

for teenagers, not more dangerous and difficult. We need to encourage teenagers to be abstinent and responsible. We need a comprehensive approach to keeping teenagers safe and healthy. We need to encourage family involvement, not tear families apart.

Mr. Speaker, in the remaining time I would just like to respond to some comments of a good friend, the gentleman from Florida (Mr. CANADY). We have heard a lot of talk today about States rights, and the Republican Party is the party, say they are the party, of States rights. And yet, here they are supporting legislation that tramples all over States rights. The bill will grant the Federal Government brand new authority to enforce State law. It interferes with the rights of citizens to travel between States by saddling a young woman with the laws of her home State no matter where she goes. I wonder if the gentleman from Florida might be as willing to apply this novel approach to other areas of the law like gun control.

For example, in New York we have very tough, sensible restrictions on gun ownership. His State of Florida has very weak gun control laws. Would the gentleman support legislation that applied New York's gun control laws to New Yorkers seeking to purchase guns in Florida? We have heard a lot of talk about States rights, but I wonder if the gentleman would respond or if someone else would respond whether our tough New York gun control laws could be enforced in the State of Florida, for example.

If we are really for States rights, let us think about that.

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

As my colleagues know, the other side does have a motion to recommit with instructions, and it is wide open for any amendments that they would like to include in that. So I just wanted to make that point for the record.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington State (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I want to again say what H.R. 3682 does, because sometimes in the debate what it does gets lost.

This bill simply makes it a Federal offense to transfer a minor girl across State lines to obtain an abortion in order to circumvent that State's parental consent laws.

It is very simple. It is a fundamental principle that parents protect their children and have the rights, unless they are not good parents, and then they are given to a guardian, sometimes a grandparent, sometimes someone else. But someone is ultimately in charge of that child because someone needs to be responsible to protect that child. Without this bill our children are at risk.

Now we hear situations today described as if every family is normal and every uncle, every grandma and every cousin and everyone that would like to

should be able to take a little girl, 12, 13, 14, to another State for an abortion.

I am a grandma of six. I have one grandchild reaching teenage years in a couple years, and I would not want her to be taken across a State line by some of the relatives I have had in my background. The fact that they are a relative does not mean that they could not be the problem.

I guess ultimately we have to start thinking about whether or not parents have any rights or not. This is an issue of parental rights, and it is about the rights of the parents. Do they have the rights in the child's life to be ultimately responsible for that child?

Now we have heard the example of the 12-year-old. It is real where the mother of the 18-year-old took the child across State lines; and, by the way, charges against her were dropped. She did not do anything wrong. Well, I would tell my colleagues, as a mother of someone that had teenagers, I would be incensed because my little girl could not even get aspirin at the school without permission, she definitely could not get dental work, and no hospital would accept her, no clinic, no reputable physician, without her mother or her father's permission.

Now let us just get right down to what an abortion is and what it does. Most of the time we are dealing with a person that is going to bleed extensively. We are dealing with a young woman that needs after-care. We are dealing with someone that needs her mother. Now my colleagues can stand and say she has a right to this, but I say she has a right to her mother, and, if someone has parents that are not good enough to be parents, we have procedures to let someone else be their guardian.

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Little girls of 12, 13, 14, and I know some would say they are women with the same rights as any other women, no, they are little girls, are going to go through cramps, they are going to go through bleeding, they are going to sometimes go through the need of surgery, and you are telling me that I do not have a right as a mother to know? I do. And that is what this bill is a part of. But now you are going to say that if we do not pass this bill, everything will be just fine?

This just says you cannot take kids across State lines where States say parents should be involved, at least being notified. You are saying they can take them to a State, bring them back, and they are not notified, they are not involved, until the little girl starts bleeding to death or she is sterile because she did not take care of herself, because she did not want to tell anybody because she got across State lines. No, you see, this is not even reasonable.

This bill makes sense. If we have got bad parents, we have procedures for them. But to assume all parents are bad and we have to take their children

away somewhere to have abortions is a wrong assumption.

This is a very good bill. It is reasonable, whether you are pro-life or pro-choice, because we are all pro-parent and we are all pro-family.

