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4 MARKUP OF H.R. 3862, THE SUNSHINE FOR REGULATORY DECREES AND

5 SETTLEMENTS ACT OF 2012; AND H.R. 2299, THE CHILD INTERSTATE

6 ABORTION NOTIFICATION ACT

7 Tuesday, March 27, 2012

8 House of Representatives

9 Committee on the Judiciary

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:00 a.m., in

12 Room 2141, Rayburn Office Building, Hon. Lamar Smith

13 [chairman of the committee] presiding.

14 Present: Representatives Smith, Sensenbrenner, Coble,

15 Gallegly, Goodlatte, Lungren, Chabot, Issa, Pence, Forbes,

16 King, Franks, Gohmert, Jordan, Poe, Chaffetz, Griffin,

17 Marino, Gowdy, Ross, Adams, Quayle, Amodei, Conyers, Berman,  
18 Nadler, Scott, Watt, Lofgren, Jackson Lee, Waters, Cohen,  
19 Johnson, Pierluisi, Quigley, Chu, Deutch, Sanchez, and  
20 Polis.

21 Staff present: Richard Hertling, Staff Director and  
22 Chief Counsel; Travis Norton, Majority Parliamentarian;  
23 Sarah Kish, Majority Clerk; David Lachmann, Minority  
24 Counsel; and Danielle Brown, Minority Parliamentarian.

25

26 Chairman Smith. The Judiciary Committee will come to  
27 order.

28 Without objection, the chair is authorized to declare  
29 recesses of the committee at any time.

30 The clerk will call the roll to establish a quorum.

31 Ms. Kish. Mr. Smith?

32 Chairman Smith. Present.

33 Ms. Kish. Mr. Sensenbrenner?

34 Mr. Coble?

35 Mr. Coble. Present.

36 Ms. Kish. Mr. Gallegly?

37 Ms. Kish. Mr. Goodlatte?

38 Mr. Goodlatte. Present.

39 Ms. Kish. Mr. Lungren?

40 Mr. Chabot?

41 Mr. Issa?

42 Mr. Pence?

43 Mr. Forbes?

44 Mr. Forbes. Present.

45 Ms. Kish. Mr. King?

46 Mr. King. Here.

47 Ms. Kish. Mr. Franks?

48 Mr. Gohmert?

49 Mr. Gohmert. Here.

50 Ms. Kish. Mr. Jordan?

51 Mr. Poe?

52 Mr. Chaffetz?

53 Mr. Griffin?

54 Mr. Marino?

55 Mr. Gowdy?

56 Mr. Gowdy. Present.

57 Ms. Kish. Mr. Ross?

58 Mrs. Adams?

59 Mr. Quayle?

60 Mr. Quayle. Here.

61 Ms. Kish. Mr. Amodei?

62 Mr. Conyers?

63 Mr. Berman?

64 Mr. Nadler?

65 Mr. Nadler. Present.

66 Ms. Kish. Mr. Scott?

67 Mr. Watt?

68 Ms. Lofgren?

69 Ms. Jackson Lee?

70 Ms. Waters?

71 Mr. Cohen?

72 Mr. Johnson?

73 Mr. Johnson. Present.

74 Ms. Kish. Mr. Pierluisi?

75 Mr. Quigley?

76 Mr. Quigley. Present.

77 Ms. Kish. Ms. Chu?

78 Mr. Deutch?

79 Ms. Sanchez?

80 Mr. Polis?

81 Chairman Smith. The gentleman from North Carolina?

82 Mr. Scott. Present.

83 Chairman Smith. The gentleman from Ohio.

84 Mr. Chabot. Present.

85 Chairman Smith. The gentlewoman from Florida.

86 Mrs. Adams. Present.

87 Chairman Smith. The gentleman from Arizona.

88 Mr. Franks. Here.

89 Chairman Smith. The gentleman from New York.

90 Ms. Kish. Mr. Nadler?

91 Mr. Nadler. Yes.

92 Chairman Smith. Okay. He said yes. I think he meant  
93 present or here.

94 How is the gentleman from New York recorded?

95 Ms. Kish. Present.

96 Chairman Smith. The indispensable person from Utah.

97 Mr. Chaffetz. Present.

98 Chairman Smith. The clerk will report.

99 Ms. Kish. Mr. Chairman, 13 members have responded  
100 present.

101 Chairman Smith. Okay. Working quorum being present,  
102 pursuant to notice, I now call up H.R. 2299 for purposes of  
103 markup. This the Child Interstate Abortion Notification  
104 Act. And the clerk will report the bill.

105 Ms. Kish. H.R. 2299, the Child Interstate Abortion  
106 Notification Act --

107 Chairman Smith. Without objection, the bill will be  
108 considered as read and open to amendment at any point.

109 [The information follows:]

110

111 Chairman Smith. And I will recognize myself for an  
112 opening statement, and then the ranking member for his  
113 opening statement.

114 Across the country, officials must obtain parental  
115 consent before children can engage in school activities such  
116 as field trips and contact sports. In nearby Maryland,  
117 school systems even require a parent's note before sunscreen  
118 can be applied to a student. And a large majority of States  
119 requires parental consent before anyone can tattoo a minor.

120 Abortion is a serious, invasive, and potentially  
121 dangerous medical procedure. Most States have some form of  
122 parental involvement law that requires at least one parent  
123 be given notice or give their consent before their minor  
124 daughter receives an abortion. Yet today, it remains legal  
125 for complete strangers to evade the States parental  
126 involvement laws and transport minors across State lines to  
127 obtain secret abortions without the minor's parents even  
128 knowing about it.

129 Because this tragic gap in the law involves interstate  
130 commerce, under the Constitution only Congress can address  
131 it. The Child Interstate Abortion Notification Act ensures

132 State parental involvement laws are not evaded through  
133 interstate activity.

134 Parental involvement in the abortion decisions of minor  
135 girls leads to improved medical care for minors who seek  
136 abortions, and provides increased protection for young girls  
137 against sexual exploitation by adult men. Parental  
138 involvement ensures that parents have the opportunity to  
139 provide medical history and other information to abortion  
140 providers prior to the performance of an abortion.

141 The medical, emotional, and psychological consequences  
142 of an abortion are traumatic and lasting. An adequate  
143 medical and psychological case history is critically  
144 important to any physician, and often only parents can  
145 provide such information for their daughters as well as any  
146 suitable family medical history.

147 Parental involvement also improves medical treatment of  
148 pregnant minors. It ensures that parents have adequate  
149 knowledge to recognize and respond to any post-abortion  
150 complications that may develop. Without the knowledge that  
151 their daughters have had abortions, parents are unable to  
152 ensure that their children obtain routine post-operative

153 care.

154 Finally, teenage pregnancies often occur as a result of  
155 predatory practices of men who are usually much older than  
156 the minor victim. This results in the transportation of  
157 victims across State lines by an individual who has a great  
158 incentive to avoid criminal liability for his conduct.

159 Parental involvement laws ensure that parents have the  
160 opportunity to protect their daughters from those who would  
161 victimize them further, and the bill under discussion today  
162 does just that.

163 In 1979, the Supreme Court stated, "Our jurisprudence  
164 historically has reflected western civilization concepts of  
165 the family as a unit, with broad parental authority over  
166 minor children," and that, "the law's concept of the family  
167 rests on a presumption that parents possess what a child  
168 lacks in maturity, experience, and capacity for judgment  
169 required for making life's difficult decisions." And in  
170 2000, the Supreme Court described parents' rights to control  
171 the care of their children as "perhaps the oldest of the  
172 fundamental liberty interests recognized by this Court."

173 H.R. 2299, the Child Interstate Abortion Notification

174 Act, provides parents with appropriate protections for their  
175 fundamental rights in two ways. First, it protects existing  
176 parental rights that States have seen fit to enforce. And,  
177 second, it provides parents with additional Federal  
178 protections that only Congress has the power to enact.

179 The House passed this legislation with large bipartisan  
180 support when it was last brought up by a vote of 278 to 157,  
181 with 54 Democrats in support of the measure. I hope and  
182 expect it will receive the same broad support this year.

183 That concludes my opening statement, and the gentleman  
184 from New York, Mr. Nadler, is recognized for his.

185 Mr. Nadler. Thank you, Mr. Chairman.

186 Today we consider legislation that is at once another  
187 flagrant violation of the Constitution and an assault on the  
188 health and well-being of young women and their health care  
189 providers.

190 Before we start discussing this legislation, versions of  
191 which we have considered in the 105th, 106th, 107th, 108th,  
192 and 109th Congresses, I think it is important to note this  
193 is the 10th time this committee has met in this Congress to  
194 assault the reproductive rights of women.

195           The 112th Congress has had just over 200 legislative  
196 days so far. If the Republican leadership has put half as  
197 much effort into helping distressed homeowners, or creating  
198 jobs, or reforming our immigration laws as they have put  
199 into the war against women, all our problems would have been  
200 solved by now. Instead we get this warmed over and facially  
201 unconstitutional bill yet again.

202           Some States have chosen to enact parental notification  
203 or consent laws. Some have considered this issue. Some,  
204 like mine, have considered this issue and decided it is not  
205 good for the welfare of young women, and have declined to do  
206 so.

207           This bill would substitute the judgment of Congress for  
208 the judgment of people who live in States such as mine. In  
209 fact, even where the young woman's State of residence, and  
210 the State in which the doctor is located, have both decided  
211 not to enact such laws, this bill would impose a new Federal  
212 parental notification law that is more draconian and more  
213 unconstitutional than the laws of most States.

214           Perhaps we should just disband our State legislatures  
215 and let Washington decide these important family issues for

216 us. If it would spare the rest of endless speeches about  
217 federalism and states' rights, I might be tempted to go  
218 along with it.

219 As a matter of policy, this bill would place many young  
220 women in an impossible situation. In some cases, the young  
221 woman may not be able to go to her parents and could only turn  
222 to her grandparents or sibling or a member of the clergy for  
223 help. Indeed, sometimes the parent may pose a threat to the  
224 life and health of the young woman. That is what happened  
225 to Spring Adams, a 13-year-old from Idaho. She was shot to  
226 death by her father after he found out that she planned to  
227 terminate a pregnancy, a pregnancy he caused by his acts of  
228 incest.

229 I commend the authors of the bill for not allowing him  
230 to sue in this new version of the bill. I commend them for  
231 adopting my amendment from the previous version of the bill.  
232 It is a step in the right direction, albeit a tiny step.

233 It still says nothing about other adults in the home,  
234 including spouses who may have been aware of the abuse and  
235 may have played an enabling role. If the spouse is able to  
236 sue, the abuser would still benefit financially from his

237 wrongdoing.

238       We heard powerful testimony at our hearing from the Very  
239 Reverend Kathleen Ragsdale, who recounted the very real  
240 world challenges that these young women face. It may be  
241 easy to sit here on the Judiciary Committee and make  
242 pronouncements about the welfare of minors, but unless you  
243 believe that all parents are loving and nurturing, or that  
244 an abortion is never the right thing to do, or that young  
245 people should never have the right to seek assistance from a  
246 responsible adult in their lives, then this legislation is  
247 inexcusable.

248       This bill also uses a narrow definition of "medical  
249 emergency" that applies only where "an abortion was  
250 necessary to save the life of the minor because her life was  
251 in danger by a physical disorder, physical injury, or  
252 physical illness, including a life endangering physical  
253 condition caused by or arising from the pregnancy itself."  
254 That clearly falls way short of the Supreme Court's  
255 requirement that any restriction on the right to choose must  
256 have an explicit exception to protect the life or health of  
257 the woman. This only protects life-threatening health

258 problems.

259       There are many things far short of death that threaten a  
260 young woman. She deserves prompt and professional medical  
261 care, and the Constitution still protects her right to  
262 receive that care. Requiring that young women have their  
263 health destroyed is beyond cruel; it is anything but pro-  
264 life.

265       I know that I have rankled some of my colleagues in the  
266 past by comparing this bill to the Fugitive Slave Law, and I  
267 would never suggest that this bill turns young women into  
268 slaves, so do not say that I did. But this is the first  
269 bill, as far as I know, since the Fugitive Slave Act of the  
270 1850s that would use Federal power to require a young woman  
271 or any American, in effect, to carry the laws of their  
272 States on their backs and enforce that law in the territory  
273 of another State.

274       We have a few laws in New York that I think might  
275 benefit the people of some other States, but I am not sure  
276 the proponents of this legislation would particularly like  
277 it. And I would not suggest that the Federal enforce New  
278 York law if New Yorkers travel to other States.

279           It is never a good idea for Congress to try to play  
280 doctor. It is always bad medicine for women. This  
281 unconstitutional and ill-considered legislation will harm  
282 young women. In an ideal world, loving, supportive, and  
283 understanding families would join together to face the  
284 challenge of an unplanned pregnancy. That is what happens  
285 in the majority of cases, law or no law. But we do not live  
286 in a perfect world.

287           Some parents are violent. Some parents are rapists.  
288 Some young people can turn only to their clergy, to a  
289 grandparent, a sibling, or some other trusted adult. We  
290 should not turn these people into criminals simply because  
291 they are trying to help a young woman in a dire situation.

292           This bill is the wrong way to deal with a very real  
293 problem. It does not provide exceptions to protect a young  
294 woman's health. It does not provide exceptions where a  
295 parent has raped a young woman. It even allows the rapist  
296 to sue a clergy person or doctor who tries to help the  
297 daughter deal with the effects of that crime. And actually  
298 it no longer does that. It allows a confederate of the  
299 rapist to sue a clergy person or doctor.

300 I will urge my colleagues to reject the legislation on  
301 both constitutional and policy grounds. If only for the  
302 sake of humanity, I would urge you to join in providing the  
303 needed flexibility for the most difficult real world cases  
304 involving the lives of real young women. We owe them at  
305 least that much.

306 Thank you, Mr. Chairman. I yield back the balance of my  
307 time.

308 Chairman Smith. Thank you, Mr. Nadler.

309 The gentleman from Arizona, the chairman of the  
310 Constitution Subcommittee, is recognize for an opening  
311 statement.

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

313 Mr. Chairman, the Child Interstate Abortion Notification  
314 Act, more commonly known as CIANA, is a very reasonable  
315 measure that would prevent the transportation of a minor  
316 across States lines when someone is trying to circumvent  
317 parental consent laws that apply to a minor's abortion  
318 procedure. This law is consistently support by over 70  
319 percent of the American people in national opinion polls.

320 More than 30 States have made it clear through

321 legislation that parents have the right to know whether  
322 their daughters are trying to undergo abortions. Parents  
323 play a critical role in the well-being of their daughters,  
324 particularly in the abortion context.

325 I would quote the bill's sponsor, Ms. Ros-Lehtinen, "As  
326 a mother and a grandmother, I understand the importance of  
327 the unconditional love and support that parents can give to  
328 their children. This responsibility is non-negotiable and  
329 non-transferable. This bill assures young women that they  
330 are not alone if they ever find themselves contemplating an  
331 abortion."

332 Criminal involvement laws are critical, Mr. Chairman,  
333 for the health of young women because parents are better  
334 acquainted with their child's medical history, which the  
335 child may not know, or remember, or be willing to share.  
336 Also, parents are better able to distinguish competent and  
337 ethical medical providers from those who are not. Finally,  
338 there are those post-surgical complications to consider.  
339 The child will likely be unwilling to report these to  
340 parents or even seek medical attention for infection,  
341 hemorrhaging, or other serious potentially life threatening

342 conditions.

343 Criminal notification laws have proven to be effective  
344 at lowering the abortion rate among minors, Mr. Chairman.  
345 And, therefore, they are effective at lowering the attendant  
346 risks that accompany abortion. Abortion is a serious  
347 surgical procedure with physical and psychological risks,  
348 some of which can especially detrimental when experienced at  
349 a young age. These include increased risk of extremely pre-  
350 term birth in subsequent pregnant -- that is delivering at  
351 28 weeks' gestation or less -- and increased risk of  
352 suicide.

353 Where a young woman has one induced abortion, she is 50  
354 to 70 percent more likely to experience an extremely pre-  
355 term birth. That is, again, delivery at 28 weeks or  
356 earlier. When she later attempts to carry a wanted child to  
357 term, perhaps due to hemorrhaging of the cervix or during  
358 the abortion, there can be complications. Where a mother  
359 has two abortions, she is 160 percent more likely to have an  
360 extremely pre-term birth. The danger of subsequent  
361 premature birth is greater where the abortive woman is a  
362 girl under 17 years of age. Babies who are extremely pre-

363 term have 38 times greater risk of cerebral palsy than  
364 babies born full term, in addition to increased risks of  
365 autism and mental handicap.

366 Minority teenagers and their future babies bear the  
367 brunt of this statistic, Mr. Chairman. Abortions are  
368 performed on African-American women at between 4 and 5 times  
369 the rate of that of Caucasian women. And African-American  
370 babies have 4 times the risk of extreme pre-term birth.

371 Premature birth rates are up greater than 43 percent  
372 since *Roe v. Wade* became law. At least 49 studies worldwide  
373 confirm the abortion-premature birth causal link.

374 Next, abortion and teen suicide are also correlated. A study by  
375 two economists appearing in the January 18th, 2012 online  
376 version of the *Journal of Economic Inquiry* shows that the  
377 passage of parental involvement laws are correlated with a  
378 decrease in the incidents of teen suicide. "The adoption of  
379 a law requiring a parent's notification or consent before a  
380 minor can obtain an abortion is associated with an 11 to 21  
381 percent reduction in the number of 15- through 17-year-old  
382 females who commit suicide."

383 We must ensure parents are able and empowered to protect

384 their daughters from an invasive surgical procedure that can  
385 sometimes have significant and deadly hidden costs, Mr.  
386 Chairman. Parents are nearly always the first ones to step  
387 in and help when their teenager is in trouble. They should  
388 not be the last ones to know.

389 And with that, Mr. Chairman, I yield back.

390 Chairman Smith. Thank you, Mr. Franks.

391 Are there any amendments?

392 The gentleman from New York, Mr. Nadler, is recognized  
393 for the purpose of offering an amendment.

394 Mr. Nadler. Thank you, Mr. Chairman. I have an  
395 amendment at the desk, Nadler Number 1.

396 Chairman Smith. All right. The clerk will report the  
397 amendment.

398 Ms. Kish. Amendment to H.R. 2299, offered by Mr. Nadler  
399 of New York, page 3, after line 25, insert the following,  
400 "3, the prohibition of subsection A does not apply with  
401 respect to conduct by a grandparent or adult sibling of the  
402 minor unless such grandparent or adult sibling had sexual  
403 contact with the minor."

404 [The amendment of Mr. Nadler follows:]

405

406 Chairman Smith. The gentleman is recognized to explain  
407 his amendment.

408 Mr. Nadler. Thank you.

409 Mr. Chairman, this amendment would simply exempt a  
410 grandparent or adult sibling from the criminal and civil  
411 penalties in this bill.

412 There are many ways in which families deal with crises.  
413 Sometimes because of family problems, that maybe a  
414 grandparent, or a brother, or a sister has to step in when a  
415 parent is abusive, or absent, or for some other reason is  
416 incapable of being supportive and helpful to a child in  
417 crisis. Perhaps the parent is even responsible for the  
418 pregnancy, and the other parent is an enabler.

419 We owe to these young people to provide them with an  
420 avenue to seek the aid of another close adult in the family.  
421 I cannot believe for a minute that members really want to  
422 send Grandma to prison.

423 Just to reassure my colleagues who remember this bill  
424 from a years ago, my amendment makes clear that this  
425 immunity for the grandparent or sibling would not extend to  
426 a grandparent or sibling who had had sexual contact with a

427 minor, so let us not see that in the committee's report this  
428 time.

429       These cases do not involve kidnapping. These cases do  
430 not involve someone from outside the family intruding into  
431 basic family decisions. What this amendment would allow is  
432 a responsible adult member of the family to intervene in  
433 cases involving serious family crises, such as rape, incest,  
434 family violence, or some other terrible problem that will  
435 sometimes arise.

436       This bill is really an assault on families and the  
437 ability of families to deal with their problems to their  
438 best of their ability. It presumes that Congress knows best  
439 just how each difficult family situation must be resolved,  
440 even within the family.

441       While many Americans may approve of parental  
442 notification laws, I do not think most Americans approve of  
443 criminalizing the brother or sister or grandparent who helps  
444 someone get an abortion if that abortion resulted, for  
445 example, from incest. And that is what we are talking about  
446 in this amendment.

447       Even if you agree with the rest of the bill, even if you

448 agree with underlying reasoning of parental involvement, you  
449 should not make a criminal out of a sibling, a brother, a  
450 sister, a grandparent, who helps the minor. I do not think  
451 Congress possesses that kind of wisdom, although it may  
452 indeed possess that kind of arrogance. Let us at least not  
453 turn caring grandparents or brothers or sisters into  
454 criminals. Let us not allow an abusive father to sue his  
455 own mother if she tried to intervene and help. We should  
456 try to show just a little humanity and perhaps a little  
457 humility. And I urge the adoption of this amendment.

458 I yield back.

459 Chairman Smith. Thank you, Mr. Nadler.

460 The gentleman from Arizona, Mr. Franks, is recognized.

461 Mr. Franks. Mr. Chairman, I would oppose this  
462 amendment. This amendment would codify the circumvention of  
463 parental involvement when the overwhelming majority of  
464 Americans support parental involvement.

465 A July 2011 Gallup poll asked, do you favor or oppose  
466 each of the following proposals: a law requiring women  
467 under 18 to get parental consent for any abortion. Seventy-  
468 one percent responded in favor; 27 percent opposed.

469 Mr. Chairman, I mean, I could go through a lot of  
470 statistics here, but, you know, we talk a lot about the  
471 polarization that is taking place in Congress, and I have  
472 wondered sometimes why that occurs. But this notion of  
473 parents having the right to decide whether their children  
474 get an abortion or at least know about surgical procedures  
475 is not a new concept. What is a new concept is suggesting  
476 that it is an assault on families and that it is arrogant to  
477 suggest that parents should have the right to know about  
478 their minor daughters' surgical procedures. That is a new  
479 concept, and that, Mr. Chairman, is the basis of  
480 polarization that takes place here.

481 Grandparents and siblings do not have the authority now  
482 to authorize a medical procedure for a minor child, or even  
483 ear piercings, or the dispensing of aspirin at schools. So,  
484 why should a fundamental parental right be thrown aside for  
485 the abortion procedure alone? Is abortion somehow this  
486 sacred thing where all the rules change?

487 Now, this amendment violates the principles in the  
488 underlying State laws that allow only parents to grant  
489 consent for serious medical procedures, and it should be

490 defeated, Mr. Chairman.

491 Chairman Smith. Thank you, Mr. Franks.

492 The question is on the amendment.

493 Those in favor, say aye?

494 [A chorus of ayes.]

495 Chairman Smith. Opposed, nay?

496 [A chorus of nays.]

