

## **Despite 65-34 vote for passage Senate Democratic Leaders Block Progress of Parental Notification Legislation**

WASHINGTON (August 11, 2006)—Both houses of Congress have passed bills to protect the rights of parents to be notified before an abortion is performed on a minor daughter—but Senate Democratic leaders, led by Minority Leader Harry Reid (D-Nv.), have thrown up an extraordinary procedural obstacle in an attempt to prevent the bill from becoming law during the final weeks of the 109th Congress.

The House and Senate have passed different versions of the legislation by sizeable majorities. But with only five short weeks remaining before Congress adjourns for the year, pro-abortion lawmakers are trying to “run out the clock” by throwing up roadblocks to the normal legislative process, according to NRLC Legislative Director Douglas Johnson.

“The Senate Democratic leadership is doing the bidding of the abortion industry, obstructing parental notification legislation that is supported by over 80 percent of the public,” Johnson explained.

The House has passed versions of the legislation four times since 1998. Each time, the bill has been killed by actions of the Senate Democratic leadership.

The House acted early in the current Congress, passing the Child Interstate Abortion Notification Act (CIANA) on April 27, 2005, by a bipartisan vote of 270-157. President Bush has expressed support for the legislation.

On July 25, the Senate version of the bill, the Child Custody Protection Act (S. 403), sponsored by Senator John Ensign (R-Nv.), cleared one hurdle when it survived a Senate floor debate without adoption of any weakening amendments, and was then passed by a lopsided vote of 65-34. (See roll call, page 22.) All but four of the 55 Senate Republicans voted to pass the bill, and they were joined by 14 Democrats.

But moments later, the Senate Democratic leadership, in the person of Sen. Richard Durbin (Ill.), the “whip” or second-ranking party leader, objected to a routine request by Majority Leader Bill Frist (R-Tn.) to move on to the next step of the process—the naming of a House-Senate conference committee. Such a committee would reconcile the Senate-passed bill with the House-passed CIANA.

“A Reid staffer said Durbin made his objection with the full support of the Democratic caucus,” according to the Las Vegas Sun (July 30).

On August 1 and again on August 3, Frist renewed the request, and on each occasion, the top Senate Democratic leaders renewed the objections. On the final occasion, on August 3, the objection was made directly by Senate Democratic Leader Reid.

At a July 26 press conference, Frist said that the Democratic leadership tactic was “very offensive” to him, and he indicated that he would force further votes on the matter if necessary.

Still, “Democratic opponents [of the legislation] are gambling that Frist will not want to devote a significant chunk of precious Senate floor time after the August recess to jumping procedural hurdles,” reported the respected Capitol Hill magazine CQ Weekly.

On August 4, the Senate began its annual summer recess with the impasse unresolved, and will not reconvene until September 5. At that point, there will be only about five weeks before Congress recesses on October 6 for a final period of pre-election campaigning. The national congressional elections are on November 7.

During the September session, the Senate has a very full schedule of business, but pro-life groups will be pressing Senate Republican leaders to force votes that could overcome the procedural roadblock.

“A final version of the bill still can be approved and sent to the President, despite the continued objections of Harry Reid and other Democratic leaders, if Republican leaders press the issue, and if 60 senators support the move,” explained Johnson.

For days after initially raising their objection on July 25, spokespersons for Reid and Durbin told reporters that they were blocking a conference committee because they feared it would drop the “Boxer-Ensign Amendment,” which was adopted by the Senate on a vote of 98-0 on July 25—an excuse repeated by Durbin on the Senate floor on August 1. On August 3, Frist personally spoke on the Senate floor to guarantee that any final bill produced by a conference committee will contain that amendment (discussed further below)—but Reid again refused to agree to the convening of a conference committee.

### Supporters React

Senator Ensign, chief sponsor of the Senate bill, called the Democrats’ tactic “not fair, not right,” and “outrageous.”

“It is disgraceful that, having found common ground on a contentious issue, we are now dealing with partisan, obstructionist tactics by Democrats,” Ensign said on July 26. “They complained that we should not be spending time on this issue, and now they’re forcing us to spend days overcoming their obstructionist strategy. I hope the American people are paying attention to what the Democrats are doing, and I hope they call on them to cease these actions so we can get this important bill to the President.”

In a July 28 letter to Reid, Congresswoman Ileana Ros-Lehtinen (R-Fl.), the chief sponsor of the House bill, and 12 other female House members said they were “outraged” at the objections which, they said, were “endangering the health and safety of young girls around the country.”

“We urge you, as the Minority Leader, to stop the procedural games and send this bill to conference,” they said.

Tony Perkins, president of the Family Research Council, commented, “Democrats, beholden to pro-abortion forces, are putting their concerns before the concerns of parents and, most importantly, of young girls in need. This bill could die once again unless the public convinces the Democrats to abort their deceptive obstruction.”

Richard Land, a pro-life leader in the Southern Baptist Convention, said, “People need to contact their congressmen and senators to ask that a conference committee be hastily named to reconcile the differences between the House-passed bill and the Senate legislation so President Bush can sign it into law.” (See the “Action Request” at the end of this story.)

Cardinal William Keeler, chairman of the U.S. Conference of Catholic Bishops' Committee for Pro-Life Activities, said, "Parents should not be kept in the dark when the welfare of their children and their unborn grandchildren is at stake. Many states have wisely chosen to protect parents' rights in this area, and the intent of their protective laws should not be thwarted."

### Opponents React

The Senate bill was harshly attacked by spokespersons for various pro-abortion organizations and by their allies in the Senate.