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

Mr. Speaker, if I could respond to my friend from Washington State, anyone who impregnates a 12-year-old girl has committed statutory rape and should be imprisoned for a very long time, and I hope he was. But the issue is then, the 12-year-old girl; should she be forced to carry a child to term? That is probably where we have a division of opinion. I think requiring girls as young as 9 years old to bear children is a question that society needs to talk about. I think it is barbaric.

We certainly live in a strange time. This body has for years attempted to take away a woman's control over her reproductive system at the same time that it rejoices over the introduction of Viagra!

Congress believes it is wise enough to outlaw medical procedures it doesn't like—perhaps vasectomy should require parental consent so at least that would ease the double standard.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of the rule but in opposition to H.R. 3682, the Child Custody Protection Act, because it is seriously flawed. Although well motivated, the problem we are dealing with is the breakdown of the American family, respect for life and abortion, not too much freedom to travel between States.

Having delivered nearly 4,000 babies in my three decades of medical practice and having seen the destructiveness of abortion, I strongly agree that legalized abortion is the most egregious of all current social policies. It clearly symbolizes the moral decline America has experienced in the last 30 years.

However, Federal law restricting interstate travel, no matter how well intended, will serve no useful purpose, will not prevent abortions, and, indeed, will have many unintended consequences.

It is ironic that if this bill is passed into law, it will go into effect at approximately the same time that the Department of Transportation will impose a National I.D. card on all Americans. This bill only gives the Federal Government and big government proponents one more reason to impose the National I.D. card on all of us. So be prepared to show your papers as you travel about the U.S. You may be transporting a teenager.

There is already a legal vehicle for dealing with this problem. Many States

currently prohibit adults from taking underage teenagers across State lines for the purpose of marriage. States have reciprocal agreements respecting this approach. This is the proper way to handle this problem.

Most importantly, this bill fails to directly address the cause of the problem we face regarding abortion, which is the absurdity of our laws permitting the killing of an infant 1 minute before birth, or even during birth, and a doctor getting paid for it, while calling this same action murder 1 minute after birth.

The solution will ultimately come when the Federal Government and Federal courts get out of the way and allow States to protect the unborn. If that were the case, we would not have to consider dangerous legislation like this with the many unforeseen circumstances.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 3682. H.R. 3682 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for

the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

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

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

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police power in the national government and, accordingly, H.R. 3682.

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in strong support of this rule and H.R. 3682, the Child Custody Protection Act. I want to commend my good friend, the gentlewoman from Florida (Ms. ROSLEHTINEN) for introducing this important legislation.

The legislation before the House today is the product of extensive consideration and examination by the Committee on the Judiciary. The Subcommittee on the Constitution held a markup during which more than 10 amendments were considered. The full committee markup lasted 2 days, and more than 20 amendments were considered.

This bill has been examined and debated more exhaustively than much of the legislation that comes before this body. It is now time for Congress to pass this bill and protect the fundamental rights of parents to be involved in their children's lives.

Mr. Speaker, the American people overwhelmingly support this legislation. This is a common-sense bill that will protect the integrity of State laws which require a child seeking to obtain an abortion to involve her parents in that decision.

State parental notification laws are designed to secure the rights of parents to protect their daughters' physical and emotional health. However, these laws are frequently circumvented by individuals who transport minors to States without parental involvement laws. Some abortion clinics even advertise their own State's lack of parental involvement laws to encourage minors from other States to cross State lines so they may obtain an abortion without involving their parents.

Loving parents, not friends, counselors, boyfriends or other adults, should be the ones most intimately involved in a minor child's decision as important as obtaining an abortion. An abortion is a complicated medical procedure that poses significant risks to the mother upon which the abortion is performed. Someone transporting a young girl to another State to obtain an abortion exposes her to many physical and emotional dangers that could be avoided by involving her parents, who may possess essential information about her medical and psychological history.

Mr. Speaker, it is simply outrageous that any individual should be allowed to subvert State laws designed to protect families and children simply by going behind a parent's back. This bill protects the rights of parents to be involved in the decisions of their own children, it protects the rights of States to enforce their own laws, and it protects the safety of our children.

I urge my colleagues to support this rule and to vote yes on the Child Custody Protection Act.

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

Mr. Speaker, these amendments would all have been in order under an open rule. I will insert these materials for the RECORD.

TEST OF PREVIOUS QUESTION FOR H. RES. 499
H.R. 3682—CHILD CUSTODY PROTECTION ACT

Providing for consideration of the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State