497 Chairman Smith. In the opinion of the chair, the noes  
498 have it, and the amendment is not agreed to.

499 Mr. Nadler. Mr. Chairman, I ask for a roll call on  
500 that.

501 Chairman Smith. A roll call vote has been requested,  
502 and the clerk will call the roll.

503 Ms. Kish. Mr. Smith?

504 Chairman Smith. No.

505 Ms. Kish. Mr. Smith votes no.

506 Mr. Sensenbrenner?

507 Mr. Sensenbrenner. No.

508 Ms. Kish. Mr. Sensenbrenner votes no.

509 Mr. Coble?

510 [No response.]

511 Ms. Kish. Mr. Gallegly?  
512 [No response.]  
513 Ms. Kish. Mr. Goodlatte?  
514 [No response.]  
515 Ms. Kish. Mr. Lungren?  
516 Mr. Lungren. No.  
517 Ms. Kish. Mr. Lungren votes no.  
518 Mr. Chabot?  
519 Mr. Chabot. No.  
520 Ms. Kish. Mr. Chabot votes no.  
521 Mr. Issa?  
522 Mr. Issa. No.  
523 Ms. Kish. Mr. Issa votes no.  
524 Mr. Pence?  
525 [No response.]  
526 Ms. Kish. Mr. Forbes?  
527 [No response.]  
528 Ms. Kish. Mr. King?  
529 Mr. King. No.  
530 Ms. Kish. Mr. King votes no.  
531 Mr. Franks?

532 Mr. Franks. No.

533 Ms. Kish. Mr. Franks votes no.

534 Mr. Gohmert?

535 Mr. Gohmert. No.

536 Ms. Kish. Mr. Gohmert votes no.

537 Mr. Jordan?

538 Mr. Jordan. No.

539 Ms. Kish. Mr. Jordan votes no.

540 Mr. Poe?

541 Mr. Poe. No.

542 Ms. Kish. Mr. Poe votes no.

543 Mr. Chaffetz?

544 [No response.]

545 Ms. Kish. Mr. Griffin?

546 [No response.]

547 Ms. Kish. Mr. Marino?

548 [No response.]

549 Ms. Kish. Mr. Gowdy?

550 Mr. Gowdy. No.

551 Ms. Kish. Mr. Gowdy votes no.

552 Mr. Ross?

553 [No response.]

554 Ms. Kish. Mrs. Adams?

555 [No response.]

556 Ms. Kish. Mr. Quayle?

557 [No response.]

558 Ms. Kish. Mr. Amodei?

559 Mr. Amodei. No.

560 Ms. Kish. Mr. Amodei votes no.

561 Mr. Conyers?

562 [No response.]

563 Ms. Kish. Mr. Berman?

564 Mr. Berman. Aye.

565 Ms. Kish. Mr. Berman votes aye.

566 Mr. Nadler?

567 Mr. Nadler. Aye.

568 Ms. Kish. Mr. Nadler votes aye.

569 Mr. Scott?

570 Mr. Scott. Aye.

571 Ms. Kish. Mr. Scott votes aye.

572 Mr. Watt?

573 [No response.]

574 Ms. Kish. Ms. Lofgren?  
575 [No response.]  
576 Ms. Kish. Ms. Jackson Lee?  
577 [No response.]  
578 Ms. Kish. Ms. Waters?  
579 [No response.]  
580 Ms. Kish. Mr. Cohen?  
581 [No response.]  
582 Ms. Kish. Mr. Johnson?  
583 Mr. Johnson. Aye.  
584 Ms. Kish. Mr. Johnson votes aye.  
585 Mr. Pierluisi?  
586 Mr. Pierluisi. Aye.  
587 Ms. Kish. Mr. Pierluisi votes aye.  
588 Mr. Quigley?  
589 Mr. Quigley. Aye.  
590 Ms. Kish. Mr. Quigley votes aye.  
591 Ms. Chu?  
592 [No response.]  
593 Ms. Kish. Mr. Deutch?  
594 Mr. Deutch. Aye.

595 Ms. Kish. Mr. Deutch votes aye.

596 Ms. Sanchez?

597 [No response.]

598 Ms. Kish. Mr. Polis?

599 [No response.]

600 Chairman Smith. The gentleman from Virginia, Mr.

601 Goodlatte?

602 Mr. Goodlatte. No.

603 Ms. Kish. Mr. Goodlatte votes no.

604 Chairman Smith. The gentleman from North Carolina, Mr.

605 Coble?

606 Mr. Coble. No.

607 Ms. Kish. Mr. Coble votes no.

608 Chairman Smith. The gentleman from Arkansas, Mr.

609 Griffin?

610 Mr. Griffin. No.

611 Ms. Kish. Mr. Griffin votes no.

612 Chairman Smith. The other gentleman from Arizona?

613 Mr. Quayle. No.

614 Ms. Kish. Mr. Quayle votes no.

615 Chairman Smith. The clerk will report.

616 Ms. Kish. Mr. Chairman, 7 members voted aye, 16 members  
617 voted nay.

618 Chairman Smith. The majority having voted against the  
619 amendment, the amendment is not agreed to.

620 Are there other amendments?

621 The gentleman from Virginia, Mr. Scott, is recognized.

622 Mr. Scott. Mr. Chairman, I have an amendment at the  
623 desk, Number 2.

624 Chairman Smith. The clerk will report the amendment.

625 Ms. Kish. Amendment to H.R. 2299, offered by Mr. Scott  
626 of Virginia, page 3, line 21, after "parent," insert, "or  
627 sibling."

628 [The amendment of Mr. Scott follows:]

629

630 Chairman Smith. The gentleman from Virginia recognized  
631 to explain his amendment.

632 Mr. Scott. Thank you, Mr. Chairman.

633 Mr. Chairman, the last amendment dealt with grandparents  
634 and adult siblings. This amendment would exempt all  
635 siblings where they are adults or minors from the provision  
636 of the bill.

637 A child can now go across State lines alone, and that is  
638 okay. This bill will prohibit going with any assistance.  
639 In situations involving whether a young girl will obtain an  
640 abortion or health and comfort should be a consideration.  
641 It is, therefore, necessary that we allow siblings,  
642 oftentimes the closest friend, to be able to take care of a  
643 sister without criminal liability.

644 In a scenario with an abusive parent, guardian, or other  
645 family member, for example, no one would be better suited to  
646 support a young girl than her brother or sister who is privy  
647 to the family situation. We should not require one who  
648 needs assistance to have to drive herself under these  
649 circumstances without a relative. We should, therefore,  
650 trust the family members to be able to come together in bad

651 situation and make the right decision.

652 I would hope that no one would want to pit family  
653 members against each other in times of need of any other  
654 family member, but that is what this bill will do. This  
655 amendment will alleviate the situation to some extent by  
656 allowing siblings to be able to assist family members  
657 without fear of prosecution.

658 And when people tell pollsters that they support  
659 parental consent, I do not think they mean supporting  
660 jailing brothers and sisters who travel with their sister to  
661 get a legal procedure. So, I would hope that we would adopt  
662 this amendment, and I yield back the balance of my time.

663 Chairman Smith. Thank you, Mr. Scott.

664 The gentleman from Arizona, Mr. Franks, is recognized.

665 Mr. Franks. Mr. Chairman, this amendment is very  
666 similar to the previous amendment, and it simply does not  
667 include grandparents in the litany of people that would be  
668 covered.

669 But, Mr. Chairman, it still would sever the essential  
670 parent-child relationship. Siblings are not parents. It  
671 really is that simple. It is instructive that the Supreme

672 Court has always held that this important duty to ensure and  
673 provide for the care and nurture of minor children lies only  
674 with the parents, a conclusion which arises from the  
675 traditional legal recognition "that natural bonds of  
676 affection lead parents to act in the best interest of their  
677 children."

678 Mr. Chairman, I know there are exceptions to that. I  
679 understand, you know, the friends on the left here have  
680 intimated that in many cases parents are rapists and  
681 murderers here. But the bottom line is that somehow that  
682 does not all of a sudden transform all the rest of the  
683 members of the family into being the ones that have the  
684 right to act in the child's best interest.

685 And I hope that we will defeat this amendment.

686 Mr. Nadler. Mr. Chairman?

687 Chairman Smith. Does the gentleman yield back his time?

688 Mr. Franks. Mr. Chairman, I would yield back.

689 Chairman Smith. If so, thank you, Mr. Franks.

690 The gentleman from New York, Mr. Nadler, is recognized.

691 Mr. Nadler. Thank you. Mr. Chairman, just one

692 correction to the gentleman from Arizona. I do not think

693 anybody here says that many parents are rapists or commit  
694 incest. I think we said it happens. It is not unknown.

695 But the fundamental flaw here is, yes, parents have the  
696 right and the duty to exercise judgments, et cetera. And,  
697 yes, minor children should go to their parents and have  
698 their parents to help them deal with an unplanned pregnancy  
699 and decide whether to get an abortion or what to do. And,  
700 yes, law or no law, that will happen in 90 percent of the  
701 cases.

702 The flaw in this bill, the flaw in all of these kinds of  
703 bills, is that they assume that 90 percent is a 100 percent;  
704 that all parents are supportive. And there are many parents  
705 who may not be rapists or commit incest, but who are not  
706 supportive, who will assault someone, who will beat her to  
707 within an inch of her life, who will not understand, who  
708 cannot conceive -- bad choice of words -- who cannot  
709 conceive that their daughter might be pregnant and become  
710 enraged by this and react inappropriately.

711 Where a young woman in the 5 percent or 10 percent of  
712 cases or whatever feels she cannot confide in her parents,  
713 maybe she can confide in a grandparent. Maybe she can

714 confide in a brother or sister. I can easily see a 15- or  
715 16-year-old girl having an 18-year-old sister that she can  
716 talk to. And we will make those people criminals, the  
717 grandmother, the older sister, older brother, who try to  
718 help the situation as they judge it because they know, that  
719 they concur in the judgment of the minor who is pregnant,  
720 that if they go to the parents, the parents will react  
721 violently or abusively in some way?

722       Ninety percent of the time you do not need a parental  
723 consent notification law because you will have the parental  
724 consent and notification because the minors will react that  
725 way. It is the 5 or 10 percent of the cases where you may  
726 get violence, where the children feel they cannot confide in  
727 the parent, where it would be very, very helpful and very  
728 good to be able to confide and to be helped by an older  
729 brother or sister, or a friend, or a clergy person, or a  
730 grandmother, or perhaps a trusted uncle.

731       Yes, we do not normally give them the right to make  
732 decisions because we presume the parent is loving and kind  
733 and so forth, but not always. And that is why a law like  
734 this which would criminalize someone attempting to help a

735 young woman in a desperate situation, someone who is a  
736 sister, or a brother, or a grandparent, and not permitting  
737 them to do so, and making them criminals, why this is so ill  
738 advised and, frankly, wrong. And that is why I support the  
739 amendment and oppose the bill.

740 I yield back.

741 Chairman Smith. Thank you, Mr. Nadler.

742 The question is on the amendment. All in favor, say  
743 aye.

744 [A chorus of ayes.]

745 Chairman Smith. Opposed, say nay?

746 [A chorus of nays.]

747 Chairman Smith. In the opinion of the chair, the noes  
748 have it, and the amendment is not agreed to.

749 Are there other amendments?

750 The gentleman -- excuse me. We are going to, Mr. Scott,  
751 before I recognize you for another amendment, return to the  
752 final vote. The unfinished business on the bill 3862.  
753 Pursuant to notice, I now call up H.R. 3862 for purposes of  
754 markup, and the clerk will designate the bill. We are going  
755 to have a final vote on the bill that we carried over from

756 last week, and then we will return to amendments.

757 Ms. Kish. H.R. 3862, the Sunshine for Regulatory

758 Decrees and Settlements Act.

759 [The information follows:]

760

761 Chairman Smith. Okay. Okay. The unfinished business  
762 on this bill is reporting it, as amended, to the House. We  
763 will now vote to report H.R. 3862, the Sunshine for  
764 Regulatory Decrees and Settlements Act of 2012.

765 A reporting quorum present, the question is on reporting  
766 the bill, as amended, favorably to the House.

767 All in favor, say aye.

768 [A chorus of ayes.]

769 Chairman Smith. Opposed, no.

770 [A chorus of nays.]

771 Chairman Smith. In the opinion of the chair, the ayes  
772 have it, and the bill, as amended, is ordered reported  
773 favorably.

774 Mr. Scott. Mr. Chairman, could we get a recorded vote?

775 Chairman Smith. The gentleman from Virginia has  
776 requested a recorded vote, and the clerk will call the roll.

777 Ms. Kish. Mr. Smith?

778 Chairman Smith. Aye.

779 Ms. Kish. Mr. Smith votes aye.

780 Mr. Sensenbrenner?

781 Mr. Sensenbrenner. Aye.

782 Ms. Kish. Mr. Sensenbrenner votes aye.

783 Mr. Coble?

784 [No response.]

785 Ms. Kish. Mr. Gallegly?

786 [No response.]

787 Ms. Kish. Mr. Goodlatte?

788 Mr. Goodlatte. Aye.

789 Ms. Kish. Mr. Goodlatte votes aye.

790 Mr. Lungren?

791 Mr. Lungren. Aye.

792 Ms. Kish. Mr. Lungren votes aye.

793 Mr. Chabot?

794 Mr. Chabot. Aye.

795 Ms. Kish. Mr. Chabot votes aye.

796 Mr. Issa?

797 [No response.]

798 Ms. Kish. Mr. Pence?

799 [No response.]

800 Ms. Kish. Mr. Forbes?

801 [No response.]

802 Ms. Kish. Mr. King?

803 Mr. King. Aye.

804 Ms. Kish. Mr. King votes aye.

805 Mr. Franks?

806 Mr. Franks. Aye.

807 Ms. Kish. Mr. Franks votes aye.

808 Mr. Gohmert?

809 Mr. Gohmert. Aye.

810 Ms. Kish. Mr. Gohmert vote aye.

811 Mr. Jordan?

812 Mr. Jordan. Yes.

813 Ms. Kish. Mr. Jordan votes yes.

814 Mr. Poe?

815 [No response.]

816 Ms. Kish. Mr. Chaffetz?

817 Mr. Chaffetz. Aye.

818 Ms. Kish. Mr. Chaffetz votes aye.

819 Mr. Griffin?

820 Mr. Griffin. Aye.

821 Ms. Kish. Mr. Griffin votes aye.

822 Mr. Marino?

823 Mr. Marino. Aye.

824 Ms. Kish. Mr. Marino votes aye.

825 Mr. Gowdy?

826 Mr. Gowdy. Yes.

827 Ms. Kish. Mr. Gowdy votes yes.

828 Mr. Ross?

829 [No response.]

830 Ms. Kish. Mrs. Adams?

831 [No response.]

832 Ms. Kish. Mr. Quayle?

833 Mr. Quayle. Aye.

834 Ms. Kish. Mr. Quayle votes aye.

835 Mr. Amodei?

836 Mr. Amodei. Aye.

837 Ms. Kish. Mr. Amodei votes aye.

838 Mr. Conyers?

839 [No response.]

840 Ms. Kish. Mr. Berman?

841 [No response.]

842 Ms. Kish. Mr. Nadler?

843 Mr. Nadler. Aye.

844 Ms. Kish. Mr. Nadler votes aye.

845 Mr. Scott?

846 Mr. Scott. No.

847 Ms. Kish. Mr. Scott votes no.

848 Mr. Watt?

849 Mr. Watt. Pass.

850 Ms. Kish. Ms. Lofgren?

851 Ms. Lofgren. No.

852 Ms. Kish. Ms. Lofgren votes no.

853 Ms. Jackson Lee?

854 [No response.]

855 Ms. Kish. Ms. Waters?

856 [No response.]

857 Ms. Kish. Mr. Cohen?

858 [No response.]

859 Ms. Kish. Mr. Johnson?

860 Mr. Johnson. Pass.

861 Ms. Kish. Mr. Pierluisi?

862 Mr. Pierluisi. No.

863 Ms. Kish. Mr. Pierluisi votes no.

864 Mr. Quigley?

865 Mr. Quigley. No.

866 Ms. Kish. Mr. Quigley votes no.  
867 Ms. Chu?  
868 [No response.]  
869 Ms. Kish. Mr. Deutch?  
870 Mr. Deutch. No.  
871 Ms. Kish. Mr. Deutch votes no.  
872 Ms. Sanchez?  
873 Ms. Sanchez. No.  
874 Ms. Kish. Ms. Sanchez votes no.  
875 Mr. Polis?  
876 [No response.]  
877 Chairman Smith. The gentleman from New York.  
878 Mr. Nadler. Mr. Chairman, how am I recorded?  
879 Ms. Kish. Mr. Nadler is recorded as aye.  
880 Mr. Nadler. Can I change that to no, please?  
881 Ms. Kish. Mr. Nadler votes no.  
882 Chairman Smith. And the gentleman from North Carolina?  
883 Mr. Watt. No.  
884 Ms. Kish. Mr. Watt votes no.  
885 Chairman Smith. The gentlewoman from California, Ms.  
886 Waters.

887 Ms. Waters. No.

888 Ms. Kish. Ms. Waters votes no.

889 Chairman Smith. The gentleman from North Carolina?

890 Mr. Coble. Aye.

891 Ms. Kish. Mr. Coble votes aye.

892 Chairman Smith. The gentleman from California?

893 Mr. Gallegly. Aye.

894 Ms. Kish. Mr. Gallegly votes aye.

895 Chairman Smith. The gentleman from Texas, Mr. Poe?

896 Mr. Poe. Yes.

897 Ms. Kish. Mr. Poe votes aye.

898 Chairman Smith. The gentleman from Virginia, Mr.

899 Forbes?

900 Mr. Forbes. Yes.

901 Ms. Kish. Mr. Forbes votes yes.

902 Chairman Smith. The gentleman from Florida.

903 Mr. Ross. Aye.

904 Ms. Kish. Mr. Ross votes aye.

905 Chairman Smith. The clerk will report.

906 Mr. Johnson. Mr. Chairman?

907 Chairman Smith. The gentleman from Georgia, Mr.

908 Johnson.

909 Mr. Johnson. How am I recorded?

910 Ms. Kish. Mr. Johnson is not recorded.

911 Mr. Johnson. Not recorded.

912 Ms. Kish. Not recorded, sir. Pass, I believe, sir.

913 Mr. Johnson. Aye.

914 Ms. Kish. Mr. Johnson votes no.

915 Chairman Smith. Are there other members who wish to be  
916 recorded?

917 If not, the clerk will report.

918 Ms. Kish. Mr. Chairman, 20 members voted aye, 10  
919 members voted nay.

920 Chairman Smith. Okay. The ayes have it, and the bill,  
921 as amended, is reported favorably.

922 Without objection, the bill will reported as a single  
923 amendment in the nature of a substitute incorporating the  
924 amendments adopted. And the staff is authorized to make  
925 technical and conforming changes.

926 Members will have 2 days to submit views.

927 [The information follows:]

928

929 Chairman Smith. Pursuant to notice, we will return to  
930 H.R. 2299. I would now call it up for purposes of markup.  
931 And the clerk will designate the bill.

932 Ms. Kish. H.R. 2299, the Child Interstate Abortion  
933 Notification --

934 Chairman Smith. Okay. Without objection, the bill will  
935 be considered as read and open to amendment at any point.

936 [The information follows.]

937

938 Chairman Smith. And the gentleman from Virginia, Mr.  
939 Scott, is recognized for the purposes of offering an  
940 amendment.

941 Mr. Scott. Thank you, Mr. Chairman. I have an  
942 amendment at the desk, Amendment Number 3.

943 Chairman Smith. The clerk will report the amendment.

944 Ms. Kish. Amendment to H.R. 2299, offered by Mr. Scott  
945 of Virginia, page 3, after line 25, insert the following,  
946 "3, The prohibitions of this section do not apply with  
947 respect to conduct by taxi cab drivers, bus drivers, or  
948 others in the business of professional transport, unless  
949 such individual had sexual contact with the minor, or is a  
950 registered sex offender."

951 [The amendment of Mr. Scott follows:]

952

953 Chairman Smith. The gentleman from Virginia is  
954 recognized.

955 Mr. Scott. Thank you, Mr. Chairman.

956 Mr. Chairman, this is very simple. This amendment would  
957 immunize from criminal and civil liability taxi cab drivers,  
958 bus drivers, or others in the business of professional  
959 transport who transport minors under this act.

960 The bill as written would make a taxi cab driver a  
961 criminal. They simply respond to a call, and if they are  
962 even not aware that the minor is evading the State's consent  
963 laws. If the minor hops in a cab and says, take me to the  
964 abortion clinic so I can get an abortion, and the cab driver  
965 complies with that direction, accepts a fee for the job,  
966 then the taxi cab driver would clearly be in violation of  
967 this section.

968 There is a question of whether the friend who rides with  
969 the teenager is transporting the minor if all they do is  
970 accompany the child, but the English language clearly  
971 includes the taxi cab driver because the language of the  
972 bill states that whoever knowingly transports a minor across  
973 the State line with the intent that such minor obtain an

974 abortion, will be in violation of this act.

975       You do not have to know whether or not you are evading  
976 the parental consent laws, and, therefore, the taxi cab  
977 driver would be held responsible for simply doing the job if  
978 he knows where the child is going.

979       Now, even if the prosecutor uses intelligent  
980 prosecutorial discretion and decides not to criminally  
981 prosecute the taxi cab driver, the fact is that the bill  
982 allows civil liability so that parents can sue the taxi cab  
983 driver for civil damages.

984       And I would hope, Mr. Chairman, that this is not the  
985 intent of the bill. I would hope that the bill would  
986 exclude taxi cab drivers, bus drivers, and others who might  
987 be aware of the purpose of the trip in taking someone across  
988 the State line, and who would, therefore, be technically in  
989 violation of this section. And I would hope we would not  
990 rope them in and then allow the parents to sue them.

991       Now, Mr. Chairman, the last time I offered the  
992 amendment, a criticism was made that this would immunize sex  
993 offenders, and so I added a provision to the end of the bill  
994 that would not apply this exemption to taxi cab drivers, bus

995 drivers, or others in the professional transport business if  
996 they are registered sex offenders.

997 And so, I would hope that taxi cab drivers doing their  
998 job will not get roped into this legislation. I do not  
999 think it is the intent of the legislation, but it is clearly  
1000 covered by the term "whoever knowingly transports," and I  
1001 hope we would adopt the amendment.

1002 I yield back the balance of my time.

1003 Chairman Smith. Thank you, Mr. Scott.

1004 The gentleman from Arizona, Mr. Franks.

1005 Mr. Franks. Mr. Chairman, I would also oppose this  
1006 amendment.

1007 First, taxi cab drivers are not generally liable under  
1008 this bill, which allows for the conviction of an individual  
1009 who knowingly transports a minor across State lines "with  
1010 the intent that such individual an abortion."