Kim Gandy, president of the National Organization for Women, lamented the vote to pass the Senate bill, which she blamed on "this Republican Taliban, with shameful help from certain Democrats."

Nancy Keenan, president of NARAL Pro-Choice America, issued a press release calling approval of the Senate bill "an irresponsible action."

Among the other organizations that signed a letter to senators opposing the bill was the Religious Coalition for Reproductive Choice, a Washington-based lobbying group which includes among its member churches the Episcopal Church, Presbyterian Church (USA), United Church of Christ, and United Methodist Church.

### Curbing Evasion of State Laws

More than half of the states have parental notification or parental consent laws in effect. However, these laws are often circumvented when minors are transported to other states that do not have parental involvement requirements, often under pressure from older boyfriends or at the urging of abortion providers. (You can view a summary of the parental involvement laws of each state on the NRLC website at <http://www.nrlc.org/federal/ccpa/index.html>.)

Under both the House and Senate bills, it would be a federal offense to transport a minor across state lines for an abortion without fulfilling the requirements of a parental notification or consent law in effect in the home state.

Twenty-seven states have laws in effect that would be covered by the bill.

Violators could face criminal penalties of up to one year in prison and fines of up to \$100,000, and also face lawsuits filed by parents whose rights have been violated.

The House bill also requires an abortionist to notify a parent prior to performing an abortion on a minor from another state, unless a court in a minor's home state has already issued an authorization for the abortion.

### Senate Debate

When the Senate debated the issue on July 25, it rejected all weakening amendments to S. 403, before approving the bill on a vote of 65-34.

Opponent Sen. Dianne Feinstein (D-Ca.) had filed an amendment to allow a minor to be transported across state lines for an abortion, without parental notification, by any grandparent of the minor, or by any "member of the clergy." But Feinstein reported in sick on the day of the debate, and the amendment was not offered.

Another amendment, filed by Sen. Barbara Boxer (D-Ca.), would have removed the protections of the bill from any minor who was impregnated as the result of "incest," which would have

had the effect—apparently unintended—of allowing incestuous brothers, uncles, and grandfathers to transport their victims across state lines for secret abortions. Boxer ultimately withdrew that amendment and offered a greatly revised amendment, in conjunction with Senator Ensign, that would allow incestuous fathers to be prosecuted if they transport a victim daughter across state lines for an abortion. This “Boxer-Ensign Amendment” was approved by the Senate on a 98-0 vote.

Senator Hillary Clinton (D-NY), speaking against the bill, expressed “disappointment” that the bill would not allow “adult relatives or clergy” to transport pregnant minors across state lines without parental notification or consent.

“What opponents of this bill forget is that no parent wants anyone to take their children across state lines—or even across the street—without their permission,” said Senator Mitch McConnell (R-Ky.).

Senate supporters of the bill displayed ads published in Yellow Pages directories in states that require parental notification, urging minors to come to clinics in neighboring states where notification or consent is not required.

Senator Rick Santorum (R-Pa.) explained, “This is not a hypothetical. This is direct marketing in the Yellow Pages to minors who are desperate and, in many cases, afraid and feel alone. They are marketing to these vulnerable children to get them to not talk to their parents but to come and get an abortion out of state, against their state laws.”

### **Action Alert**

Your help is critically needed to win enactment of the federal parental notification legislation. Time is of the essence—after returning from a month-long recess on September 5, Congress has only five weeks of session left before recessing on about October 6 to campaign full-time before the November 7 congressional elections!

Here are the steps you can take to help get strong parental notification legislation to President Bush before time runs out:

\* Visit the Legislative Action Center on the NRLC website to send e-mails to your two U.S. senators, urging them to take action to enact this legislation in September. The “Action Alert” posted on the website suggests language for such e-mails, which you can easily modify AND SEND YOUR OWN MESSAGE.

\* Call the Washington offices of your two U.S. senators. Express your distress that “Senate Democrats are blocking the parental notification legislation,” and urge them to vote to give final approval to the legislation. Give your address and say that you would like to receive a written explanation of the action that the senator takes on the issue. All Senate offices can be reached through the Senate switchboard at 202-224-3121.

\* Also call the nearest in-state offices of your two U.S. senators with the same message. The numbers of in-state offices for each senator are listed on the NRLC website under <http://www.capwiz.com/nrlc/dbq/officials/>.

\* Write a short (200 words or less) letter for publication in your local newspaper, expressing your distress that the Senate Democratic leadership is blocking final approval of legislation to protect the right of a parent to be notified or give consent before an abortion is performed on a minor daughter.

\* Call local radio talk shows with the same message.

**Key talking points on this legislation:**

\* Many young girls leave their home states in order to avoid parental involvement in their abortion decisions, often under pressure from older boyfriends or at the urging of abortion providers, and the consequences are often tragic.

\* This important legislation would do much to protect vulnerable young girls and the rights of their parents. Parental notification laws are supported by overwhelming majorities of the public—exceeding 80% in some polls.

\* The Senate Democratic leadership is obstructing final approval of the parental notification legislation. It appears that congressional Democratic leaders want to protect the “right” of out-of-state abortionists to perform abortions on minors of any age, without parental notification.

For additional information on the parental notification issue, including poll results, visit the

NRLC website page on parental notification at <http://www.nrlc.org/Federal/CCPA/Index.html>, or send e-mail to the NRLC Federal Legislation Department at [Legfederal@aol.com](mailto:Legfederal@aol.com).