takes a degree of courage to bring a privileged resolution to this floor when you know there will be a continuation of a misrepresentation of what happened last week. We are doing this not because of this bill, we are doing this because it is our responsibility to have an honest reflection of the proceedings of the House. I urge our colleagues to support the resolution of the gentleman from Michigan (Mr. CONYERS).

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

Mr. Speaker, contrary to what the distinguished minority leader said, I offered to file a supplemental committee report. However, in order to do so, I asked that the authors of the amendment admit that the amendment did not specifically exclude the sexual predators from the exemptions they proposed. That offer was refused by the minority side of the aisle.

The committee report does accurately state that sexual predators are not carved out of the exemptions that were proposed. It is not a misrepresentation. It accurately shows that the authors of the amendment did not draft those amendments as narrowly as they should have. And when we vote on legislation, we vote on what is on the plain text of the piece of paper, not on what the author of an amendment intended to do.

I do not like to see this resolution come before us, but what I will say is that we were accurate, and if you do not want this to happen again, draft your amendments properly.

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

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

Mr. Speaker, we have been called here today to raise a question of the privileges of the House. A very serious matter. A prerogative rarely used by the Members of the House of Representatives. But we have to deal with the mischaracterizations of the titles of the amendments, which is what this debate is about.

It is incredible to me that the case of the other side is so weak that all they can do is continue to talk about the bill itself. We are not here to debate H.R. 748, we are here to talk about the power and the abuses of the majority party that sets the agenda, that writes the reports, and that entitles the amendments submitted to the members of the Committee on the Judiciary. The amendment titles of three members were twisted and distorted and their meaning was rendered so that the entitlement of the amendment was not, indeed, accurate. I believe the majority has failed the Congress but, more importantly, the American people.

Now, what we are doing here right now is hoping to raise this question of the privileges of the House regarding the blatant abuse of power; Republicans' mischaracterizing the description of numerous Democratic amendments, when some of the amendments had been considered in previous Congresses. These are the same amendments that were properly entitled in other Congresses.

So it is with great reluctance that I come before you to ask that we make sure this never happens again; that this deliberate mischaracterization of amendments be stopped here and now; that it does not happen and that the chairman of the Committee on the Judiciary issue a supplemental report and apologize to the House of Representatives. Support the resolution.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) to lay the resolution on the table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling H. Res. 253 will be followed by a 15-minute vote on suspending the rules and adopting H. Res. 228.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 17, as follows:

[Roll No. 151]

YEAS—220

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

There was no objection.