1011 Even when a taxi driver may have the knowledge that the  
1012 minor that he or she is transporting will obtain an abortion  
1013 as soon as she arrives at her destination, his or her intent  
1014 is not that the minor obtain an abortion. Rather it is to  
1015 transport the minor to her destination of choice, whether it

1016 is an abortion clinic or a shopping mall. If he takes a  
1017 young girl to a Planned Parenthood, he does not know whether  
1018 she is going there for an abortion, often times for birth  
1019 control.

1020 In other words, the taxi cab driver's reason for  
1021 transporting the minor is to receive the fare, not to ensure  
1022 that she obtains an abortion. So, a taxi cab driver would  
1023 not generally have the requisite intent for prosecution  
1024 under this bill.

1025 On the other hand, Mr. Chairman, there could be some  
1026 instances in which the taxi cab driver does have such a  
1027 criminal intent. He or she may have the intent that a minor  
1028 obtain an abortion across State lines. Perhaps the minor  
1029 has been impregnated by a friend of the cab driver and he  
1030 wants to erase any evidence of a crime. This amendment, if  
1031 adopted, would allow such misconduct, and, of course, that  
1032 is one of the reasons I oppose the amendment.

1033 Mr. Chairman, I yield back.

1034 Chairman Smith. Thank you, Mr. Franks.

1035 The question is on the amendment.

1036 All in favor, say aye?

1037 [A chorus of ayes.]

1038 Mr. Watt. Mr. Chairman.

1039 Chairman Smith. Opposed, no?

1040 [A chorus of nays.]

1041 Mr. Watt. Mr. Chairman.

1042 Chairman Smith. For what purpose does the gentleman  
1043 from North Carolina wish to be recognized?

1044 Mr. Watt. I move to strike the last word.

1045 Chairman Smith. Okay. We will suspend the vote, and  
1046 the gentleman from North Carolina is recognized.

1047 Mr. Watt. Perhaps, Mr. Chairman, we have gone beyond  
1048 the simple ability to read in this committee also. It seems  
1049 to me that if this is a redundant amendment that makes it  
1050 clear, redundancy is the order of the day and should be  
1051 appropriate.

1052 If we are trying to rope in people that we do not want  
1053 to rope in, then maybe we should defeat this amendment. But  
1054 do not justify it on the basis that the bill does not say  
1055 what the bill says. We can all read in this committee, I am  
1056 sure. And I would encourage my colleagues to read the  
1057 language as it is written, and follow the persuasive

1058 argument that Mr. Scott has advanced. Did you want my time?

1059 With that, Mr. Chairman, I yield back my time.

1060 Chairman Smith. Thank you, Mr. Watt.

1061 The question is on the Scott Amendment.

1062 All in favor, say aye.

1063 [A chorus of ayes.]

1064 Chairman Smith. Opposed, no.

1065 [A chorus of nays.]

1066 Chairman Smith. In the opinion of the chair, the noes

1067 have it, and the amendment is not agreed to.

1068 The gentleman requests a recorded vote, and the clerk

1069 will call the roll.

1070 Ms. Kish. Mr. Smith?

1071 Chairman Smith. No.

1072 Ms. Kish. Mr. Smith votes no.

1073 Mr. Sensenbrenner?

1074 Mr. Sensenbrenner. No.

1075 Ms. Kish. Mr. Sensenbrenner votes no.

1076 Mr. Coble?

1077 [No response.]

1078 Ms. Kish. Mr. Gallegly?

1079 Mr. Gallegly. No.

1080 Ms. Kish. Mr. Gallegly votes no.

1081 Mr. Goodlatte?

1082 Mr. Goodlatte. No.

1083 Ms. Kish. Mr. Goodlatte votes no.

1084 Mr. Lungren?

1085 [No response.]

1086 Ms. Kish. Mr. Chabot?

1087 [No response.]

1088 Ms. Kish. Mr. Issa?

1089 [No response.]

1090 Ms. Kish. Mr. Pence?

1091 [No response.]

1092 Ms. Kish. Mr. Forbes?

1093 [No response.]

1094 Ms. Kish. Mr. King?

1095 [No response.]

1096 Ms. Kish. Mr. Franks?

1097 Mr. Franks. No.

1098 Ms. Kish. Mr. Franks votes no.

1099 Mr. Gohmert?

1100 [No response.]

1101 Ms. Kish. Mr. Jordan?

1102 [No response.]

1103 Ms. Kish. Mr. Poe?

1104 Mr. Poe. No.

1105 Ms. Kish. Mr. Poe votes no.

1106 Mr. Chaffetz?

1107 Mr. Chaffetz. No.

1108 Ms. Kish. Mr. Chaffetz votes no.

1109 Mr. Griffin?

1110 [No response.]

1111 Ms. Kish. Mr. Marino?

1112 Mr. Marino. No.

1113 Ms. Kish. Mr. Marino votes no.

1114 Mr. Gowdy?

1115 Mr. Gowdy. No.

1116 Ms. Kish. Mr. Gowdy votes no.

1117 Mr. Ross?

1118 [No response.]

1119 Ms. Kish. Mrs. Adams?

1120 [No response.]

1121 Ms. Kish. Mr. Quayle?  
1122 [No response.]  
1123 Ms. Kish. Mr. Amodei?  
1124 Mr. Amodei. No.  
1125 Ms. Kish. Mr. Amodei votes no.  
1126 Mr. Conyers?  
1127 [No response.]  
1128 Ms. Kish. Mr. Berman?  
1129 [No response.]  
1130 Ms. Kish. Mr. Nadler?  
1131 Mr. Nadler. Aye.  
1132 Ms. Kish. Mr. Nadler votes aye.  
1133 Mr. Scott?  
1134 Mr. Scott. Aye.  
1135 Ms. Kish. Mr. Scott votes aye.  
1136 Mr. Watt?  
1137 Mr. Watt. Aye.  
1138 Ms. Kish. Mr. Watt votes aye.  
1139 Ms. Lofgren?  
1140 Ms. Lofgren. Aye.  
1141 Ms. Kish. Ms. Lofgren votes aye.

1142 Ms. Jackson Lee?

1143 [No response.]

1144 Ms. Kish. Ms. Waters?

1145 [No response.]

1146 Ms. Kish. Mr. Cohen?

1147 [No response.]

1148 Ms. Kish. Mr. Johnson?

1149 Mr. Johnson. Aye.

1150 Ms. Kish. Mr. Johnson votes aye.

1151 Mr. Pierluisi?

1152 Mr. Pierluisi. Aye.

1153 Ms. Kish. Mr. Pierluisi votes aye.

1154 Mr. Quigley?

1155 [No response.]

1156 Ms. Kish. Ms. Chu?

1157 [No response.]

1158 Ms. Kish. Mr. Deutch?

1159 Mr. Deutch. Aye.

1160 Ms. Kish. Mr. Deutch votes aye.

1161 Ms. Sanchez?

1162 Ms. Sanchez. Aye.

1163 Ms. Kish. Ms. Sanchez votes aye.

1164 Mr. Polis?

1165 [No response.]

1166 Chairman Smith. The gentleman from California, Mr.

1167 Lungren?

1168 Mr. Lungren. No.

1169 Ms. Kish. Mr. Lungren votes no.

1170 Chairman Smith. The gentleman from Arkansas?

1171 Mr. Griffin. No.

1172 Ms. Kish. Mr. Griffin votes no.

1173 Chairman Smith. The gentleman from Ohio?

1174 Mr. Chabot. No.

1175 Ms. Kish. Mr. Chabot votes no.

1176 Chairman Smith. The gentleman from North Carolina?

1177 Mr. Coble. No.

1178 Ms. Kish. Mr. Coble votes no.

1179 Chairman Smith. Are there other members who wish to be

1180 recorded?

1181 If not, the clerk will report.

1182 The gentleman from Illinois, Mr. Quigley.

1183 Mr. Quigley. Aye.

1184 Ms. Kish. Mr. Quigley votes aye.

1185 Chairman Smith. The clerk will report.

1186 The clerk will suspend. The gentleman from California,

1187 Mr. Berman.

1188 Mr. Berman. Aye.

1189 Ms. Kish. Mr. Berman votes aye.

1190 Mr. Chairman, 10 members voted aye, 14 members voted

1191 nay.

1192 Chairman Smith. A majority having voted against the

1193 amendment, the amendment is not agreed to.

1194 Are there other amendments?

1195 The gentleman from North Carolina, Mr. Watt.

1196 Mr. Watt. Mr. Chairman, I have an amendment at the

1197 desk, Watt 6.

1198 Chairman Smith. The clerk will report the amendment.

1199 Mr. Watt. And actually, Mr. Chairman, I ask unanimous

1200 consent that 6 and 7 be considered en block.

1201 Chairman Smith. Without objection, Watt Amendments

1202 Number 6 and 7 will be considered together.

1203 [The amendments of Mr. Watt follow:]

1204

1205 Chairman Smith. And the gentleman is recognized.

1206 Mr. Watt. Thank you, Mr. Chairman, and I will be very  
1207 brief because one side of me says that we should dispose of  
1208 these amendments and they be voted down because obviously  
1209 the sponsors of this bill are more concerned about making  
1210 political points than they are about the constitutionality,  
1211 which is what this committee is all about.

1212 It is obvious that the Supreme Court's rulings have all  
1213 required an exception for the life and health of the mother,  
1214 whether it is a minor or an adult. And without that life  
1215 and health exception under current law, unless the Supreme  
1216 Court changes it, this bill would be struck down. So, the  
1217 purpose of both of these amendments would be to address that  
1218 constitutional impairment of the bill.

1219 And I would assume that in the Judiciary Committee, we  
1220 would be interested in passing a bill that met  
1221 constitutional standards. I mean, if any committee in  
1222 Congress would be interested in that, I would think the  
1223 House Judiciary Committee and the Senate Judiciary Committee  
1224 would be very sensitive and sensitive to it.

1225 So, let us hope that we live up to our Judiciary

1226 Committee responsibilities, as well as the oath that we took  
1227 when we were sworn in.

1228 With that, Mr. Chairman, I yield back.

1229 Chairman Smith. Thank you, Mr. Watt.

1230 The gentleman from Arizona, Mr. Franks.

1231 Mr. Franks. Well, thank you, Mr. Chairman.

1232 Mr. Chairman, if it is all right, I will speak to both  
1233 amendments at the same time. I oppose both of them.

1234 CIANA already contains a broad exception that pertains  
1235 to life-threatening situations. However, to extend such an  
1236 exception beyond that would really nullify the bill because  
1237 courts have interpreted the word "health" to include  
1238 virtually any reason for desiring an abortion. And this  
1239 exception would swallow the rule.

1240 In *Doe v. Bolton*, for instance, the Supreme Court  
1241 interpreted "health" in a context other than parental  
1242 involvement laws to mean all factors -- physical, emotional,  
1243 psychological, familial, and the woman's age, relevant to  
1244 the well-being of the patient.

1245 Now, Mr. Chairman, that has led to being able to abort  
1246 in labor. This amendment would accomplish the same thing.

1247 For example, it would allow an adult male predator to take  
1248 the minor girl he impregnated across State lines for a  
1249 secret abortion, saying he is protecting her from the  
1250 "emotional difficulty" of being a pregnant 14-year-old.

1251 Further, the Supreme Court has upheld constitutional  
1252 state parental notification statutes that did not contain a  
1253 general health exception. That State statute provided only  
1254 for a judicial bypass exception, and an exception for cases  
1255 in which emergency treatment prior to notice is "necessary  
1256 to prevent the woman's death."

1257 In reality, however, the bill protects the health of  
1258 minors because criminal involvement is essential, Mr.  
1259 Chairman, to protecting a minor girl's health. Parental  
1260 notification decreases the chances of post-abortive  
1261 complications, of going unnoticed and unaddressed. If  
1262 parents are unaware that an abortion is taking place, they  
1263 may not recognize signs of infection or other life-  
1264 threatening complications before it is too late.

1265 Young girls face serious risk to their health and well-  
1266 being when they are secretly taken for an abortion without  
1267 parents' knowledge.

1268           Again, Mr. Chairman, I am going to stop there and hope  
1269 that we defeat both amendments.

1270           Chairman Smith. Thank you, Mr. Franks.

1271           Are there other members who wish to be heard?

1272           If not, the question is one --

1273           Mr. Watt. Mr. Chairman, I move to separate the vote on  
1274 the two bills.

1275           Chairman Smith. The gentleman from North Carolina has  
1276 requested separate votes on each amendment. Without  
1277 objection, we will have separate votes on each amendment

1278           In the case of the first vote, it will be on Mr. Watt's  
1279 Amendment Number 6.

1280           All in favor, say aye.

1281           [A chorus of ayes.]

1282           Chairman Smith. Opposed, nay?

1283           [A chorus of nays.]

1284           Chairman Smith. In the opinion of the chair, the noes  
1285 have it. The amendment is not agreed to.

1286           Mr. Watt. I ask for a recorded vote.

1287           Chairman Smith. A recorded vote has been requested on  
1288 Watt Number 6.

1289 The clerk will call --

1290 Mr. Watt. Mr. Chairman, if you want to do both of the  
1291 same time, that is fine.

1292 Chairman Smith. Let me see if that is possible.

1293 Mr. Watt. I am trying to expedite this if I can, but I  
1294 think we need separate votes. You can do them back to back  
1295 if you want.

1296 Chairman Smith. Does the gentleman from North Carolina  
1297 wish to withdraw his request for a division?

1298 Mr. Watt. No, because I want a separate vote, but I was  
1299 just trying to speed up the process so that you could call  
1300 the roll back to back.

1301 Chairman Smith. I do not think that is possible.

1302 Mr. Watt. Okay, well --

1303 Chairman Smith. But I appreciate the intention of the  
1304 gentleman from North Carolina.

1305 Mr. Watt. Just trying to be helpful, Mr. Chairman.

1306 Chairman Smith. Well, we could always not have a  
1307 recorded vote.

1308 [Laughter.]

1309 Mr. Watt. Not trying to be that helpful, Mr. Chairman.

1310 Chairman Smith. Not that helpful. Okay.

1311 [Laughter.]

1312 Mr. Watt. I am trying to be helpful, but not that  
1313 helpful.

1314 Chairman Smith. Okay. Thank you, Mr. Watt.

1315 We will vote first on Watt Number 6, and then separately  
1316 on Watt Number 7.

1317 The clerk will call the roll.

1318 Ms. Kish. Mr. Smith?

1319 Chairman Smith. No.

1320 Ms. Kish. Mr. Smith votes no.

1321 Mr. Sensenbrenner?

1322 Mr. Sensenbrenner. No.

1323 Ms. Kish. Mr. Sensenbrenner votes no.

1324 Mr. Coble?

1325 [No response.]

1326 Ms. Kish. Mr. Gallegly?

1327 Mr. Gallegly. No.

1328 Ms. Kish. Mr. Gallegly votes no.

1329 Mr. Goodlatte?

1330 [No response.]

1331 Ms. Kish. Mr. Lungren?  
1332 [No response.]  
1333 Ms. Kish. Mr. Chabot?  
1334 [No response.]  
1335 Ms. Kish. Mr. Issa?  
1336 [No response.]  
1337 Ms. Kish. Mr. Pence?  
1338 [No response.]  
1339 Ms. Kish. Mr. Forbes?  
1340 [No response.]  
1341 Ms. Kish. Mr. King?  
1342 [No response.]  
1343 Ms. Kish. Mr. Franks?  
1344 Mr. Franks. No.  
1345 Ms. Kish. Mr. Franks votes no.  
1346 Mr. Gohmert?  
1347 [No response.]  
1348 Ms. Kish. Mr. Jordan?  
1349 [No response.]  
1350 Ms. Kish. Mr. Poe?  
1351 [No response.]

1352 Ms. Kish. Mr. Chaffetz?

1353 Mr. Chaffetz. No.

1354 Ms. Kish. Mr. Chaffetz votes no.

1355 Mr. Griffin?

1356 Mr. Griffin. No.

1357 Ms. Kish. Mr. Griffin votes no.

1358 Mr. Marino?

1359 Mr. Marino. No.

1360 Ms. Kish. Mr. Marino votes no.

1361 Mr. Gowdy?

1362 Mr. Gowdy. No.

1363 Ms. Kish. Mr. Gowdy votes no.

1364 Mr. Ross?

1365 [No response.]

1366 Ms. Kish. Mrs. Adams?

1367 [No response.]

1368 Ms. Kish. Mr. Quayle?

1369 [No response.]

1370 Ms. Kish. Mr. Amodei?

1371 [No response.]

1372 Ms. Kish. Mr. Conyers?

1373 [No response.]

1374 Ms. Kish. Mr. Berman?

1375 [No response.]

1376 Ms. Kish. Mr. Nadler?

1377 Mr. Nadler. Aye.

1378 Ms. Kish. Mr. Nadler votes aye.

1379 Mr. Scott?

1380 Mr. Scott. Aye.

1381 Ms. Kish. Mr. Scott votes aye.

1382 Mr. Watt?

1383 Mr. Watt. Aye.

1384 Ms. Kish. Mr. Watt votes aye.

1385 Ms. Lofgren?

1386 Ms. Lofgren. Aye.

1387 Ms. Kish. Ms. Lofgren votes aye.

1388 Ms. Jackson Lee?

1389 Ms. Jackson Lee. Aye.

1390 Ms. Kish. Ms. Jackson Lee votes aye.

1391 Ms. Waters?

1392 [No response.]

1393 Ms. Kish. Mr. Cohen?

1394 [No response.]

1395 Ms. Kish. Mr. Johnson?

1396 Mr. Johnson. Aye.

1397 Ms. Kish. Mr. Johnson votes aye.

1398 Mr. Pierluisi?

1399 Mr. Pierluisi. Aye.

1400 Ms. Kish. Mr. Pierluisi votes aye.

1401 Mr. Quigley?

1402 Mr. Quigley. Aye.

1403 Ms. Kish. Mr. Quigley votes aye.

1404 Ms. Chu?

1405 [No response.]

1406 Ms. Kish. Mr. Deutch?

1407 Mr. Deutch. Aye.

1408 Ms. Kish. Mr. Deutch votes aye.

1409 Ms. Sanchez?

1410 Ms. Sanchez. Aye.

1411 Ms. Kish. Ms. Sanchez votes aye.

1412 Mr. Polis?

1413 [No response.]

1414 Chairman Smith. The gentleman from North Carolina?

1415 Mr. Coble. No.

1416 Ms. Kish. Mr. Coble votes no.

1417 Chairman Smith. The gentleman from Ohio?

1418 Mr. Chabot. No.

1419 Ms. Kish. Mr. Chabot votes no.

1420 Chairman Smith. The gentleman from California, Mr.

1421 Lungren?

1422 Mr. Lungren. No.

1423 Ms. Kish. Mr. Lungren votes no.

1424 Chairman Smith. The gentleman from California, Mr.

1425 Berman?

1426 Mr. Berman. Aye.

1427 Ms. Kish. Mr. Berman votes aye.

1428 Chairman Smith. The clerk will call the roll. I mean,

1429 the clerk will report, excuse me.

1430 Oh, the clerk will suspend.

1431 The gentleman from Virginia, Mr. Goodlatte?

1432 Mr. Goodlatte. No.

1433 Ms. Kish. Mr. Goodlatte votes no.

1434 Chairman Smith. The gentleman from Nevada, Mr. Amodei?

1435 Mr. Amodei. No.

1436 Ms. Kish. Mr. Amodei votes no.

1437 Chairman Smith. Are there other members who wish to be  
1438 recorded?

1439 The clerk will report.

1440 Ms. Kish. Mr. Chairman, 13 members -- pardon me.

1441 Eleven members voted aye, 13 members voted nay.

1442 Chairman Smith. A majority having voted against the  
1443 amendment, the amendment is not agreed to.

1444 We will now have a recorded vote on Mr. Watt's Amendment  
1445 Number 7. And the clerk will call the roll.

1446 Ms. Kish. Mr. Smith?

1447 Chairman Smith. No.

1448 Ms. Kish. Mr. Smith votes no.

1449 Mr. Sensenbrenner?

1450 Mr. Sensenbrenner. No.

1451 Ms. Kish. Mr. Sensenbrenner votes no.

1452 Mr. Coble?

1453 Mr. Coble . No.

1454 Ms. Kish. Mr. Coble votes no.

1455 Mr. Gallegly?

1456 [No response.]

1457 Ms. Kish. Mr. Goodlatte?  
1458 Mr. Goodlatte. No.  
1459 Ms. Kish. Mr. Goodlatte votes no.  
1460 Mr. Lungren?  
1461 Mr. Lungren. No.  
1462 Ms. Kish. Mr. Lungren votes no.  
1463 Mr. Chabot?  
1464 Mr. Chabot. No.  
1465 Ms. Kish. Mr. Chabot votes no.  
1466 Mr. Issa?  
1467 [No response.]  
1468 Ms. Kish. Mr. Pence?  
1469 [No response.]  
1470 Ms. Kish. Mr. Forbes?  
1471 [No response.]  
1472 Ms. Kish. Mr. King?  
1473 [No response.]  
1474 Ms. Kish. Mr. Franks?  
1475 Mr. Franks. No.  
1476 Ms. Kish. Mr. Franks votes no.  
1477 Mr. Gohmert?

1478 [No response.]

1479 Ms. Kish. Mr. Jordan?

1480 [No response.]

1481 Ms. Kish. Mr. Poe?

1482 [No response.]

1483 Ms. Kish. Mr. Chaffetz?

1484 Mr. Chaffetz. No.

1485 Ms. Kish. Mr. Chaffetz votes no.

1486 Mr. Griffin?

1487 Mr. Griffin. No.

1488 [No response.]

1489 Ms. Kish. Mr. Marino?

1490 Mr. Marino. No.

1491 Ms. Kish. Mr. Marino votes no.

1492 Mr. Gowdy?

1493 Mr. Gowdy. No.

1494 Ms. Kish. Mr. Gowdy votes no.

1495 Mr. Ross?

1496 [No response.]

1497 Ms. Kish. Mrs. Adams?

1498 [No response.]

1499 Ms. Kish. Mr. Quayle?

1500 Mr. Quayle. No.

1501 Ms. Kish. Mr. Quayle votes no.

1502 Mr. Amodei?

1503 Mr. Amodei. No.

1504 Ms. Kish. Mr. Amodei votes no.

1505 Mr. Conyers?

1506 [No response.]

1507 Ms. Kish. Mr. Berman?

1508 Mr. Berman. Aye.

1509 Ms. Kish. Mr. Berman votes aye.

1510 Mr. Nadler?

1511 Mr. Nadler. Aye.

1512 Ms. Kish. Mr. Nadler votes aye.

1513 Mr. Scott?

1514 Mr. Scott. Aye.

1515 Ms. Kish. Mr. Scott votes aye.

1516 Mr. Watt?

1517 Mr. Watt. Aye.

1518 Ms. Kish. Mr. Watt votes aye.

1519 Ms. Lofgren?

1520 Ms. Lofgren. Aye.

1521 Ms. Kish. Ms. Lofgren votes aye.

1522 Ms. Jackson Lee?

1523 Ms. Jackson Lee. Aye.

1524 Ms. Kish. Ms. Jackson Lee votes aye.

1525 Ms. Waters?

1526 [No response.]

1527 Ms. Kish. Mr. Cohen?

1528 Mr. Cohen. Aye.

1529 Ms. Kish. Mr. Cohen votes aye.

1530 Mr. Johnson?

1531 Mr. Johnson. Aye.

1532 Ms. Kish. Mr. Johnson votes aye.

1533 Mr. Pierluisi?

1534 Mr. Pierluisi. Aye.

1535 Ms. Kish. Mr. Pierluisi votes aye.

1536 Mr. Quigley?

1537 Mr. Quigley. Aye.

1538 Ms. Kish. Mr. Quigley votes aye.

1539 Ms. Chu?

1540 [No response.]

1541 Ms. Kish. Mr. Deutch?

1542 Mr. Deutch. Aye.

1543 Ms. Kish. Mr. Deutch votes aye.

1544 Ms. Sanchez?

1545 Ms. Sanchez. Aye.

1546 Ms. Kish. Ms. Sanchez votes aye.

1547 Mr. Polis?

1548 [No response.]

1549 Chairman Smith. And the gentleman from Texas, Mr. Poe?

1550 Mr. Poe. No.

1551 Ms. Kish. Mr. Poe votes no.

1552 Chairman Smith. The gentleman from Arkansas?

1553 Mr. Griffin. No.

1554 Ms. Kish. Mr. Griffin votes no.

1555 Chairman Smith. The gentleman from California?

1556 Mr. Gallegly. No.

1557 Ms. Kish. Mr. Gallegly votes no.

1558 Chairman Smith. The clerk will report.

1559 Ms. Jackson Lee. Mr. Chairman --

1560 Chairman Smith. The gentlewoman from Texas --

1561 Ms. Jackson Lee. How am I recorded?

1562 Chairman Smith. -- Ms. Jackson Lee?

1563 Ms. Kish. Ms. Jackson Lee is recorded as aye.

1564 Ms. Jackson Lee. Thank you.

1565 Chairman Smith. And the clerk will report.

1566 Ms. Kish. Mr. Chairman, 12 members votes aye, 15  
1567 members voted nay.

1568 Chairman Smith. A majority having voted against the  
1569 amendment, the amendment is not agreed to.

1570 Are there other amendments? The gentlewoman from Texas,  
1571 Ms. Jackson Lee, is recognized.

1572 Ms. Jackson Lee. Mr. Chairman, I would like to call up  
1573 Amendments Jackson Lee Number 4, en block, Number 10, and  
1574 Number 16.

1575 Chairman Smith. Without objection, Ms. Jackson Lee  
1576 Amendments Number 4, Number 10, and Number 15 will be  
1577 considered en block.

1578 The clerk will report all three amendments.

1579 Ms. Kish. Amendment to H.R. 2299, offered by Ms.  
1580 Jackson Lee of Texas, page 3, after line 25, insert the  
1581 following, "3, The prohibitions of this section do not apply  
1582 with respect to conduct by clergy, godparents, aunts,

1583 uncles, or first cousins, unless such person had sexual  
1584 contact with the minor."

1585       Amendment to H.R. 2299, offered by Ms. Jackson Lee of  
1586 Texas, page 3, after line 25, insert the following, "3, The  
1587 prohibition of Subsection (a) does not apply if the  
1588 pregnancy is the result of contact with a parent or any  
1589 other person who has permanent or temporary care or custody  
1590 or responsibility for supervision of the minor, or by any  
1591 household or family member, unless such parent or other  
1592 person had sexual contact with the minor."

1593       Amendment to H.R. 2299, offered by Ms. Jackson Lee of  
1594 Texas, page 12, line 11, strike 45 and insert 120.

1595       [The amendments of Ms. Jackson Lee follow:]

1596

1597 Chairman Smith. The gentlewoman from Texas is  
1598 recognized to explain her amendments.

1599 Ms. Jackson Lee. I thank the chairman, and I believe  
1600 that we have had an experience with this. And I hope that  
1601 my amendments characterize the effort as they are being  
1602 given out to help protect the young woman, the minor,  
1603 because it is important to consider why a minority of young  
1604 women cannot inform their parents.

1605 We do not individual family situations, but we do know  
1606 that young women find comfort with relatives who they trust,  
1607 may have lived with for a period of time, may have called  
1608 someone special, and clergy, godparents fit that role.  
1609 Aunts and uncles fit that role, and first cousins.

1610 This is to allow a young woman to have the counsel that  
1611 is necessary in Amendment Number 4. The threat of physical  
1612 and emotional abuse upon disclosure of the pregnancy to  
1613 their parents or a pregnancy that is a result of incest,  
1614 make it impossible sometimes for these adolescents to talk  
1615 to their parents.

1616 With increased cultural diversity and family  
1617 considerations about some action that has generated a

1618 pregnancy, it is important to have the wide expanse of  
1619 comfort that a young child, a young woman, may need.

1620 One study found that 61 percent of parents in States  
1621 with mandatory parental consent or notice laws know of their  
1622 daughter's pregnancy. So, unfortunately, some young women,  
1623 as I said, cannot talk to their parents. It is important, I  
1624 believe, in this amendment to expand the reach of  
1625 individuals who have the opportunity to be able to comfort  
1626 that person and to give the appropriate adult counsel, who  
1627 have not had sexual contact with the child.

1628 The Amendment Number 10 provides an exemption for cases  
1629 where pregnancy is the result of sexual contact with parent,  
1630 guardian, or other household member. And so, if that is the  
1631 case, that would not be the appropriate person to be in  
1632 consultation. And, therefore, we would want this law not to  
1633 apply when an occurrence of sexual contact happened within  
1634 the family or the immediate family -- parent, guardian, or  
1635 other household member.

1636 My last amendment, because of the impact of this  
1637 legislation, frankly because of the immediate desperation,  
1638 this would allow a time frame extension from 45 days to 120

1639 days. I offer this amendment to demonstrate how burdensome  
1640 and intrusive H.R. 2299 might be. At least doctors in 50  
1641 States will have more time to comply with its provisions.  
1642 We are asking doctors who might be in an emergency situation  
1643 become lawyers with imposing paperwork burdens. We spent  
1644 all of last week talking about defensive medicine, just how  
1645 complicated is it, and how complicated it is to practice  
1646 medicine in this country. And yet, here we are placing  
1647 complicated burdens and requirements on our physicians.

1648 At first glance, the legislation that forces all young  
1649 people to meet strict parental environment laws for abortion  
1650 might sound and reasonable. My amendments, I hope the  
1651 earlier ones, both 4 and 10, help to contribute to the  
1652 safety of the young person and be reasonable, but also  
1653 recognize that we need to provide a broader view to ensure  
1654 that the young person we want to protect is protected.

1655 In this instance, we are suggesting that a one size fits  
1656 all mandate can solve delicate family situations, and a bill  
1657 that does so may be unworkable. So, we are arguing that the  
1658 doctors themselves need to learn what the obligations are,  
1659 and I, frankly, do not want to see doctors criminalized who

1660 are simply trying to be of help.

1661 This extension gives time for thought and deliberation.  
1662 It gives time for understanding, and as well, it recognizes  
1663 the concern expressed by the American Medical Association  
1664 that is noted, that because the need for privacy may be  
1665 compelling, minors may be driven to desperate measures to  
1666 maintain the confidentiality of their pregnancies.

1667 Doctors have to deal with this. Doctors may have to  
1668 deal with runaways who come from somewhere else to see a  
1669 doctor. They have to deal with the potential of back alley  
1670 abortions. They have to deal with comforting and counseling  
1671 as well.

1672 So, I would ask that this amendment be adopted, changes  
1673 the effective date from 45 to 120 days, the amendment that  
1674 expands the exemption for clergy, godparents, aunts, uncles,  
1675 or first cousins, unless the individual has had sexual  
1676 contact with the minor, and the amendment that provides an  
1677 exemption for cases where pregnancy is a result of sexual  
1678 contact with the parent, guardian, or other household  
1679 members.

1680 I would ask, Mr. Chairman, that I be allowed to submit

1681 my -- ask unanimous consent, my entire statements for  
1682 Amendments 4, 10, and 15 in the record. And I would simply  
1683 ask my colleagues, who are we trying to protect? Who are we  
1684 trying to give the greatest opportunity for safety and  
1685 security? It is the young person. And who is involved in  
1686 this process? It is the doctor. These are reasonable  
1687 amendments that address the question of concern of saving  
1688 lives, of allowing young people to be able to find the  
1689 comfort where necessary, and to protect them from those that  
1690 might abuse them or might have had sexual contact with them.  
1691 And certainly if it is in the household, how dastardly it is  
1692 that we require that young woman to go and talk to the very  
1693 persons that might have involved or been involved with  
1694 sexual contact in that child.

1695 With that, I ask my colleagues to support the  
1696 amendments, and I yield back my time.

1697 Chairman Smith. Without objection, the gentlewoman's  
1698 entire statement will be made a part of the record.

1699 [The information follows:]

1700

1701 Chairman Smith. The gentleman from Arizona, Mr. Franks,  
1702 is recognized.

1703 Mr. Franks. Well, thank you, Mr. Chairman.

1704 Mr. Chairman, I would oppose all three of these  
1705 amendments. I will take them one at a time.

1706 The first amendment excludes from the bill any "clergy,"  
1707 and in the amendment leaves that word undefined. Just a few  
1708 years ago, Mr. Chairman, one Arizona State court ominously  
1709 described the dangers of using the term "clergy" in the law  
1710 without providing any clear definition. The court stated,  
1711 "Almost anyone in a religious organization willing to offer  
1712 what purports to be spiritual advice would qualify for  
1713 clergy status." And some courts have even stated that they  
1714 are prohibited by the Constitution from limiting who can or  
1715 cannot be considered a member of the "clergy."

1716 One court has stated that an essential and integral part  
1717 of the right to freely exercise one's religion, as protected  
1718 by the Federal Constitution, includes the right to select  
1719 the clergy. Now, the upshot of that, Mr. Chairman, it means  
1720 that an impressionable and vulnerable minor would be the  
1721 ones to decide for herself or decide who was a clergy

1722 member, whether it was a --

1723 Ms. Jackson Lee. Will the gentleman yield?

1724 Mr. Franks. Cult -- let me finish, then I will yield.

1725 I will finish all of them, and then I will yield. Whether

1726 the member was some member of a crazy cult or something that

1727 really beggars description here, the clergy then would

1728 escape that liability under the legislation, and it really

1729 blows the legislation apart.

1730 The second amendment, I think, is one of the most

1731 onerous amendments that we have discussed here today because

1732 it would allow those who abuse a child sexually or otherwise

1733 to escape prosecution. It should be defeated because it

1734 would trump the judicial bypass provisions in place in the

1735 States that allow judges to make these case by case

1736 determinations, and for alerting the appropriate authorities

1737 so abusers can be brought to justice.

1738 This amendment would allow abusers to get off scott free

1739 and doom the victims of sexual abuse to even more abuse. If

1740 a girl is afraid to tell her parents of the abortion for

1741 fear of past or future sexual abuse, she may utilize the

1742 judicial bypass in her State.

1743           And, of course, it is important to keep in mind, Mr.  
1744 Chairman, the offense of transporting a minor across the  
1745 State line does not apply if the girl has been granted a  
1746 judicial bypass, and it is also important to realize that  
1747 the bill itself, if the girl tells her doctor that she has  
1748 been sexually abused, then the doctor is required to report  
1749 that to authorities. So, this amendment would be a very  
1750 dangerous amendment, and I hope it is defeated.

1751           And in terms of the last amendment, Mr. Chairman, to  
1752 just extend the period of time, I do not know what the  
1753 rationale is for that. I mean, the bill is overwhelmingly  
1754 supported by the American people. It is reasonable beyond  
1755 degree. And I would want to defeat that as well.

1756           And with that, I would yield any time I have left to the  
1757 gentlewoman from Texas.

1758           Ms. Jackson Lee. I thank the gentleman very much. And  
1759 what I would first argue is judicial bypass is so excessive,  
1760 we are presently -- some of this panel are listening to the  
1761 Supreme Court argument as we speak. And the Affordable  
1762 Health Care bill has wound its way up to the Supreme Court  
1763 after two years. Judicial bypass probably will equal that

1764 kind of complexity.

1765       But what I would say to the gentleman is the Sana Tabbar  
1766 case reinforces the ministerial exemption, and this is a  
1767 broad cover that is by denomination. We cannot point out or  
1768 isolate religions that we may not like, but if they fall  
1769 under this denominational status, and they fall under the  
1770 Supreme Court case that has reinforced the ministerial  
1771 exemption, then I think the gentleman's worries have been  
1772 answered or would be answered that a minor would fall into  
1773 the victims, or the hands of some undesignated clergy. They  
1774 would not be covered. It is a denominational cover, not an  
1775 individual standing up and saying that they have heard a  
1776 word from God directly. So, I would just --

1777       Mr. Franks. Mr. Chairman, reclaiming my time.

1778       Ms. Jackson Lee. I would yield back your time and just  
1779 simply say that I think that your worries would be covered  
1780 by the Supreme Court case.

1781       Mr. Franks. Mr. Chairman, just reclaiming my time,  
1782 there is no definition of clergy in the gentlewoman's  
1783 amendment. And I would just suggest to you, to just to  
1784 repeat myself, the second section of CIANA does not apply

1785 where the abortion provider is either presented with court  
1786 papers showing that the parental law, consent laws have been  
1787 complied with, or where the minor states that she has been  
1788 the victim of abuse by a parent. Then the abortion provider  
1789 does not notify the parents. They are then required to  
1790 notify the authorities. And that is an important  
1791 consideration.

1792 With that, I yield back.

1793 Chairman Smith. Thank you, Mr. Franks.

1794 The question is on the amendments en block.

1795 Ms. Jackson Lee. Mr. Chairman, excuse me, I would like  
1796 a division of the question.

1797 Chairman Smith. And division of the question has been  
1798 requested. That means we will vote separately on Ms.  
1799 Jackson Lee Amendments Number 4, Number 10, and Number 15.

1800 The first vote is on Number 4. The clerk will call the  
1801 roll.

1802 Ms. Kish. Mr. Smith?

1803 Chairman Smith. No.

1804 Ms. Kish. Mr. Smith votes no.

1805 Mr. Sensenbrenner?

1806 [No response.]

1807 Ms. Kish. Mr. Coble?

1808 [No response.]

1809 Ms. Kish. Mr. Gallegly?

1810 Mr. Gallegly. No.

1811 Ms. Kish. Mr. Gallegly votes no.

1812 Mr. Goodlatte?

1813 [No response.]

1814 Ms. Kish. Mr. Lungren?

1815 [No response.]

1816 Ms. Kish. Mr. Chabot?

1817 [No response.]

1818 Ms. Kish. Mr. Issa?

1819 [No response.]

1820 Ms. Kish. Mr. Pence?

1821 [No response.]

1822 Ms. Kish. Mr. Forbes?

1823 [No response.]

1824 Ms. Kish. Mr. King?

1825 [No response.]

1826 Ms. Kish. Mr. Franks?

1827 Mr. Franks. No.

1828 Ms. Kish. Mr. Franks votes no.

1829 Mr. Gohmert?

1830 [No response.]

1831 Ms. Kish. Mr. Jordan?

1832 [No response.]

1833 Ms. Kish. Mr. Poe?

1834 [No response.]

1835 Ms. Kish. Mr. Chaffetz?

1836 Mr. Chaffetz. No.

1837 Ms. Kish. Mr. Chaffetz votes no.

1838 Mr. Griffin?

1839 Mr. Griffin. No.

1840 Ms. Kish. Mr. Griffin votes no.

1841 Mr. Marino?

1842 Mr. Marino. No.

1843 Ms. Kish. Mr. Marino votes no.

1844 Mr. Gowdy?

1845 Mr. Gowdy. No.

1846 Ms. Kish. Mr. Gowdy votes no.

1847 Mr. Ross?

1848 [No response.]

1849 Ms. Kish. Mrs. Adams?

1850 [No response.]

1851 Ms. Kish. Mr. Quayle?

1852 Mr. Quayle. No.

1853 Ms. Kish. Mr. Quayle votes no.

1854 Mr. Amodei?

1855 Mr. Amodei. No.

1856 Ms. Kish. Mr. Amodei votes no.

1857 Mr. Conyers?

1858 [No response.]

1859 Ms. Kish. Mr. Berman?

1860 [No response.]

1861 Ms. Kish. Mr. Nadler?

1862 [No response.]

1863 Ms. Kish. Mr. Scott?

1864 Mr. Scott. Aye.

1865 Ms. Kish. Mr. Scott votes aye.

1866 Mr. Watt?

1867 Mr. Watt. Aye.

1868 Ms. Kish. Mr. Watt votes aye.

1869 Ms. Lofgren?

1870 Ms. Lofgren. Aye.

1871 Ms. Kish. Ms. Lofgren votes aye.

1872 Ms. Jackson Lee?

1873 Ms. Jackson Lee. Aye.

1874 Ms. Kish. Ms. Jackson Lee votes aye.

1875 Ms. Waters?

1876 [No response.]

1877 Ms. Kish. Mr. Cohen?

1878 Mr. Cohen. Aye.

1879 Ms. Kish. Mr. Cohen votes aye.

1880 Mr. Johnson?

1881 Mr. Johnson. Aye.

1882 Ms. Kish. Mr. Johnson votes aye.

1883 Mr. Pierluisi?

1884 Mr. Pierluisi. No.

1885 Ms. Kish. Mr. Pierluisi votes no.

1886 Mr. Quigley?

1887 Mr. Quigley. Aye.

1888 Ms. Kish. Mr. Quigley votes aye.

1889 Ms. Chu?

1890 [No response.]

1891 Ms. Kish. Mr. Deutch?

1892 Mr. Deutch. Aye.

1893 Ms. Kish. Mr. Deutch votes aye.

1894 Ms. Sanchez?

1895 Ms. Sanchez. Aye.

1896 Ms. Kish. Ms. Sanchez votes aye.

1897 Mr. Polis?

1898 [No response.]

1899 Chairman Smith. The gentleman from Arizona, have you

1900 voted? Okay.

1901 The gentleman from California, Mr. Lungren?

1902 Mr. Lungren. No.

1903 Ms. Kish. Mr. Lungren votes no.

1904 Chairman Smith. The gentleman from Ohio?

1905 Mr. Chabot. No.

1906 Ms. Kish. Mr. Chabot votes no.

1907 Chairman Smith. The gentleman from Wisconsin

1908 Mr. Sensenbrenner. No.

1909 Ms. Kish. Mr. Sensenbrenner votes no.

1910 Chairman Smith. The gentleman from North Carolina?

1911 Mr. Coble. No.

1912 Ms. Kish. Mr. Coble votes no.

1913 Chairman Smith. The gentleman from Texas?

1914 Mr. Poe. No.

1915 Ms. Kish. Mr. Poe votes no.

1916 Chairman Smith. The gentleman from Virginia?

1917 Mr. Goodlatte. No.

1918 Ms. Kish. Mr. Goodlatte votes no.

1919 Chairman Smith. The gentleman from California, Mr.

1920 Berman?

1921 Mr. Berman. Aye.

1922 The gentleman from New York, Mr. Nadler?

1923 Mr. Nadler. Aye.

1924 Ms. Kish. Mr. Nadler votes aye.

1925 Chairman Smith. The clerk will report.

1926 Ms. Kish. Mr. Berman. Mr. Berman votes aye.

1927 Mr. Chairman, 11 members voted aye, 16 members voted

1928 nay.

1929 Chairman Smith. The majority having voted against the

1930 amendment, the amendment is not agreed to.

1931 The question is on Ms. Jackson Lee's Amendment Number

1932 10. All in favor say aye?

1933 [A chorus of ayes.]

1934 Chairman Smith. Opposed, no?

1935 [A chorus of nays.]

1936 Ms. Jackson Lee. Roll call vote, Mr. Chairman.

1937 Chairman Smith. A roll call vote has been requested.

1938 The clerk will call the roll.

1939 Ms. Kish. Mr. Smith?

1940 Chairman Smith. No.

1941 Ms. Kish. Mr. Smith votes no.

1942 Mr. Sensenbrenner?

1943 Mr. Sensenbrenner. No.

1944 Ms. Kish. Mr. Sensenbrenner votes no.

1945 Mr. Coble?

1946 Mr. Coble. No.

1947 Ms. Kish. Mr. Coble votes no.

1948 Mr. Gallegly?

1949 Mr. Gallegly. No.

1950 Ms. Kish. Mr. Gallegly votes no.

1951 Mr. Goodlatte?

1952 [No response.]

1953 Ms. Kish. Mr. Lungren?

1954 Mr. Lungren. No.

1955 Ms. Kish. Mr. Lungren votes no.

1956 Mr. Chabot?

1957 Mr. Chabot. No.

1958 Ms. Kish. Mr. Chabot votes no.

1959 Mr. Issa?

1960 [No response.]

1961 Ms. Kish. Mr. Pence?

1962 [No response.]

1963 Ms. Kish. Mr. Forbes?

1964 [No response.]

1965 Ms. Kish. Mr. King?

1966 [No response.]

1967 Ms. Kish. Mr. Franks?

1968 Mr. Franks. No.

1969 Ms. Kish. Mr. Franks votes no.

1970 Mr. Gohmert?

1971 [No response.]

1972 Ms. Kish. Mr. Jordan?

1973 [No response.]

1974 Ms. Kish. Mr. Poe?  
1975 Mr. Poe. No.  
1976 Ms. Kish. Mr. Poe votes no.  
1977 Mr. Chaffetz?  
1978 Mr. Chaffetz. No.  
1979 Ms. Kish. Mr. Chaffetz votes no.  
1980 Mr. Griffin?  
1981 [No response.]  
1982 Ms. Kish. Mr. Marino?  
1983 Mr. Marino. No.  
1984 Ms. Kish. Mr. Marino votes no.  
1985 Mr. Gowdy?  
1986 Mr. Gowdy. No.  
1987 Ms. Kish. Mr. Gowdy votes no.  
1988 Mr. Ross?  
1989 [No response.]  
1990 Ms. Kish. Mrs. Adams?  
1991 [No response.]  
1992 Ms. Kish. Mr. Quayle?  
1993 Mr. Quayle. No.  
1994 Ms. Kish. Mr. Quayle votes no.

1995 Mr. Amodei?

1996 Mr. Amodei. No.

1997 Ms. Kish. Mr. Amodei votes no.

1998 Mr. Conyers?

1999 [No response.]

2000 Ms. Kish. Mr. Berman?

2001 Chairman Smith. Mr. Berman?

2002 Mr. Berman. Aye.

2003 Ms. Kish. Mr. Berman votes aye.

2004 Mr. Nadler?

2005 Mr. Nadler. Aye.

2006 Ms. Kish. Mr. Nadler votes aye.

2007 Mr. Scott?

2008 Mr. Scott. Aye.

2009 Ms. Kish. Mr. Scott votes aye.

2010 Mr. Watt?

2011 Mr. Watt. Aye.

2012 Ms. Kish. Mr. Watt votes aye.

2013 Ms. Lofgren?

2014 Ms. Lofgren. Aye.

2015 Ms. Kish. Ms. Lofgren votes aye.

2016 Ms. Jackson Lee?

2017 Ms. Jackson Lee. Aye.

2018 Ms. Kish. Ms. Jackson Lee votes aye.

2019 Ms. Waters?

2020 [No response.]

2021 Ms. Kish. Mr. Cohen?

2022 [No response.]

2023 Ms. Kish. Mr. Johnson?

2024 Mr. Johnson. Aye.

2025 Ms. Kish. Mr. Johnson votes aye.

2026 Mr. Pierluisi?

2027 Mr. Pierluisi. Aye.

2028 Ms. Kish. Mr. Pierluisi votes aye.

2029 Mr. Quigley?

2030 Mr. Quigley. Aye.

2031 Ms. Kish. Mr. Quigley votes aye.

2032 Ms. Chu?

2033 [No response.]

2034 Ms. Kish. Mr. Deutch?

2035 Mr. Deutch. Aye.

2036 Ms. Kish. Mr. Deutch votes aye.

2037 Ms. Sanchez?

2038 Ms. Sanchez. Aye.

2039 Ms. Kish. Ms. Sanchez votes aye.

2040 Mr. Polis?

2041 [No response.]

2042 Chairman Smith. The gentleman from Texas, Mr. Gohmert?

2043 Mr. Gohmert. No.

2044 Ms. Kish. Mr. Gohmert votes no.

2045 Chairman Smith. The gentleman from Arkansas.

2046 Mr. Griffin. No.

2047 Ms. Kish. Mr. Griffin votes no.

2048 Chairman Smith. The clerk will report.

2049 The clerk will suspend. The gentleman from Virginia,

2050 Mr. Goodlatte.

2051 Mr. Goodlatte. No.

2052 Ms. Kish. Mr. Goodlatte votes no.

2053 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

2054 Chairman Smith. The gentlewoman from Texas?

2055 Ms. Kish. Ms. Jackson Lee has voted aye.

2056 Chairman Smith. The gentleman from California, Mr.

2057 Issa.

2058 Mr. Issa. No.

2059 Ms. Kish. Mr. Issa votes no.

2060 Chairman Smith. The clerk will report.

2061 Ms. Kish. Mr. Chairman, 11 members voted aye, 17

2062 members voted nay.

2063 Chairman Smith. A majority having voted against the

2064 amendment, the amendment is not agreed to.

2065 The vote is on Ms. Jackson Lee Amendment Number 15.

2066 All in favor say, say aye?

2067 [A chorus of ayes.]

2068 Chairman Smith. Opposed, no?

2069 [A chorus of nays.]

2070 Ms. Jackson Lee. Roll call, Mr. Chairman.

2071 Chairman Smith. A roll call vote has been requested,

2072 and the clerk will call the roll.

2073 Ms. Kish. Mr. Smith?

2074 Chairman Smith. No.

2075 Ms. Kish. Mr. Smith votes no.

2076 Mr. Sensenbrenner?

2077 Mr. Sensenbrenner. No.

2078 Ms. Kish. Mr. Sensenbrenner votes no.

2079 Mr. Coble?

2080 Mr. Coble. No.

2081 Ms. Kish. Mr. Coble votes no.

2082 Mr. Gallegly?

2083 Mr. Gallegly. No.

2084 Ms. Kish. Mr. Gallegly votes no.

2085 Mr. Goodlatte?

2086 Mr. Goodlatte. No.

2087 Ms. Kish. Mr. Goodlatte votes no.

2088 Mr. Lungren?

2089 Mr. Lungren. No.

2090 Ms. Kish. Mr. Lungren votes no.

2091 Mr. Chabot?

2092 Mr. Chabot. No.

2093 Ms. Kish. Mr. Chabot votes no.

2094 Mr. Issa?

2095 Mr. Issa. No.

2096 Ms. Kish. Mr. Issa votes no.

2097 Mr. Pence?

2098 [No response.]

2099 Ms. Kish. Mr. Forbes?

2100 [No response.]

2101 Ms. Kish. Mr. King?

2102 [No response.]

2103 Ms. Kish. Mr. Franks?

2104 Mr. Franks. No.

2105 Ms. Kish. Mr. Franks votes no.

2106 Mr. Gohmert?

2107 Mr. Gohmert. No.

2108 Ms. Kish. Mr. Gohmert votes no.

2109 Mr. Jordan?

2110 [No response.]

2111 Ms. Kish. Mr. Poe?

2112 Mr. Poe. No.

2113 Ms. Kish. Mr. Poe votes no.

2114 Mr. Chaffetz?

2115 Mr. Chaffetz. No.

2116 Ms. Kish. Mr. Chaffetz votes no.

2117 Mr. Griffin?

2118 [No response.]

2119 Ms. Kish. Mr. Marino?

2120 Mr. Marino. No.

2121 Ms. Kish. Mr. Marino votes no.  
2122 Mr. Gowdy?  
2123 Mr. Gowdy. No.  
2124 Ms. Kish. Mr. Gowdy votes no.  
2125 Mr. Ross?  
2126 [No response.]  
2127 Ms. Kish. Mrs. Adams?  
2128 [No response.]  
2129 Ms. Kish. Mr. Quayle?  
2130 Mr. Quayle. No.  
2131 Ms. Kish. Mr. Quayle votes no.  
2132 Mr. Amodei?  
2133 Mr. Amodei. No.  
2134 Ms. Kish. Mr. Amodei votes no.  
2135 Mr. Conyers?  
2136 [No response.]  
2137 Ms. Kish. Mr. Berman?  
2138 Mr. Berman. Aye.  
2139 Ms. Kish. Mr. Berman votes aye.  
2140 Mr. Nadler?  
2141 Mr. Nadler. Aye.

2142 Ms. Kish. Mr. Nadler votes aye.

2143 Mr. Scott?

2144 Mr. Scott. Aye.

2145 Ms. Kish. Mr. Scott votes aye.

2146 Mr. Watt?

2147 Mr. Watt. Aye.

2148 Ms. Kish. Mr. Watt votes aye.

2149 Ms. Lofgren?

2150 Ms. Lofgren. Aye.

2151 Ms. Kish. Ms. Lofgren votes aye.

2152 Ms. Jackson Lee?

2153 Ms. Jackson Lee. Aye.

2154 Ms. Kish. Ms. Jackson Lee votes aye.

2155 Ms. Waters?

2156 [No response.]

2157 Ms. Kish. Mr. Cohen?

2158 [No response.]

2159 Ms. Kish. Mr. Johnson?

2160 Mr. Johnson. Aye.

2161 Ms. Kish. Mr. Johnson votes aye.

2162 Mr. Pierluisi?

2163 Mr. Pierluisi. Aye.

2164 Ms. Kish. Mr. Pierluisi votes aye.

2165 Mr. Quigley?

2166 Mr. Quigley. Aye.

2167 Ms. Kish. Mr. Quigley votes aye.

2168 Ms. Chu?

2169 [No response.]

2170 Ms. Kish. Mr. Deutch?

2171 Mr. Deutch. Aye.

2172 Ms. Kish. Mr. Deutch votes aye.

2173 Ms. Sanchez?

2174 Ms. Sanchez. Aye.

2175 Ms. Kish. Ms. Sanchez votes aye.

2176 Mr. Polis?

2177 [No response.]

2178 Chairman Smith. Other members who wish to be recorded?

2179 The gentleman from Arkansas?

2180 Mr. Griffin. No.

2181 Ms. Kish. Mr. Griffin votes no.

2182 Chairman Smith. The clerk will report.

2183 Ms. Kish. Mr. Chairman, 11 members voted aye, 17

2184 members voted nay.

2185 Chairman Smith. A majority having voted against the  
2186 amendment, the amendment is not agreed to.

2187 Are there other amendments?

2188 The gentleman from Georgia is recognized to offer an  
2189 amendment. And the clerk will report the amendment.

2190 Ms. Kish. Amendment to H.R. 2299, offered by Mr.  
2191 Johnson of Georgia, page 3, after line 25, insert the  
2192 following, "3, The prohibition of Subsection (a) does not  
2193 apply if a disclosure of the pregnancy or the decision to  
2194 terminate the pregnancy to one or both of the minor's  
2195 parents with the physical safety of the minor."

2196 [The amendment of Mr. Johnson follows:]

2197

2198 Chairman Smith. The gentleman from Georgia is  
2199 recognized to explain his amendment.

2200 Mr. Johnson. Thank you, Mr. Chairman.

2201 Mr. Chairman, many young women turn to their parents  
2202 when they are considering an abortion. Ideally, every young  
2203 woman facing an unplanned pregnancy should be able to seek  
2204 the help and advice of those who are supposed to care for  
2205 her the most. Unfortunately, not all young women are able  
2206 to turn to their parents in this situation.

2207 This bill is not the answer. It would make it a Federal  
2208 crime for a person other than a parent to help a minor go  
2209 from one State to another to obtain abortion care. It  
2210 prevents young women from relying on another trusted family  
2211 or friend for help and support when they need it most. My  
2212 amendment would protect a young woman from violence and  
2213 abuse, and would help keep her safe by allowing her to seek  
2214 help from a grandparent, uncle, another family member, a  
2215 teacher, or a trusted friend, if she feels that having to  
2216 disclose her pregnancy to her parents would put her in  
2217 danger.

2218 Take the 16-year-old young woman in Missouri who was

2219 beaten by her father after she told her parents that she was  
2220 pregnant and planning on having an abortion. After being  
2221 thrown out of her house, her young siblings were forced to  
2222 pack up and throw away all of her belongings, and were  
2223 banned from having any contact with her.

2224 Then there is the tragic case of Spring Adams, a 13-  
2225 year-old Idaho teenager who was shot to death by her father  
2226 after he learned she was planning to terminate a pregnancy  
2227 caused by his acts of incest.

2228 If a young woman believes that she cannot involve her  
2229 parents in her decision to terminate a pregnancy, she should  
2230 have the right to make that decision in order to protect  
2231 herself and to seek support from another trusted adult. The  
2232 last thing we need to do is make a teenager who is already  
2233 in a very vulnerable situation feel like she has nowhere to  
2234 turn. And anyone in this room who is truly concerned about  
2235 the safety of our young women should have no problem  
2236 supporting this amendment.

2237 And I would take this opportunity to state for the  
2238 record that of the 452 days that have passed during this  
2239 112th Congress, 217 of those days have been spent in

2240 session, which to us means one thing, but to the American  
2241 people, it means 217 days at work. So, out of 452 days  
2242 total, we have had 217 days at work, meaning that we have  
2243 had 235 days off work or out of session. And during the  
2244 whole 452 days, not one job creating bill has passed this  
2245 Congress, and not one job has been created during this  
2246 Congress. But yet this is the 9th time that this Judiciary  
2247 Committee will have met to consider an attack on women's  
2248 reproductive freedom.

2249 And I would yield back.

2250 Chairman Smith. Thank you, Mr. Johnson.

2251 The gentleman from Arizona, Mr. Franks.

2252 Mr. Franks. Well, Mr. Chairman, I cannot help myself.

2253 This House of Representatives has passed 32 job creating  
2254 bills that I know of, and I think the Senate has taken up  
2255 one of them.

2256 Mr. Johnson. Will the gentleman yield?

2257 Mr. Franks. Not for the moment. And I am kind of  
2258 amazed that that would be the tack taken here.

2259 But in terms of how much we have been in office here in  
2260 Congress during the 400 and some days he has mentioned --

2261 Mr. Johnson. Four hundred fifty-two.

2262 Mr. Franks. I would suggest that amendments like this  
2263 are prima facie evidence that maybe we need to protect the  
2264 public as much as we can by not being here anymore than we  
2265 have to be.

2266 But I would oppose this amendment. And this is, again,  
2267 much like the Jackson Lee amendment earlier, it is a  
2268 particularly onerous amendment. If a girl is being abused,  
2269 it is vital, Mr. Chairman, that the appropriate authorities  
2270 be notified so that girl is not left simply to return to the  
2271 abusive environment. And this amendment would nullify State  
2272 judicial proceedings that are necessary to expose abuse and  
2273 alert appropriate authorities.

2274 As the 4th Circuit stated in *Manning v. Hunt*, in  
2275 upholding a reporting duty imposed by the North Carolina  
2276 parental consent statute, such a policy "would have a judge,  
2277 who is sworn to uphold the law, withhold vital information  
2278 regarding rape or incest, which would allow States  
2279 authorities to end the abuse, protect the victim, and punish  
2280 the abuser. Not only would this position prevent the judge  
2281 from helping the victim seeking the abortion, but it would

2282 prevent the judge from helping other juveniles in the same  
2283 household under the same threat of incest. Such a position  
2284 would instead afford protection to rapists and perpetrators  
2285 of incest. This can only serve the interests of the  
2286 criminal, not the child." Those are not my words, but those  
2287 are pretty good ones.

2288 Mr. Chairman, I would wonder how many times that when  
2289 abusers are discovered through the judicial process that it  
2290 has protected children in that same household from the same  
2291 fate. And this amendment would have the effect, again, of  
2292 returning the abused girl back to that abusive environment.  
2293 And I hope that we will oppose it on the strongest terms.

2294 And with that, I would yield to the gentleman.

2295 Mr. Johnson. Thank you, my friend.

2296 Just because it may be called a jobs bill does not mean  
2297 that it is a jobs bill. And I would yield back to my  
2298 friend.

2299 Mr. Franks. Thank you, Mr. Chairman. I yield back.

2300 Chairman Smith. Thank you, Mr. Franks.

2301 The question is on the Johnson Amendment.

2302 All in favor, say aye.

2303 [A chorus of ayes.]

2304 Chairman Smith. Opposed, no?

2305 [A chorus of nays.]

2306 Chairman Smith. In the opinion of the chair, the noes  
2307 have it, and the amendment is not agreed to.

2308 Mr. Johnson. I would ask for a recorded vote.

2309 Chairman Smith. The gentleman requests a recorded vote,  
2310 and the clerk will call the roll.

2311 Ms. Kish. Mr. Smith?

2312 Chairman Smith. No.

2313 Ms. Kish. Mr. Smith votes no.

2314 Mr. Sensenbrenner?

2315 Mr. Sensenbrenner. No.

2316 Ms. Kish. Mr. Sensenbrenner votes no.

2317 Mr. Coble?

2318 [No response.]

2319 Ms. Kish. Mr. Gallegly?

2320 Mr. Gallegly. No.

2321 Ms. Kish. Mr. Gallegly votes no.

2322 Mr. Goodlatte?

2323 [No response.]

2324 Ms. Kish. Mr. Lungren?  
2325 [No response.]  
2326 Ms. Kish. Mr. Chabot?  
2327 [No response.]  
2328 Ms. Kish. Mr. Issa?  
2329 Mr. Issa. No.  
2330 Ms. Kish. Mr. Issa votes no.  
2331 Mr. Pence?  
2332 [No response.]  
2333 Ms. Kish. Mr. Forbes?  
2334 [No response.]  
2335 Ms. Kish. Mr. King?  
2336 Mr. King. No.  
2337 Ms. Kish. Mr. King votes no.  
2338 Mr. Franks?  
2339 Mr. Franks. No.  
2340 Ms. Kish. Mr. Franks votes no.  
2341 Mr. Gohmert?  
2342 [No response.]  
2343 Ms. Kish. Mr. Jordan?  
2344 [No response.]

2345 Ms. Kish. Mr. Poe?

2346 [No response.]

2347 Ms. Kish. Mr. Chaffetz?

2348 Mr. Chaffetz. No.

2349 Ms. Kish. Mr. Chaffetz votes no.

2350 Mr. Griffin?

2351 [No response.]

2352 Ms. Kish. Mr. Marino?

2353 Mr. Marino. No.

2354 Ms. Kish. Mr. Marino votes no.

2355 Mr. Gowdy?

2356 Mr. Gowdy. No.

2357 Ms. Kish. Mr. Gowdy votes no.

2358 Mr. Ross?

2359 [No response.]

2360 Ms. Kish. Mrs. Adams?

2361 [No response.]

2362 Ms. Kish. Mr. Quayle?

2363 [No response.]

2364 Ms. Kish. Mr. Amodei?

2365 Mr. Amodei. No.

2366 Ms. Kish. Mr. Amodei votes no.  
2367 Mr. Conyers?  
2368 [No response.]  
2369 Ms. Kish. Mr. Berman?  
2370 [No response.]  
2371 Ms. Kish. Mr. Nadler?  
2372 Mr. Nadler. Aye.  
2373 Ms. Kish. Mr. Nadler votes aye.  
2374 Mr. Scott?  
2375 Mr. Scott. Aye.  
2376 Ms. Kish. Mr. Scott votes aye.  
2377 Mr. Watt?  
2378 Mr. Watt. Aye.  
2379 Ms. Kish. Mr. Watt votes aye.  
2380 Ms. Lofgren?  
2381 Ms. Lofgren. Aye.  
2382 Ms. Kish. Ms. Lofgren votes aye.  
2383 Ms. Jackson Lee?  
2384 [No response.]  
2385 Ms. Kish. Ms. Waters?  
2386 [No response.]

2387 Ms. Kish. Mr. Cohen?

2388 [No response.]

2389 Ms. Kish. Mr. Johnson?

2390 Mr. Johnson. Aye.

2391 Ms. Kish. Mr. Johnson votes aye.

2392 Mr. Pierluisi?

2393 Mr. Pierluisi. Aye.

2394 Ms. Kish. Mr. Pierluisi votes aye.

2395 Mr. Quigley?

2396 Mr. Quigley. Aye.

2397 Ms. Kish. Mr. Quigley votes aye.

2398 Ms. Chu?

2399 Ms. Chu. Aye.

2400 Ms. Kish. Ms. Chu votes aye.

2401 Mr. Deutch?

2402 Mr. Deutch. Aye.

2403 Ms. Kish. Mr. Deutch votes aye.

2404 Ms. Sanchez?

2405 Ms. Sanchez. Aye.

2406 Ms. Kish. Ms. Sanchez votes aye.

2407 Mr. Polis?

2408 [No response.]

2409 Chairman Smith. The gentleman from California?

2410 Mr. Lungren. No.

2411 Ms. Kish. Mr. Lungren votes no.

2412 Chairman Smith. The gentleman from Ohio?

2413 Mr. Chabot. No.

2414 Ms. Kish. Mr. Chabot votes no.

2415 Chairman Smith. The gentleman from Arkansas?

2416 Mr. Griffin. No.

2417 Ms. Kish. Mr. Griffin votes no.

2418 Chairman Smith. The gentleman from Texas?

2419 Mr. Poe. No.

2420 Ms. Kish. Mr. Poe votes no.

2421 Chairman Smith. The gentleman from Arizona?

2422 Mr. Quayle. No.

2423 Ms. Kish. Mr. Quayle votes no.

2424 Chairman Smith. The gentleman from North Carolina?

2425 Mr. Coble. No.

2426 Ms. Kish. Mr. Coble votes no.

2427 Chairman Smith. The gentleman from Virginia, Mr.

2428 Goodlatte?

2429 Mr. Goodlatte. No.

2430 Ms. Kish. Mr. Goodlatte votes no.

2431 Chairman Smith. The gentleman from Texas, Mr. Poe?

2432 Ms. Kish. Mr. Gohmert.

2433 Chairman Smith. Mr. Gohmert, sorry.

2434 Ms. Kish. Mr. Gohmert votes no.

2435 Chairman Smith. The gentleman from California, Mr.

2436 Berman?

2437 Mr. Berman. Aye.

2438 Ms. Kish. Mr. Berman votes aye.

2439 Chairman Smith. The clerk will report.

2440 Ms. Kish. Mr. Chairman, 11 members voted aye, 18

2441 members voted nay.

2442 Chairman Smith. The majority having voted against the

2443 amendment, the amendment is not agreed to.

2444 Are there other amendments?

2445 Mr. Quigley. Mr. Chairman, I have an amendment at the

2446 desk.

2447 Chairman Smith. The gentleman from Illinois, Mr.

2448 Quigley, recognized to offer an amendment.

2449 Mr. Quigley. Thank you, Mr. Chairman. I have an

2450 amendment at the desk.

2451 Chairman Smith. The clerk will report the amendment.

2452 It is Mr. Quigley's Number 11.

2453 Ms. Kish. Amendment to H.R. 2299, offered by Mr.

2454 Quigley of Illinois, page 3, after line 25, insert, "3, The

2455 prohibition in Subsection (a) and the right of action of

2456 Subsection (c) do not apply if the minor's pregnancy was the

2457 result of an act of rape or incest."

2458 Page 7, after line 24, insert, "3, This subsection and

2459 Subsection (c) shall not apply if the minor's pregnancy is

2460 the result of an act of rape or incest."

2461 [The amendment of Mr. Quigley follows:]

2462

2463 Chairman Smith. The gentleman is recognized to explain  
2464 his amendment.

2465 Mr. Quigley. Thank you, Mr. Chairman.

2466 The fact of the matter is, Mr. Chairman, those of us  
2467 sitting in this room on Capitol Hill cannot possibly know  
2468 every special circumstance faced by a woman and her family.  
2469 But we should. We need to care about what these  
2470 circumstances a young woman faces. We need to care if she  
2471 is a woman in college and needs to seek care in the State  
2472 where she is attending rather than traveling back to her own  
2473 State. We need to care if a young woman lives in one of the  
2474 hundreds of counties that lack abortion care, and the  
2475 closest city with a provider is across a State line. We  
2476 need to care if she lives in an abusive home and turns to  
2477 her local clergyman or woman for help.

2478 We need to care if parents are not there, and she must  
2479 rely on her older sister or grandmother for guidance and  
2480 assistance. We need to care if a young woman seeking  
2481 abortion care has been raped or the victim of incest. Once  
2482 again, we need to care about the individual circumstances of  
2483 each young woman.

2484           This bill includes only one exemption for the life of  
2485 the mother, completely ignoring the need for an exception to  
2486 protect a woman's health, but also makes no exception for  
2487 women seeking abortion care who have been raped or victims  
2488 of incest.

2489           My amendment would add such an exemption. My amendment  
2490 would ensure women who have endured rape or incest can  
2491 receive the support and care they need without fear of those  
2492 accompanying them and providing the care will be prosecuted.

2493           The sad reality is that someone in the U.S. is sexually  
2494 assaulted every two minutes, and 44 percent of those victims  
2495 are under the age of 18. Even more disturbing is that 15  
2496 percent of sexual assault and rape cases occur in children  
2497 under the age of 12, and 93 percent of juvenile sexual  
2498 assault cases are perpetrated by someone they know.

2499           Of these assault cases, 34 percent of attackers were  
2500 family members, 59 percent were acquaintances, and only 7  
2501 percent were complete strangers.

2502           These statistics only represent the sexual assaults that  
2503 are report, which some estimate is only about half the  
2504 assaults that actually occur.

2505           Now, this is not to say the every assault, or even most  
2506 assaults, result in pregnancy, but the truth is that some  
2507 do. And this bill ignores them and the young women forced  
2508 to endure them.

2509           Under H.R. 2299, a young woman who is pregnant because  
2510 she was raped or a victim of incest and who is in one of the  
2511 most scared and vulnerable moments in her life. She may be  
2512 forced to seek care all alone without help from a friend or  
2513 family member because they fear being prosecuted for taking  
2514 her to the nearest city for care. Further, this young woman  
2515 may not be able to receive the care she needs from a doctor  
2516 because the doctor is concerned about being sued for  
2517 violating the complex reporting requirements under this  
2518 bill.

2519           It should be noted that H.R. 2299 does include a very  
2520 narrow exemption from the penalties, but only for providers,  
2521 not for those who accompany the minor. The exemption  
2522 applies only if the minor declares in a "signed, written  
2523 statement that she is a victim of sexual abuse, neglect, or  
2524 physical abuse by a parent. Before an abortion is performed  
2525 on the minor, the physician notifies the authorities."

2526           Clearly, even this narrow exemption poses serious  
2527 problems as the minor may not be willing to admit in writing  
2528 to her abuse. A rape could be committed by someone other  
2529 than a parent and requiring disclosures of abuse by the  
2530 physician to the authorities triggers a new cross  
2531 jurisdictional mandate on the doctor.

2532           My amendment merely attempts to highlight two of the  
2533 many unique and difficult situations young women confront  
2534 when facing an unintended pregnancy.

2535           H.R. 2299 ignores these individual situations, forcing  
2536 strict and sometimes impossible requirements on all women  
2537 regardless of their situation. And for this reason, I urge  
2538 my colleagues to vote on H.R. 2299, and yes on my amendment  
2539 that will protect young women who are the victims of rape  
2540 and incest and those who try to help them.

2541           And I yield back.

2542           Chairman Smith. Thank you, Mr. Quigley.

2543           The gentleman from Arizona, Mr. Franks.

2544           Mr. Franks. Well, thank you, Mr. Chairman.

2545           The gentleman presents some very compelling statistics  
2546 about the prevalence of rape and incest, especially as it

2547 applies to minors in this country. It is a monstrous,  
2548 hideous, evil thing. And it occurs to me that the takeaway  
2549 is that those statistics indicate that we should be putting  
2550 more rapists in jail, and this amendment would prevent or at  
2551 least diminish our opportunity to do that in that it would  
2552 prevent the judicial process going forward that would have  
2553 the best chance of discovering and making the authorities  
2554 aware of that.

2555       It is also important to note again, Mr. Chairman, as I  
2556 have said before, that the bill itself has a requirement in  
2557 it that if the doctor learns that this pregnancy resulted  
2558 from a criminal act or rape or incest, that they are  
2559 required to inform the authorities. And once again, if a  
2560 minor daughter or minor girl is being abused, it is vital  
2561 that the appropriate authorities be notified so that that  
2562 girl is not left to simply return to that abuse environment,  
2563 and so their siblings are not afforded or subjected to the  
2564 same fate.

2565       And so, I would strongly encourage my colleagues to vote  
2566 down this amendment, and with that I would yield back.

2567       Chairman Smith. Thank you, Mr. Franks.

2568 The question is on the Quigley Amendment.

2569 All in favor, say ayes.

2570 [A chorus of ayes.]

2571 Chairman Smith. Opposed, no?

2572 [A chorus of nays.]

2573 Chairman Smith. In the opinion of the chair, the noes  
2574 have it, and the amendment is not agreed to.

2575 Mr. Quigley. Mr. Chairman, I ask for a recorded vote.

2576 Chairman Smith. A recorded vote has been requested, and  
2577 the clerk will call the roll.

2578 Ms. Kish. Mr. Smith?

2579 Chairman Smith. No.

2580 Ms. Kish. Mr. Smith votes no.

2581 Mr. Sensenbrenner?

2582 Mr. Sensenbrenner. No.

2583 Ms. Kish. Mr. Sensenbrenner votes no.

2584 Mr. Coble?

2585 [No response.]

2586 Ms. Kish. Mr. Gallegly?

2587 [No response.]

2588 Ms. Kish. Mr. Goodlatte?

2589 Mr. Goodlatte. No.

2590 Ms. Kish. Mr. Goodlatte votes no.

2591 Mr. Lungren?

2592 [No response.]

2593 Ms. Kish. Mr. Chabot?

2594 Mr. Chabot. No.

2595 Ms. Kish. Mr. Chabot votes no.

2596 Mr. Issa?

2597 Mr. Issa. No.

2598 Ms. Kish. Mr. Issa votes no.

2599 Mr. Pence?

2600 [No response.]

2601 Ms. Kish. Mr. Forbes?

2602 [No response.]

2603 Ms. Kish. Mr. King?

2604 Mr. King. No.

2605 Ms. Kish. Mr. King votes no.

2606 Mr. Franks?

2607 Mr. Franks. No.

2608 Ms. Kish. Mr. Franks votes no.

2609 Mr. Gohmert?

2610 [No response.]

2611 Ms. Kish. Mr. Jordan?

2612 [No response.]

2613 Ms. Kish. Mr. Poe?

2614 Mr. Poe. No.

2615 Ms. Kish. Mr. Poe votes no.

2616 Mr. Chaffetz?

2617 Mr. Chaffetz. No.

2618 Ms. Kish. Mr. Chaffetz votes no.

2619 Mr. Griffin?

2620 [No response.]

2621 Ms. Kish. Mr. Marino?

2622 Mr. Marino. No.

2623 Ms. Kish. Mr. Marino votes no.

2624 Mr. Gowdy?

2625 [No response.]

2626 Ms. Kish. Mr. Ross?

2627 [No response.]

2628 Ms. Kish. Mrs. Adams?

2629 [No response.]

2630 Ms. Kish. Mr. Quayle?

2631 Mr. Quayle. No.

2632 Ms. Kish. Mr. Quayle votes no.

2633 Mr. Amodei?

2634 Mr. Amodei. No.

2635 Ms. Kish. Mr. Amodei votes no.

2636 Mr. Conyers?

2637 [No response.]

2638 Ms. Kish. Mr. Berman? Mr. Berman?

2639 Mr. Berman. Aye.

2640 Ms. Kish. Mr. Berman votes aye.

2641 Mr. Nadler?

2642 Mr. Nadler. Aye.

2643 Ms. Kish. Mr. Nadler votes aye.

2644 Mr. Scott?

2645 Mr. Scott. Aye.

2646 Ms. Kish. Mr. Scott votes aye.

2647 Mr. Watt?

2648 Mr. Watt. Aye.

2649 Ms. Kish. Mr. Watt votes aye.

2650 Ms. Lofgren?

2651 Ms. Lofgren. Aye.

2652 Ms. Kish. Ms. Lofgren votes aye.

2653 Ms. Jackson Lee?

2654 [No response.]

2655 Ms. Kish. Ms. Waters?

2656 [No response.]

2657 Ms. Kish. Mr. Cohen?

2658 [No response.]

2659 Ms. Kish. Mr. Johnson?

2660 Mr. Johnson. Aye.

2661 Ms. Kish. Mr. Johnson votes aye.

2662 Mr. Pierluisi?

2663 Mr. Pierluisi. Aye.

2664 Ms. Kish. Mr. Pierluisi votes aye.

2665 Mr. Quigley?

2666 Mr. Quigley. Aye.

2667 Ms. Kish. Mr. Quigley votes aye.

2668 Ms. Chu?

2669 Ms. Chu. Aye.

2670 Ms. Kish. Ms. Chu votes aye.

2671 Mr. Deutch?

2672 Mr. Deutch. Aye.

2673 Ms. Kish. Mr. Deutch votes aye.

2674 Ms. Sanchez?

2675 Ms. Sanchez. Aye.

2676 Ms. Kish. Ms. Sanchez votes aye.

2677 Mr. Polis?

2678 [No response.]

2679 Chairman Smith. The gentleman from North Carolina?

2680 Mr. Coble. No.

2681 Ms. Kish. Mr. Coble votes no.

2682 Chairman Smith. The gentleman from California?

2683 Mr. Gallegly. No.

2684 Ms. Kish. Mr. Gallegly votes no.

2685 Chairman Smith. The gentleman from California, Mr.

2686 Lungren?

2687 Mr. Lungren. No.

2688 Ms. Kish. Mr. Lungren votes no.

2689 Chairman Smith. The clerk will report.

2690 Ms. Kish. Mr. Chairman, 11 members voted aye, 15

2691 members voted nay.

2692 Chairman Smith. A majority having voted against the

2693 amendment, the amendment is not agreed to.

2694 Are there other amendments?

2695 Ms. Chu. Mr. Chair, I have an amendment at the desk.

2696 Chairman Smith. The gentlewoman from California, Ms.

2697 Chu, has an amendment at the desk. And the clerk will

2698 report the amendment.

2699 Ms. Kish. Amendment to H.R. 2299, offered by Ms. Chu of

2700 California, page 3, line 15, strike "save the life," and

2701 insert "protect the life and health."

2702 [The amendment of Ms. Chu follows:]

2703

2704 Chairman Smith. The gentlewoman is recognized to  
2705 explain her amendment.

2706 Ms. Chu. Mr. Chair, my amendment would insert an  
2707 exception to this bill to exempt family members and loving  
2708 friends who help women cross State lines to protect their  
2709 health. And *Ayotte v. Planned Parenthood of Northern New*  
2710 *England*, the Supreme Court expressly reiterated that a State  
2711 may not restrict access to an abortion that is necessary to  
2712 preserve the life or health of the pregnant woman. Yet this  
2713 bill creates a mandatory delay for a young woman facing a  
2714 medical health emergency at a time when she can least afford  
2715 it, and it punishes the loved ones who are only trying to  
2716 protect her.

2717 Take Carolina. She is a 17-year-old teen living in  
2718 Chevy Chase, Maryland, and she is pregnant. Carolina's  
2719 parents are out of country on a work trip, and her  
2720 grandparents are taking care of her. But something is  
2721 wrong. She's been having this pain in her kidney. She has  
2722 been warned that she might have to terminate the pregnancy,  
2723 and the pain is getting worse. One night it is so bad that  
2724 her grandparents rush her to the nearest emergency room at

2725 Sibley Hospital in D.C. across State lines. They do not  
2726 even hesitate. Carolina decides that night to terminate her  
2727 pregnancy so the doctor could immediately remove her kidney.

2728 But under this bill, her grandparents would be sent to  
2729 jail simply for caring about their granddaughter. Should  
2730 they think twice before taking her to the hospital? Should  
2731 Carolina be forced to travel alone and suffer at the  
2732 hospital by herself? Should she be forced to delay the  
2733 procedure and suffer excruciating pain so the doctor could  
2734 get a hold of her parents abroad? Who knows how long that  
2735 would take?

2736 Doctors, not Congress members, should be the judge when  
2737 it comes to deciding the best care for women. Women, no  
2738 matter their age, should not have to risk their health and  
2739 lives to get the care they need. American women expect  
2740 their doctors to put their health first.

2741 By deliberately ignoring women's health, it is clear  
2742 that the proponents of this law are more concerned with  
2743 restricting access to abortion than with protecting the  
2744 health and safety of women.

2745 I urge my colleagues to support my amendment, which

2746 merely exempts concerned family members and friends from  
2747 protecting the life and health of a loved one.

2748 Chairman Smith. Thank you, Ms. Chu.

2749 The gentleman from Arizona, Mr. Franks.

2750 Mr. Franks. Mr. Chairman, as it happens, we have dealt  
2751 with essentially the same amendment before, in a little  
2752 different words. But let me just quote the bill here.

2753 There is an exception if the abortion is necessary to  
2754 save the life of the minor because her life was endangered  
2755 by a physical disorder, physical injury, or physical  
2756 illness, including a life endangering physical condition  
2757 caused by or arising from the pregnancy itself.

2758 Now, that is essentially the example that you gave us  
2759 would clearly be included in that language. And you  
2760 misstated that there is no requirement on the part of the  
2761 doctor in that circumstance to wait 24 hours. They have to  
2762 give the parents a written notification after the abortion  
2763 within 24 hours of the abortion occurring.

2764 But this has been covered, Mr. Chairman. And I would  
2765 just remind the members that not only does CIANA already  
2766 contain broad exception that pertains to life threatening

2767 situation, but we have seen that when we just put the word  
2768 "health" to include virtually any reason for desiring  
2769 abortion that we have what we did in *Roe v. Wade* and *Doe v.*  
2770 *Bolton*. *Doe v. Bolton*, the word "health" meant all factors,  
2771 emotional, psychological, familial, and the woman's age  
2772 relevant to the well-being of the patient. And that has  
2773 been interpreted to essentially allow abortion through all  
2774 nine months of pregnancy. And we cannot and should not  
2775 compound that tragic mistake again. And I hope that we  
2776 defeat this amendment.

2777 And with that, I yield back.

2778 Mr. Watt. Mr. Chairman?

2779 Chairman Smith. Thank you, Mr. Franks.

2780 The gentleman from North Carolina, Mr. Watt, is  
2781 recognized.

2782 Mr. Watt. I move to strike the last word.

2783 Chairman Smith. The gentleman is recognized for five  
2784 minutes.

2785 Mr. Watt. I thank the gentleman for yielding me the  
2786 time, and I would just applaud the amendment that Ms. Chu  
2787 has offered.

2788           It is very similar to amendment that I offered earlier  
2789 in the markup, which I approached from a stayed  
2790 constitutional approach. Ms. Chu has outlined the more  
2791 compassionate reasons that we should be concerned about  
2792 this, and a lot more eloquently than if we are not in the  
2793 Judiciary Committee concerned about the constitutional  
2794 imperatives.

2795           This amendment uses the same language that the Supreme  
2796 Court opinion has used. And as indicated in my previous  
2797 debate on my amendment, for that reason we should be  
2798 concerned about it. But also for the compassionate human  
2799 reasons that Ms. Chu has outlined, we should be concerned  
2800 about it, and we should be supporting her amendment.

2801           I will yield to the gentlelady if she would like to  
2802 elaborate, or I will yield back. I yield back.

2803           Chairman Smith. Thank you, Mr. Watt.

2804           The question is on Ms. Chu's amendment.

2805           All in favor, say aye.

2806           [A chorus of ayes.]

2807           Chairman Smith. Opposed, no?

2808           [A chorus of nays.]

2809 Chairman Smith. In the opinion of the chair, the noes  
2810 have it, and the amendment is not agreed to.

2811 Ms. Chu. I ask for a recorded vote.

2812 Chairman Smith. A recorded vote has been requested, and  
2813 the clerk will call the roll.

2814 Ms. Kish. Mr. Smith?

2815 Chairman Smith. No.

2816 Ms. Kish. Mr. Smith votes no.

2817 Mr. Sensenbrenner?

2818 Mr. Sensenbrenner. No.

2819 Ms. Kish. Mr. Sensenbrenner votes no.

2820 Mr. Coble?

2821 Mr. Coble. No.

2822 Ms. Kish. Mr. Coble votes no.

2823 Mr. Gallegly?

2824 Mr. Gallegly. No.

2825 Ms. Kish. Mr. Gallegly votes no.

2826 Mr. Goodlatte?

2827 Mr. Goodlatte. No.

2828 Ms. Kish. Mr. Goodlatte votes no.

2829 Mr. Lungren?

2830 Mr. Lungren. No.

2831 Ms. Kish. Mr. Lungren votes no.

2832 Mr. Chabot?

2833 Mr. Chabot. No.

2834 Ms. Kish. Mr. Chabot votes no.

2835 Mr. Issa?

2836 Mr. Issa. No.

2837 Ms. Kish. Mr. Issa votes no.

2838 Mr. Pence?

2839 [No response.]

2840 Ms. Kish. Mr. Forbes?

2841 [No response.]

2842 Ms. Kish. Mr. King?

2843 [No response.]

2844 Ms. Kish. Mr. Franks?

2845 Mr. Franks. No.

2846 Ms. Kish. Mr. Franks votes no.

2847 Mr. Gohmert?

2848 [No response.]

2849 Ms. Kish. Mr. Jordan?

2850 [No response.]

2851 Ms. Kish. Mr. Poe?

2852 Mr. Poe. No.

2853 Ms. Kish. Mr. Poe votes no.

2854 Mr. Chaffetz?

2855 Mr. Chaffetz. No.

2856 Ms. Kish. Mr. Chaffetz votes no.

2857 Mr. Griffin?

2858 [No response.]

2859 Ms. Kish. Mr. Marino?

2860 Mr. Marino. No.

2861 Ms. Kish. Mr. Marino votes no.

2862 Mr. Gowdy?

2863 [No response.]

2864 Ms. Kish. Mr. Ross?

2865 [No response.]

2866 Ms. Kish. Mrs. Adams?

2867 [No response.]

2868 Ms. Kish. Mr. Quayle?

2869 Mr. Quayle. No.

2870 Ms. Kish. Mr. Quayle votes no.

2871 Mr. Amodei?

2872 Mr. Amodei. No.

2873 Ms. Kish. Mr. Amodei votes no.

2874 Mr. Conyers?

2875 [No response.]

2876 Ms. Kish. Mr. Berman?

2877 [No response.]

2878 Ms. Kish. Mr. Nadler?

2879 Mr. Nadler. Aye.

2880 Ms. Kish. Mr. Nadler votes aye.

2881 Mr. Scott?

2882 [No response.]

2883 Ms. Kish. Mr. Watt?

2884 Mr. Watt. Aye.

2885 Ms. Kish. Mr. Watt votes aye.

2886 Ms. Lofgren?

2887 [No response.]

2888 Ms. Kish. Ms. Jackson Lee?

2889 [No response.]

2890 Ms. Kish. Ms. Waters?

2891 [No response.]

2892 Ms. Kish. Mr. Cohen?

2893 [No response.]

2894 Ms. Kish. Mr. Johnson?

2895 Mr. Johnson. Aye.

2896 Ms. Kish. Mr. Johnson votes aye.

2897 Mr. Pierluisi?

2898 Mr. Pierluisi. Aye.

2899 Ms. Kish. Mr. Pierluisi votes aye.

2900 Mr. Quigley?

2901 Mr. Quigley. Aye.

2902 Ms. Kish. Mr. Quigley votes aye.

2903 Ms. Chu?

2904 Ms. Chu. Aye.

2905 Ms. Kish. Ms. Chu votes aye.

2906 Mr. Deutch?

2907 Mr. Deutch. Aye.

2908 Ms. Kish. Mr. Deutch votes aye.

2909 Ms. Sanchez?

2910 Ms. Sanchez. Aye.

2911 Ms. Kish. Ms. Sanchez votes aye.

2912 Mr. Polis?

2913 [No response.]

2914 Chairman Smith. The gentleman from Virginia, Mr. Scott?

2915 Mr. Scott. Aye.

2916 Ms. Kish. Mr. Scott votes aye.

2917 Chairman Smith. The gentleman from Arkansas?

2918 Mr. Griffin. No.

2919 Ms. Kish. Mr. Griffin votes no.

2920 Chairman Smith. The gentleman from North Carolina, Mr.

2921 Coble?

2922 Mr. Coble. I have already voted.

2923 Chairman Smith. Voted.

2924 Okay. Clerk will report.

2925 Ms. Kish. Mr. Chairman, 9 members voted aye, 15 members

2926 voted nay.

2927 Chairman Smith. The majority having voted against the

2928 amendment, the amendment is not agreed to.

2929 Are there other amendments?

2930 The gentleman from New York, Mr. Nadler, is recognized.

2931 Mr. Nadler. Mr. Chairman, I have an amendment at the

2932 desk, Nadler Number 12.

2933 Chairman Smith. The clerk will report the amendment.

2934 Ms. Kish. Amendment to H.R. 2299, offered by Mr. Nadler

2935 of New York, page 3, after line 25, insert the following:  
2936 "3, Any adult who would be subject to prosecution or civil  
2937 suit under this section" --

2938 Chairman Smith. Without objection, the amendment will  
2939 be considered as read.

2940 [The amendment of Mr. Nadler follows:]

2941

2942 Chairman Smith. And the gentleman from New York is  
2943 recognized to explain his amendment.

2944 Mr. Nadler. Thank you, Mr. Chairman.

2945 This amendment is a small attempt to make this bill  
2946 begin to conform to real world situations. It would allow  
2947 an adult who by a preponderance of the evidence can show  
2948 that a judicial bypass procedure in the minor's State is,  
2949 for all practices, unavailable to seek that waiver in  
2950 Federal court. It would provide the same remedy if the  
2951 judicial bypass procedure in the minor's home State would  
2952 compromise her privacy.

2953 We have received testimony in this committee that very  
2954 often a State will maintain the formal right to seek a  
2955 judicial bypass on its books, but that that option as a  
2956 practical matter is illusory. In some areas, judges simply  
2957 never see a situation, no matter how dire, in which they  
2958 thought a waiver was necessary or appropriate.

2959 It is unreasonable enough to expect these young women  
2960 who may face abusive homes, violent parents, people in the  
2961 home who may be responsible for the pregnancy, or who have  
2962 parents who are simply absent, to wend their way through the

2963 court system. It is even more unreasonable to expect them  
2964 to go to court and face a degrading charade after having to  
2965 deal with their difficult home situations.

2966 My amendment does not eliminate the requirements of this  
2967 bill that say parental notification laws be complied with.  
2968 It simply allows the minor to avoid the kind of real world  
2969 problems that exist out there in the real world where some  
2970 local judges have made clear they will never grant the  
2971 bypass, or where the local judge is so cozy with the young  
2972 woman's parents that confidentiality would be a joke,  
2973 potentially with catastrophic results. In those extreme  
2974 cases, it would allow a young person to meet the  
2975 requirements of the law by going to a Federal court, which  
2976 would apply the same standards as the State law.

2977 I am sure that any member willing to vote for this bill,  
2978 which will override the laws of those States without  
2979 parental notification laws, including my home State, will  
2980 not have any problem supporting a limited amendment that  
2981 would take a very few extreme cases out of State court and  
2982 provide a Federal forum for the State law. The issues and  
2983 the rules would be the same, only the court would be

2984 different.

2985 I urge the adoption of this amendment, and I yield back  
2986 the balance of my time.

2987 Chairman Smith. Thank you, Mr. Nadler.

2988 The gentleman from Arizona, Mr. Franks.

2989 Mr. Franks. Mr. Chairman, I would also oppose this  
2990 amendment. The standard of H.R. 2299 is an effort to try to  
2991 strike the right balance between ensuring that people who  
2992 are trying to act in good faith are not punished and those  
2993 ensuring parental involvement.

2994 If an individual is going to act to sever parental  
2995 rights and responsibilities by taking a child out of state  
2996 to obtain abortion without a parent's knowledge, there ought  
2997 to be a very good basis for those actions, Mr. Chairman. A  
2998 person should not act without such information from a parent  
2999 or a state court operating under a state judicial bypass  
3000 procedure. It seems only reasonable in light of the  
3001 importance of parental involvement in abortion decisions,  
3002 and the serious consequences that might flow from an absence  
3003 of parental involvement.

3004 Mr. Chairman, just an aside here, I am an organ donor.

3005 If I get in a wreck and die, I want to see somebody else  
3006 have the best chance at life I can. And riding motorcycles  
3007 over the years has given me occasion to fulfill that  
3008 possibility a little earlier than I hoped or planned. But I  
3009 think almost all of us would think that that was a noble  
3010 thing that, you know, that we want to do that.

3011 And yet if someone took your daughter, your 14-year-old  
3012 daughter, across States lines to say maybe for donating a  
3013 kidney, that would otherwise a noble thing. But they did it  
3014 without your permission or knowledge. Would that not  
3015 outrage my friends on the other side of this dais? And yet  
3016 for a noble purpose, they would be outraged, but for  
3017 something like this, to perform an abortion on a minor  
3018 daughter without the parents' knowledge, all of a sudden  
3019 that does not apply. Even though the parents' grandchild is  
3020 being killed and a serious surgery is performed, that does  
3021 not apply.

3022 And I am always going to find that amazing. I know I am  
3023 supposed to be used to it by now, but I do not want to ever  
3024 let myself not be shocked by that. And so, I just want to  
3025 put on the record that I am still shocked.

3026 And with that, I would yield back.

3027 Chairman Smith. Thank you, Mr. Franks.

3028 The question is on the amendment.

3029 All in favor, say aye?

3030 [A chorus of ayes.]

3031 Chairman Smith. Opposed, no?

3032 [A chorus of nays.]

3033 Chairman Smith. In the opinion of the chair --

3034 Mr. Nadler. Mr. Chairman --

3035 Chairman Smith. -- the noes have it, and the gentleman

3036 requests a recorded vote. And the clerk will call the roll.

3037 Ms. Kish. Mr. Smith?

3038 Chairman Smith. No.

3039 Ms. Kish. Mr. Smith votes no.

3040 Mr. Sensenbrenner?

3041 Mr. Sensenbrenner. No.

3042 Ms. Kish. Mr. Sensenbrenner votes no.

3043 Mr. Coble?

3044 [No response.]

3045 Ms. Kish. Mr. Gallegly?

3046 [No response.]

3047 Ms. Kish. Mr. Goodlatte?  
3048 Mr. Goodlatte. No.  
3049 Ms. Kish. Mr. Goodlatte votes no.  
3050 Mr. Lungren?  
3051 [No response.]  
3052 Ms. Kish. Mr. Chabot?  
3053 Mr. Chabot. No.  
3054 Ms. Kish. Mr. Chabot votes no.  
3055 Mr. Issa?  
3056 [No response.]  
3057 Ms. Kish. Mr. Pence?  
3058 [No response.]  
3059 Ms. Kish. Mr. Forbes?  
3060 [No response.]  
3061 Ms. Kish. Mr. King?  
3062 [No response.]  
3063 Ms. Kish. Mr. Franks?  
3064 Mr. Franks. No.  
3065 Ms. Kish. Mr. Franks votes no.  
3066 Mr. Gohmert?  
3067 [No response.]

3068 Ms. Kish. Mr. Jordan?  
3069 [No response.]  
3070 Ms. Kish. Mr. Poe?  
3071 [No response.]  
3072 Ms. Kish. Mr. Chaffetz?  
3073 [No response.]  
3074 Ms. Kish. Mr. Griffin?  
3075 Mr. Griffin. No.  
3076 Ms. Kish. Mr. Griffin votes no.  
3077 Mr. Marino?  
3078 Mr. Marino. No.  
3079 Ms. Kish. Mr. Marino votes no.  
3080 Mr. Gowdy?  
3081 [No response.]  
3082 Ms. Kish. Mr. Ross?  
3083 [No response.]  
3084 Ms. Kish. Mrs. Adams?  
3085 Mrs. Adams. No.  
3086 Ms. Kish. Mrs. Adams votes no.  
3087 Mr. Quayle?  
3088 Mr. Quayle. No.

3089 Ms. Kish. Mr. Quayle votes no.  
3090 Mr. Amodei?  
3091 Mr. Amodei. No.  
3092 Ms. Kish. Mr. Amodei votes no.  
3093 Mr. Conyers?  
3094 [No response.]  
3095 Ms. Kish. Mr. Berman?  
3096 [No response.]  
3097 Ms. Kish. Mr. Nadler?  
3098 Mr. Nadler. Aye.  
3099 Ms. Kish. Mr. Nadler votes aye.  
3100 Mr. Scott?  
3101 Mr. Scott. Aye.  
3102 Ms. Kish. Mr. Scott votes aye.  
3103 Mr. Watt?  
3104 Mr. Watt. Aye.  
3105 Ms. Kish. Mr. Watt votes aye.  
3106 Ms. Lofgren?  
3107 [No response.]  
3108 Ms. Kish. Ms. Jackson Lee?  
3109 [No response.]

3110 Ms. Kish. Ms. Waters?

3111 [No response.]

3112 Ms. Kish. Mr. Cohen?

3113 [No response.]

3114 Ms. Kish. Mr. Johnson?

3115 Mr. Johnson. Aye.

3116 Ms. Kish. Mr. Johnson votes aye.

3117 Mr. Pierluisi?

3118 Mr. Pierluisi. Aye.

3119 Ms. Kish. Mr. Pierluisi votes aye.

3120 Mr. Quigley?

3121 [No response.]

3122 Ms. Kish. Ms. Chu?

3123 Ms. Chu. Aye.

3124 Ms. Kish. Ms. Chu votes aye.

3125 Mr. Deutch?

3126 Mr. Deutch. Aye.

3127 Ms. Kish. Mr. Deutch votes aye.

3128 Ms. Sanchez?

3129 Ms. Sanchez. Aye.

3130 Ms. Kish. Ms. Sanchez votes aye.

3131 Mr. Polis?

3132 [No response.]

3133 Chairman Smith. The gentleman from Utah?

3134 Mr. Chaffetz. No.

3135 Ms. Kish. Mr. Chaffetz votes no.

3136 Chairman Smith. The gentleman from California, Mr.

3137 Issa?

3138 Mr. Issa. No.

3139 Ms. Kish. Mr. Issa votes no.

3140 Chairman Smith. The gentleman from Texas, Mr. Poe?

3141 Mr. Poe. No.

3142 Ms. Kish. Mr. Poe votes no.

3143 Chairman Smith. The gentleman from California, Mr.

3144 Lungren?

3145 Mr. Lungren. No.

3146 Ms. Kish. Mr. Lungren votes no.

3147 Chairman Smith. The gentleman from California, Mr.

3148 Gallegly?

3149 Mr. Gallegly. No.

3150 Ms. Kish. Mr. Gallegly votes no.

3151 Chairman Smith. The gentleman from North Carolina, Mr.

3152 Coble?

3153 Mr. Coble. No.

3154 Ms. Kish. Mr. Coble votes no.

3155 Chairman Smith. And the clerk will report.

3156 Ms. Kish. Mr. Chairman, 8 members voted aye, 16 members  
3157 voted nay.

3158 Chairman Smith. The majority having voted against the  
3159 amendment, the amendment is not agreed to.

3160 The gentleman from Virginia, Mr. Scott, is recognized.

3161 Mr. Scott. Mr. Chairman, I have an amendment at the  
3162 desk, Number 14.

3163 Chairman Smith. The gentleman's amendment will be  
3164 reported. And let ask the gentleman, is the fact that the  
3165 he went to Number 14 mean he does not intend to offer Number  
3166 13?

3167 Mr. Scott. No. It means that 14 is more related to the  
3168 one we just considered.

3169 Chairman Smith. Okay. The clerk will report Mr. Scott  
3170 Amendment Number 14.

3171 Ms. Kish. Amendment to H.R. 2299, offered by Mr. Scott  
3172 of Virginia, page 9, line 8, strike 4; page 9, line 13,

3173 strike the period and insert "4;" page 9, after line 13,  
3174 insert the following: "6, The abortion is performed or  
3175 induced in a State that does not have in force a law  
3176 requiring parental involvement in a minor's abortion  
3177 decision and the minor is a resident of a State that does  
3178 not have enforced a law requiring parental involvement in a  
3179 minor's abortion decision."

3180 [The amendment of Mr. Scott follows:]

3181

3182 Chairman Smith. And the gentleman from Virginia is  
3183 recognized to explain his amendment.

3184 Mr. Scott. Mr. Chairman, on page 7 of the bill, it  
3185 requires a physician to essentially get parental consent if  
3186 the teenager is an out of state resident. This bill forces  
3187 a physician to have parental consent in all circumstances  
3188 when a minor comes from out from a State from another State  
3189 to have an abortion. I guess the intent of the bill is to  
3190 restrict minors from traveling to States that do not have  
3191 parental consent laws in order to get an abortion,  
3192 therefore, evading their home State's parental notification  
3193 laws.

3194 But this bill goes further. Take a case of a State in  
3195 which a young lady resides in a State that does not parental  
3196 consent laws and goes to another State that does not have  
3197 parental notification laws simply because the facility is  
3198 closer. Under that scenario, there is no concern that a  
3199 minor has fled in order to circumvent the State law, and the  
3200 physician should not be required to comply with parental  
3201 notification requirements that do not exist in either State.

3202 Furthermore, there is no alternative process, there is

3203 no judicial process that can be used in this scenario since  
3204 there is no parental consent law in either State to bypass.  
3205 And it seems that if neither State requires notification,  
3206 then there should be not need to impose notification.

3207 I urge my colleagues to support the amendment.

3208 I yield back.

3209 Chairman Smith. Thank you, Mr. Scott.

3210 The gentleman from Arizona, Mr. Franks, is recognized.

3211 Mr. Franks. Well, Mr. Chairman, I would oppose this  
3212 amendment because it would essentially negate the bill's  
3213 Federal notification laws. It is not a consent, as the  
3214 gentleman stated. It is just a notification, which is the  
3215 second section of the bill, and it requires a practicing  
3216 physician in a States that does not have parental  
3217 involvement to notify a parent when a minor crosses State  
3218 lines to have an abortion.

3219 And it is a very important provision of the bill, Mr.  
3220 Chairman. It goes to the very heart of what we are really  
3221 debating here, and that is, do parents have the right to  
3222 know at least. And in my judgment, they should have a right  
3223 to consent.

3224 But, Mr. Chairman, this would weaken that, and without  
3225 trying to go into a significant discussion about it, I am  
3226 going to leave it right there and say that I just think we  
3227 should oppose the amendment.

3228 Chairman Smith. All right. Thank you, Mr. Franks.

3229 Mr. Nadler. Mr. Chairman?

3230 Chairman Smith. The gentleman from New York, Mr.

3231 Nadler, is recognized.

3232 Mr. Nadler. Mr. Chairman, this provision of the bill  
3233 goes against the major other provisions of the bill. The  
3234 bill supposedly is an attempt to use the power of the  
3235 Federal government to help the States enforce their parental  
3236 consent notification laws.

3237 What this provision that Mr. Scott seeks to repeal, what  
3238 this provision does is to impose a notification law on  
3239 States that have chosen not adopt it. That is not along the  
3240 lines of the federalism that we normally from that side of  
3241 the aisle on this committee.

3242 Now, is this a bill that says, okay, we are going to  
3243 prohibit people from transporting young women across States  
3244 lines in order to evade the parental notification or consent

3245 laws in their home States, which is what it has always been  
3246 advertised to be, or is this suddenly now a bill to say we  
3247 are going to impose a parental notification law on States  
3248 that do not want it? We are going to impose congressional  
3249 judgment on a State that has chosen not to have such a law.  
3250 That is what this provision does.

3251 Now, in prior years, the bill was simply a bill to use  
3252 the power of the Federal government to enforce -- which is  
3253 bad enough, in my opinion, but it was simply a bill to use  
3254 the power of the Federal to enforce the law of State A,  
3255 parental notification law, even if the person left and went  
3256 to State B, which did not have such a law. But it never  
3257 attempted to substitute the judgment of the Federal  
3258 government and say we are going to impose such a law whether  
3259 you like it or not. This provision, which has been added to  
3260 the bill, does exactly that.

3261 So, I support Mr. Scott's amendment, which at least  
3262 which would make it the fact that this bill is what it  
3263 purports to be, namely an enforcement mechanism for States  
3264 parental consent notification laws, not an imposition of a  
3265 notification law on States that have chosen not to want it.

3266 I mean, otherwise, why not just abolish the States  
3267 legislatures, and get rid of this whole thing, and simply  
3268 have a Federal notification law, which essentially is what  
3269 this does? What do we need the rest of the bill for? Just  
3270 have a Federal consent notification law wherever it is in  
3271 the country, and be done with it.

3272 This seems to me to be completely different from the  
3273 rest of the bill. It is a new provision in this year's  
3274 version of the bill, and it really does not belong here,  
3275 even if you believe in the central purpose of the bill,  
3276 which is to help States enforce their parental notification  
3277 laws. So, I support Mr. Scott's amendment, and urge its  
3278 adoption.

3279 Chairman Smith. Thank you, Mr. Nadler.

3280 The question is on Mr. Scott's Amendment Number 14.

3281 All in favor, say aye?

3282 [A chorus of ayes.]

3283 Chairman Smith. Opposed, nay?

3284 [A chorus of nays.]

3285 Chairman Smith. In the opinion of the chair, the noes  
3286 have it, and the amendment is not agreed to.

3287 Does the gentleman have another amendment?

3288 Mr. Scott. Recorded vote.

3289 Chairman Smith. A recorded vote has been requested.

3290 Mr. Scott. Why do not we go to the next one?

3291 Chairman Smith. Could we do that? That would be good.

3292 The gentleman is recognized for offering his Scott

3293 Amendment Number 13. We will have recorded votes on both 14

3294 and 13 after we finish debate on Number 13.

3295 And the clerk will report.

3296 Ms. Kish. Amendment to H.R. 2299, offered by Mr. Scott

3297 of Virginia, page 3, after line 25, insert the following:

3298 "3, Limitation on prosecution."

3299 Chairman Smith. Without objection, the amendment will

3300 be considered as read.

3301 [The amendment of Mr. Scott follows:]

3302

3303 Chairman Smith. And the gentleman is recognized to  
3304 explain his amendment.

3305 Mr. Scott. Mr. Chairman, this would limit prosecution  
3306 to just the person who has committed the offense in the  
3307 first degree pursuant to Sections 2 and 3 of Title 18 of the  
3308 Criminal Code. Those provisions for prosecution under the  
3309 U.S. Code allow not only the person or persons directly  
3310 involved in committing an offense to be charged, but also  
3311 those indirectly involved, such as those charged with aiding  
3312 and abetting, counseling, inducing, procuring, engaging in a  
3313 conspiracy, or acting or support before or after the fact.

3314 This could be a grandmother, sister, counselor, friend,  
3315 or other person who offers care and comfort before or after  
3316 the fact, or someone just arranging transportation back home  
3317 after the person has received an otherwise legal abortion.

3318 Under this provision, even ministers and relatives who  
3319 want to ensure that the minor undergoes a safe procedure and  
3320 comes home unharmed would be considered criminals as well as  
3321 subject to civil liability.

3322 Mr. Chairman, this legislation, because we have had  
3323 previous amendments that have talked about the idea of what

3324 transport means, apparently if a taxi cab driver transports  
3325 someone across States lines, they will be a criminal.  
3326 However, a friend who follows in the car behind not involved  
3327 in the actual transportation and arrives in the other States  
3328 at the abortion clinic would not have "transported." They  
3329 would have just accompanied, and apparently that would not  
3330 be covered by the law. But we do not want to get into a  
3331 situation where accessories after the fact become criminals  
3332 and subject to civil liability.

3333 So, Mr. Chairman, I would hope that we would not allow  
3334 this bill to include accessories before and after the fact,  
3335 which may involve very minor players who may be even against  
3336 the abortion, but feel the need or desire to assist a loved  
3337 one or friend with legitimate needs, even after the fact.  
3338 And I would hope we would adopt the amendment.

3339 Chairman Smith. Thank you, Mr. Scott.

3340 The gentleman from Arizona, Mr. Franks.

3341 Mr. Franks. Mr. Chairman, I would oppose this  
3342 amendment. The amendment should be defeated because it  
3343 would, for example, exempt from prosecution a sexual  
3344 predator who pays another to transport a young girl across

3345 States lines in order to circumvent parental involvement  
3346 laws and destroy evidence of his sexual crimes.

3347 Mr. Chairman, it is important to note that we have these  
3348 first degree provisions for almost every criminal law that  
3349 we have, and somehow, once again my friends on the left side  
3350 of this dais see abortion as completely different. And I do  
3351 not understand that. I do not understand what is so  
3352 liberating about killing little children. It just kind of  
3353 escapes me. I do not understand how we think that a future  
3354 generation is going to look back and say, well, our  
3355 predecessors killed 50 million children; what a noble  
3356 accomplishment in the pursuit of human endeavor. And I am  
3357 not sure why abortion is so different than all of the other  
3358 criminal laws.

3359 And so, I would just oppose it based on the notion that  
3360 taking a young girl across States lines to take the life of  
3361 a child should not be a different kind of crime than we  
3362 apply to first degree on every other kind of a law that we  
3363 have.

3364 So, with that, Mr. Chairman, I would yield back.

3365 Chairman Smith. Thank you, Mr. Franks.

3366 Mr. Nadler. Mr. Chairman?

3367 Chairman Smith. The gentlewoman from California, Ms.  
3368 Sanchez.

3369 Ms. Sanchez. Thank you, Mr. Chairman.

3370 I take exception to the characterization that we are  
3371 killing children here in the Congress. The choice of  
3372 whether or when to become a mother is a choice that an  
3373 individual person must make. And to somehow paint people  
3374 who want to provide the flexibility because we cannot know  
3375 the circumstances of every young woman's family background,  
3376 or the circumstances under which she conceives a child. To  
3377 substitute our judgment seems to me incredibly arrogant.

3378 And so, I would just like to state for the record that I  
3379 take exception to that characterization. I find it  
3380 offensive. I find it inflammatory. And with that, I will  
3381 yield back the balance of my time.

3382 Chairman Smith. The gentlewoman yields back.

3383 The gentleman from New York, Mr. Nadler.

3384 Mr. Nadler. Yes, thank you.

3385 Mr. Chairman, I want to add to that. The gentleman from  
3386 Arizona keeps referring to killing children. I do not

3387 believe most abortions are killing children. If you really  
3388 believe that abortion is murder from the moment of  
3389 conception, then women with IUDs are mass murderers.

3390 Now, obviously if we believe that, we would not support  
3391 the right of an abortion. We do not believe that. I do not  
3392 believe that. I make a distinction. I do not believe that  
3393 a fertilized egg is a human being. I do not believe a  
3394 blastula of a couple of hundred cells which has no feelings,  
3395 no brain, no nervous system, no anything, is a human being.  
3396 It has the potential to become a human being, but it is not  
3397 a human being, and it is not a child, and it is not a baby,  
3398 and it is not an infant.

3399 And, frankly, if stem cell research or in vitro  
3400 fertilization or for any other useful thing that helps human  
3401 life and welfare, a clump of a couple hundred cells must be  
3402 killed, so be it. There is no moral issue whatsoever as far  
3403 as I am concerned.

3404 Mr. Franks. Will the gentleman yield?

3405 Mr. Nadler. On the other hand -- I will not yield yet.  
3406 On the other hand, an eight-month old fetus or nine-month  
3407 old fetus, in my opinion, is a human being. When that

3408 change occurs, I do not know. It occurs at some point. And  
3409 that is why the Supreme Court decision that established the  
3410 right of a person to have an abortion was based on length,  
3411 and why most people would agree, I think, that there is  
3412 little distinction between a nine-month old fetus or an  
3413 eight-and-a-half-month old fetus and an infant. And  
3414 certainly the States has more right to regulate and protect  
3415 as the pregnancy becomes longer and the fetus becomes more  
3416 and more like a human being as a pregnancy proceeds to term,  
3417 and that is the basis of the design of our law.

3418       The State has more right to regulate and to prevent  
3419 later in the pregnancy than earlier in the pregnancy. One  
3420 can debate exactly where that change takes place, and some  
3421 of our debates are along those lines. But to say that all  
3422 abortions are murder or that all fetuses are children is, I  
3423 think, simply wrong. It is inflammatory because it says  
3424 that all supporter of the right to abortion under any  
3425 circumstance are murderers or support murder.

3426       I think *Roe v. Wade* was quite correct in drawing the  
3427 line at viability. But you have to draw it somewhere  
3428 because on the one hand, very late term abortion should only

3429 be permitted for the life and health of the mother because  
3430 you have no choice. On the other hand, an abortion, if you  
3431 want to even call it an abortion, of a fertilized egg, the  
3432 use of various birth control mechanisms, as far as I am  
3433 concerned, are not even abortions. And we are not dealing  
3434 with human beings at that point, and we are not dealing with  
3435 children, and we are not dealing with murder. And that is a  
3436 fundamental distinction I think that has to be observed in  
3437 every facet of this debate.

3438 And now I will yield.

3439 Mr. Franks. I thank the gentleman for yielding.

3440 Well, first of all, to the gentlelady's point, I would  
3441 agree with her completely that everyone should have the  
3442 right to become a mother or not to become a mother. But  
3443 once they become a mother and there is a child involved,  
3444 then this debate enters in about protecting the child's  
3445 life.

3446 In terms of when life begins, you know, I would suggest  
3447 to you that oftentimes the whole focus is put on blastocysts  
3448 and fertilized eggs, and these kinds of things.

3449 But we debated a bill recently in this committee called

3450 the Pain Capable bill, and this would have protected  
3451 children beginning at the sixth and seventh month. And no  
3452 one on your side even voted for it. I mean, this is --

3453 Mr. Nadler. Reclaiming --

3454 Mr. Franks. So, I will stop --

3455 Mr. Nadler. Reclaiming my time, two points. Number  
3456 one, the question is when someone becomes a mother. I do  
3457 not believe someone is a mother when she has a fertilized  
3458 egg or blastula within her period.

3459 But, second of all, the bill we debated, as I recalled,  
3460 was not dealing with six and seven months abortions. It is  
3461 a highly debatable question scientifically when a fetus  
3462 feels pain. And I think people on the side supporting the  
3463 bill were saying it was at 20 weeks.

3464 But one of the reasons --

3465 Mr. Franks. Would you be willing to co-sponsor the bill  
3466 with me?

3467 Mr. Nadler. No, I will not. One of the reasons to  
3468 oppose the bill was that it is highly unclear when that  
3469 happens scientifically, and claims were being made with  
3470 certitude that were certainly not the case.

3471 I yield back.

3472 Chairman Smith. The gentleman from New York yields back  
3473 his time.

3474 The gentleman from Ohio, Mr. Chabot, is recognized.

3475 Mr. Chabot. Move to strike the last word.

3476 Chairman Smith. The gentleman is recognized for five  
3477 minutes.

3478 Mr. Chabot. Mr. Chairman, I am just going to speak very  
3479 briefly then yield the time to the gentleman from Arizona.

3480 When the gentleman from New York was talking, you note  
3481 he kept saying in my opinion it is not a child, or, in my  
3482 opinion it is not, or, in my opinion at that early stage.

3483 And you do not know and I do not know exactly what time life  
3484 is there. I think it is very early. I think it is there  
3485 from the start. But since we do not know, I think the  
3486 reasonable thing to do is to err on the side of life. And  
3487 that is why I think we ought to protect those babies at the  
3488 later stages before they are born.

3489 And I think the terminology that we prefer to use is  
3490 unborn children because that is what we look at these unborn  
3491 babies are as unborn life. They are unborn children to us.

3492 And we want to protect them at later stages, which is one of  
3493 the things I was trying to do when I was the principle  
3494 sponsor on the ban on partial birth abortions some years  
3495 ago.

3496 I would note that a lot of the folks on the other side  
3497 voted against even that, and those --

3498 Mr. Nadler. Would the gentleman yield for a moment?

3499 Mr. Chabot. I will in just a second.

3500 Mr. Nadler. Yeah.

3501 Mr. Chabot. But that was generally at even a later  
3502 stage, you know, 20 weeks, 22, 23 weeks. And but a lot of  
3503 the folks -- we were not talking about blastocysts or  
3504 something like that. We were talking about later stage  
3505 babies. And not everybody over there, but a whole lot of  
3506 the folks were against even protecting those innocent unborn  
3507 children.

3508 So, my point is, if we do not exactly when life begins,  
3509 let us err on the side of life. And those blastocysts who  
3510 ultimately become fetuses, who become life at some point in  
3511 your mind, and my point, very, very early, you know, let us  
3512 protect them and let them have the same life that you and I

3513 have had. And if the parents do not want to take care of  
3514 the child, there are lots of families that cannot have their  
3515 own children who would love to adopt those children, and let  
3516 them experience and have the same life that we all have.

3517 So, let us err on the side of life. I will yield to the  
3518 gentleman, and I would like to yield --

3519 Mr. Nadler. Thank you. I will make two points very  
3520 briefly. One, life is clearly life. I mean, the life goes  
3521 way back. It goes way back beyond conception. It goes  
3522 billions of years frankly.

3523 The question is, when does a person become a human  
3524 being, and there is where the discussion is. And it is not  
3525 simply err on the side of caution because if you are talking  
3526 about stem cell research and so forth, you are balancing  
3527 that against things that can save lives, other lives. But I  
3528 do not want to debate that now.

3529 The only other point I wanted to make was you talked  
3530 about the partial birth abortion bill. The partial birth  
3531 abortion bill was defined by a technique. If all the bill  
3532 said was late term abortion, that it prohibited late term  
3533 abortions except for the life and health of the mother, many

3534 of us would have supported it. I would have supported it if  
3535 it said no late term abortions except for the life and  
3536 health of the mother. But it talked about a technique. The  
3537 technique could be used earlier, too.

3538 Mr. Chabot. Right. Reclaiming my time. Reclaiming my  
3539 time.

3540 Relative to the partial birth abortion bill, we did pass  
3541 it. It went all the way to the U.S. Supreme Court, which  
3542 was upheld on a 5 to 4 vote, which I am very pleased about.  
3543 But the one thing that I think is still left undone, there  
3544 are a lot of other abortions at those stages that still take  
3545 place, which are through dismemberment and a whole lot of  
3546 other horrific techniques that are still perfectly legal,  
3547 that at some point, and I would hope very soon, that we take  
3548 up that matter and eliminate those types of abortions as  
3549 well.

3550 And I will yield to the gentleman from Arizona.

3551 Mr. Franks. Well, thank you, Mr. Chairman, and Mr.  
3552 Chabot. I will be very brief.

3553 You know, oftentimes if a young married couple is going  
3554 to have a child, and the husband comes home, and the young

3555 wife says, honey, we are going to have a blastocyst. Is  
3556 that not amazing? Or, my fetus kicked. We do use different  
3557 terminology sometimes when we are in the everyday realities  
3558 of life. It is only when we get in committees like this  
3559 that we seem to perpetrate monotonic, polysyllabic  
3560 obfuscations, semantic gymnastics, and verbal circumlocution  
3561 to hide what we are really doing.

3562       And I would just suggest to you, Mr. Chairman, that in  
3563 the reality here, the 50 million abortions that have been  
3564 done in America, the average one was between 10 and 12  
3565 weeks, and we take the baby's thumbprint at that age and  
3566 identify them when they are 50 years old.

3567       And history is replete with examples of us getting when  
3568 does life begins or who is a person, getting that question  
3569 wrong. And it has been the tragic legacy of some very sad  
3570 that have happened in humanity. So, I would suggest to you  
3571 that Mr. Chabot is right; we should err on the right side of  
3572 that question.

3573       The fact is it is illegal to abort in this country in  
3574 labor, and it should not be that way. People in the year  
3575 2012 should be able to come up with a different way to deal

3576 with this issue. And so, I am hoping that my colleagues  
3577 will consider the Pain Capable bill that is coming up.

3578 Just to answer Mr. Nadler's question, there is no  
3579 authority that I know of, real authority, that would suggest  
3580 that the baby does not feel pain by the time this bill would  
3581 protect them. So, I would hope you would consider that.

3582 And with that, I would yield back and thank the chairman  
3583 for his indulgence.

3584 Chairman Smith. Thank you, Mr. Franks. Thank you, Mr.  
3585 Chabot.

3586 The gentleman from North Carolina, Mr. Watt, is  
3587 recognized.

3588 Mr. Watt. Thank you, Mr. Chairman. I move to strike  
3589 the last word.

3590 Chairman Smith. The gentleman is recognized for five  
3591 minutes.

3592 Mr. Watt. And I will yield to Mr. Scott.

3593 Mr. Scott. Thank you.

3594 Mr. Chairman, I do not support the legislative  
3595 declaration that a fertilized egg is a person. But this  
3596 bill does not get into that debate. It covers legal

3597 abortions, however they are going to be defined. We are  
3598 talking about legal abortions.

3599 Now, the gentleman from Arizona suggested that this bill  
3600 would cover up rapists who want to use this amendment to  
3601 protect themselves. Let me tell you who else would be  
3602 protected by this amendment. The fact is that if a teenager  
3603 and her sister cross State lines to get an abortion and get  
3604 over there and run out of money, and call the grandmother,  
3605 or a minister, or a friend, send us some money, we need to  
3606 get home, if they were to respond and send the money, they  
3607 would not only be a criminal, but subject to civil  
3608 liability. Now, I mean, this is after the fact. This is  
3609 accessory after the fact that you are making a criminal.

3610 I would hope that we would limit the bill to the target  
3611 of the bill and not include people who may assist after the  
3612 fact and get caught up because they are under Section 203 of  
3613 the Criminal Code. So, I would hope we would adopt the  
3614 amendment, and not round up grandmothers, ministers, and  
3615 close friends who assist their friends after the fact.

3616 I yield back to the gentleman from North Carolina.

3617 Mr. Watt. I thank the gentleman. And I think I will

3618 resist the temptation to escalate this and yield back.

3619 Chairman Smith. Thank you, Mr. Scott, and thank you,  
3620 Mr. Watt.

3621 Mr. Deutch. Mr. Chairman?

3622 Chairman Smith. Who seeks recognition? The gentleman  
3623 from Florida, Mr. Deutch.

3624 Mr. Deutch. Thank you, Mr. Chairman. Move to strike  
3625 the last word.

3626 Chairman Smith. The gentleman is recognized for five  
3627 minutes.

3628 Mr. Deutch. I thank the chairman.

3629 The gentleman from Arizona spoke of the couple that  
3630 finds out they are pregnant and the joy that they  
3631 experience. I would carry that example forward to the  
3632 tragic circumstances where that couple that has been trying  
3633 to get pregnant for years finally succeeds, and only to  
3634 learn later that there is a problem, that the fetus is a  
3635 Cyclops, that are there organs outside of the body.

3636 And in State legislatures all around America, there are  
3637 efforts every day to say in that situation, we want you  
3638 young married couple who have made the decision to have a

3639 baby, thrilled and joyful at the prospect of having a baby,  
3640 only to learn that the only option at that point is to abort  
3641 the fetus. We want you in that situation to have to sit and  
3642 listen to a medical doctor or nurse describe in the most  
3643 horrific detail what is on the ultrasound, an abortion that  
3644 they never wanted to have. And yet in every State in this  
3645 country, there are efforts right now to make that young  
3646 couple suffer again when they find themselves in a situation  
3647 they desperately never could have imagined.

3648       And so, as we have this discussion here, I understand  
3649 that some of my friends on the other side would like  
3650 abortion to be illegal. But I cannot sit here when you call  
3651 us baby killers, when the fact is women have reproductive  
3652 rights. Access to abortion in this country is legal. I  
3653 understand that some of my colleagues do everything they can  
3654 to make it more and more difficult to preclude access, to  
3655 shut off access. But it is legal. Those rights exist. And  
3656 as we have these debates here, I would just hope that the  
3657 name calling against those of us who are merely trying to  
3658 stand up for what is a constitutionally protected right  
3659 would bear that in mind as the debate goes forward.

3660 I yield back, Mr. Chairman.

3661 Chairman Smith. Okay. Thank you, Mr. Deutch.

3662 We have had a good discussion on that issue. We are now

3663 going to have two recorded votes on Scott Amendment Number

3664 13 --

3665 Mr. Scott. Mr. Chairman?

3666 Chairman Smith. And 14.

3667 Mr. Scott. Mr. Chairman, I ask unanimous consent that

3668 Amendments 13 and 14 be voted on en block.

3669 Chairman Smith. Thank you. Without objection, both

3670 Amendments 13 and 14 will be voted on en block. And the

3671 clerk will call the roll.

3672 Ms. Kish. Mr. Smith?

3673 Chairman Smith. No.

3674 Ms. Kish. Mr. Smith votes no.

3675 Mr. Sensenbrenner?

3676 [No response.]

3677 Ms. Kish. Mr. Coble?

3678 Mr. Coble. No.

3679 Ms. Kish. Mr. Coble votes no.

3680 Mr. Gallegly?

3681 [No response.]

3682 Ms. Kish. Mr. Goodlatte?

3683 Mr. Goodlatte. No.

3684 Ms. Kish. Mr. Goodlatte votes no.

3685 Mr. Lungren?

3686 [No response.]

3687 Ms. Kish. Mr. Chabot?

3688 Mr. Chabot. No.

3689 Ms. Kish. Mr. Chabot votes no.

3690 Mr. Issa?

3691 [No response.]

3692 Ms. Kish. Mr. Pence?

3693 [No response.]

3694 Ms. Kish. Mr. Forbes?

3695 [No response.]

3696 Ms. Kish. Mr. King?

3697 [No response.]

3698 Ms. Kish. Mr. Franks?

3699 Mr. Franks. No.

3700 Ms. Kish. Mr. Franks votes no.

3701 Mr. Gohmert?

3702 [No response.]

3703 Ms. Kish. Mr. Jordan?

3704 Mr. Jordan. No.

3705 Ms. Kish. Mr. Jordan votes no.

3706 Mr. Poe?

3707 [No response.]

3708 Ms. Kish. Mr. Chaffetz?

3709 Mr. Chaffetz. No.

3710 Ms. Kish. Mr. Chaffetz votes no.

3711 Mr. Griffin?

3712 [No response.]

3713 Ms. Kish. Mr. Marino?

3714 Mr. Marino. No.

3715 Ms. Kish. Mr. Marino votes no.

3716 Mr. Gowdy?

3717 [No response.]

3718 Ms. Kish. Mr. Ross?

3719 Mr. Ross. No.

3720 Ms. Kish. Mr. Ross votes no.

3721 Mrs. Adams?

3722 [No response.]

3723 Ms. Kish. Mr. Quayle?

3724 Mr. Quayle. No.

3725 Ms. Kish. Mr. Quayle votes no.

3726 Mr. Amodei?

3727 Mr. Amodei. No.

3728 Ms. Kish. Mr. Amodei votes no.

3729 Mr. Conyers?

3730 Mr. Conyers. Aye.

3731 Ms. Kish. Mr. Conyers votes aye.

3732 Mr. Berman?

3733 [No response.]

3734 Ms. Kish. Mr. Nadler?

3735 Mr. Nadler. Aye.

3736 Ms. Kish. Mr. Nadler votes aye.

3737 Mr. Scott?

3738 Mr. Scott. Aye.

3739 Ms. Kish. Mr. Scott votes aye.

3740 Mr. Watt?

3741 Mr. Watt. Aye.

3742 Ms. Kish. Mr. Watt votes aye.

3743 Ms. Lofgren?

3744 Ms. Lofgren. Aye.

3745 Ms. Kish. Ms. Lofgren votes aye.

3746 Ms. Jackson Lee?

3747 [No response.]

3748 Ms. Kish. Ms. Waters?

3749 Ms. Waters. Aye.

3750 Ms. Kish. Ms. Waters votes aye.

3751 Mr. Cohen?

3752 [No response.]

3753 Ms. Kish. Mr. Johnson?

3754 Mr. Johnson. Aye.

3755 Ms. Kish. Mr. Johnson votes aye.

3756 Mr. Pierluisi?

3757 Mr. Pierluisi. Aye.

3758 Ms. Kish. Mr. Pierluisi votes aye.

3759 Mr. Quigley?

3760 Mr. Quigley. Aye.

3761 Ms. Kish. Mr. Quigley votes aye.

3762 Ms. Chu?

3763 Ms. Chu. Aye.

3764 Ms. Kish. Ms. Chu votes aye.

3765 Mr. Deutch?

3766 Mr. Deutch. Aye.

3767 Ms. Kish. Mr. Deutch votes aye.

3768 Ms. Sanchez?

3769 Ms. Sanchez. Aye.

3770 Ms. Kish. Ms. Sanchez votes aye.

3771 Mr. Polis?

3772 Mr. Polis. Aye.

3773 Ms. Kish. Mr. Polis votes aye.

3774 Chairman Smith. The gentleman from California, Mr.

3775 Berman?

3776 Mr. Berman. Aye.

3777 Ms. Kish. Mr. Berman votes aye.

3778 Chairman Smith. The gentleman from Wisconsin?

3779 Mr. Sensenbrenner. No.

3780 Ms. Kish. Mr. Sensenbrenner votes no.

3781 Chairman Smith. The gentleman from California?

3782 Mr. Gallegly. No.

3783 Ms. Kish. Mr. Gallegly votes no.

3784 Chairman Smith. The gentleman from California, Mr.

3785 Lungren?

3786 Mr. Lungren. No.

3787 Ms. Kish. Mr. Lungren votes no.

3788 Chairman Smith. The gentleman from Arkansas?

3789 Mr. Griffin. No.

3790 Mr. Kish. Mr. Griffin votes no.

3791 Chairman Smith. The gentleman from Texas, Mr. Poe?

3792 Mr. Poe. No.

3793 Ms. Kish. Mr. Poe votes no.

3794 Chairman Smith. The gentleman from Iowa, Mr. King?

3795 Mr. King. No.

3796 Ms. Kish. Mr. King votes no.

3797 Chairman Smith. Are there other members who wish to be

3798 recorded? If not, the clerk will report.

3799 Ms. Kish. Mr. Chairman, 14 members voted aye, 17

3800 members voted nay.

3801 Chairman Smith. A majority having voted against the

3802 amendment, the amendment is not agreed to.

3803 We are now getting ready to go to final vote. I do not

3804 believe there are any other amendments.

3805 Before we have our final vote, I do want to say to all

3806 members that lunch is being provided to both sides in their

3807     respective conference rooms. That is not to say I expected  
3808     a longer markup.

3809             [Laughter.]

3810             Chairman Smith. It is simply a small token and shows  
3811     appreciation for a timely conclusion of this markup.

3812             A reporting quorum being present, the question is on the  
3813     reporting the bill favorably to the House.

3814             Those in favor, say aye?

3815             [A chorus of ayes.]

3816             Chairman Smith. Those in favor, say aye?

3817             [A chorus of ayes.]

3818             Chairman Smith. All opposed, no?

3819             [A chorus of nays.]

3820             Chairman Smith. The clerk will call the roll.

3821             Ms. Kish. Mr. Smith?

3822             Chairman Smith. Aye.

3823             Ms. Kish. Mr. Smith votes aye.

3824             Mr. Sensenbrenner?

3825             Mr. Sensenbrenner. Aye.

3826             Ms. Kish. Mr. Sensenbrenner votes aye.

3827             Mr. Coble?

3828 Mr. Coble. Aye.

3829 Ms. Kish. Mr. Coble votes aye.

3830 Mr. Gallegly?

3831 [No response.]

3832 Ms. Kish. Mr. Goodlatte?

3833 Mr. Goodlatte. Aye.

3834 Ms. Kish. Mr. Goodlatte votes aye.

3835 Mr. Lungren?

3836 Mr. Lungren. Aye.

3837 Ms. Kish. Mr. Lungren votes aye.

3838 Mr. Chabot?

3839 Mr. Chabot. Aye.

3840 Ms. Kish. Mr. Chabot votes aye.

3841 Mr. Issa?

3842 Mr. Issa. Aye.

3843 Ms. Kish. Mr. Issa votes aye.

3844 Mr. Pence?

3845 [No response.]

3846 Ms. Kish. Mr. Forbes?

3847 Mr. Forbes. Aye.

3848 Ms. Kish. Mr. Forbes votes aye.

3849 Mr. King?

3850 Mr. King. Aye.

3851 Ms. Kish. Mr. King votes aye.

3852 Mr. Franks?

3853 Mr. Franks. Aye.

3854 Ms. Kish. Mr. Franks votes aye.

3855 Mr. Gohmert?

3856 [No response.]

3857 Ms. Kish. Mr. Jordan?

3858 Mr. Jordan. Yes.

3859 Ms. Kish. Mr. Jordan votes aye.

3860 Mr. Poe?

3861 Mr. Poe. Yes.

3862 Ms. Kish. Mr. Poe votes yes.

3863 Mr. Chaffetz?

3864 Mr. Chaffetz. Aye.

3865 Ms. Kish. Mr. Chaffetz votes aye.

3866 Mr. Griffin?

3867 Mr. Griffin. Aye.

3868 Ms. Kish. Mr. Griffin votes aye.

3869 Mr. Marino?

3870 Mr. Marino. Aye.

3871 Ms. Kish. Mr. Marino votes aye.

3872 Mr. Gowdy?

3873 [No response.]

3874 Ms. Kish. Mr. Ross?

3875 Mr. Ross. Aye.

3876 Ms. Kish. Mr. Ross votes aye.

3877 Mrs. Adams?

3878 [No response.]

3879 Ms. Kish. Mr. Quayle?

3880 Mr. Quayle. Aye.

3881 Ms. Kish. Mr. Quayle votes aye.

3882 Mr. Amodei?

3883 Mr. Amodei. Yes.

3884 Ms. Kish. Mr. Amodei votes yes.

3885 Mr. Conyers?

3886 Mr. Conyers. No.

3887 Ms. Kish. Mr. Conyers votes no.

3888 Mr. Berman?

3889 Mr. Berman. No.

3890 Ms. Kish. Mr. Berman votes no.

3891 Mr. Nadler?

3892 Mr. Nadler. No.

3893 Ms. Kish. Mr. Nadler votes no.

3894 Mr. Scott?

3895 Mr. Scott. No.

3896 Ms. Kish. Mr. Scott votes no.

3897 Mr. Watt?

3898 Mr. Watt. No.

3899 Ms. Kish. Mr. Watt votes no.

3900 Ms. Lofgren?

3901 Ms. Lofgren. No.

3902 Ms. Kish. Ms. Lofgren votes no.

3903 Ms. Jackson Lee?

3904 [No response.]

3905 Ms. Kish. Ms. Waters?

3906 Ms. Waters. No.

3907 Ms. Kish. Ms. Waters votes no.

3908 Mr. Cohen?

3909 [No response.]

3910 Ms. Kish. Mr. Johnson?

3911 Mr. Johnson. No.

3912 Ms. Kish. Mr. Johnson votes no.

3913 Ms. Kish. Mr. Pierluisi?

3914 Mr. Pierluisi. Aye.

3915 Ms. Kish. Mr. Pierluisi votes aye.

3916 Mr. Quigley?

3917 Mr. Quigley. No.

3918 Ms. Kish. Mr. Quigley votes no.

3919 Ms. Chu?

3920 Ms. Chu. No.

3921 Ms. Kish. Ms. Chu votes no.

3922 Mr. Deutch?

3923 Mr. Deutch. No.

3924 Ms. Kish. Mr. Deutch votes no.

3925 Ms. Sanchez?

3926 Ms. Sanchez. No.

3927 Ms. Kish. Ms. Sanchez votes no.

3928 Mr. Polis?

3929 Mr. Polis. No.

3930 Ms. Kish. Mr. Polis votes no.

3931 Chairman Smith. Are there other members who wish to be

3932 recorded?

3933 The gentleman from California?

3934 Mr. Gallegly. Aye.

3935 Ms. Kish. Mr. Gallegly votes aye.

3936 Chairman Smith. And the clerk will report.

3937 Ms. Kish. Mr. Chairman, 20 members voted aye, 13

3938 members voted nay.

3939 Chairman Smith. Okay. The ayes have it, and the bill

3940 is ordered reported favorably.

3941 Without objection, the bill will reported as a single

3942 amendment in the nature of a substitute, and staff is

3943 authorized to make technical and conforming changes.

3944 Members will have 2 days to submit views.

3945 [The information follows:]

3946

3947 Chairman Smith. I thank all the members for a good  
3948 attendance today and for a high level debate on the issues.  
3949 And we stand adjourned.  
3950 [Whereupon, at 12:34 p.m., the committee was adjourned.]