

## **Eight Senate Democrats Flip, Kill Parental Notification Bill**

WASHINGTON—On the last day of the regular congressional session, a bill (S. 403) to require notification of one parent before a minor obtains an out-of-state abortion died when Senate Democrats voted overwhelmingly to block it.

Hours before Congress adjourned for pre-election campaigning on September 29, 57 senators voted to remove the final procedural obstacle to S. 403 and send it to President Bush for his signature.

But 57 was three votes short of the 60 required under Senate rules to break through a procedural roadblock erected by the Senate Democratic leadership, which had been obstructing the progress of the legislation for months. (See August NRL News, page 1.)

Over half of the states have laws in effect that generally require notification to, or consent of, one or both parents (or authorization by a judge) before an abortion can be performed on a minor daughter. But such laws are often circumvented when minors travel to neighboring states that lack such laws. Many abortion clinics in non-notification states advertise across state lines in Yellow Pages, using avoidance of parental notification as a selling point.

The bill, S. 403, the Child Custody Protection Act, as it initially passed the Senate on July 25 by a vote of 65-34, would have prohibited transporting a minor across state lines to obtain an abortion, if this abridged the parents' right to be notified under the home-state law. However, the Senate Democratic leadership subsequently raised unusual procedural barriers that prevented the bill from going to a House-Senate conference committee, where it could have been reconciled with a bill on the same subject passed by the House in 2005 (H.R. 748). (See August 2006 NRL News, page 1.)

On September 26, the House of Representatives took up the Senate-passed bill, added a provision to require an abortionist in any state to notify one parent before performing an abortion on a minor from another state (with certain exceptions), and sent the bill back to the Senate by a vote of 264-153 (under the title "Child Interstate Abortion Notification Act," CIANA, pronounced "SEE-Anna").

When the Senate Democratic leadership responded by indicating that the amended bill would face further obstruction, pro-life Senate Majority Leader Bill Frist (R-Tn.) made a decisive attempt to win enactment of the bill by forcing the cloture vote.

The pro-life motion was supported by 51 of the chamber's 55 Republicans (93%), but by only six of the 45 members of the Democratic caucus (13%). The complete roll call appears on page 24 of this issue.

"The Senate Democratic leadership once again blocked bipartisan legislation that would keep our nation's children safe from exploitation," Frist said in a statement released after the vote.

Nancy Keenan, president of NARAL, issued a press release attacking the House and Senate Republican leadership for pushing the bill, which she said "shows that anti-choice congressional leadership is out of step with Americans' priorities."

Of the 14 Democrats who had initially voted in favor of S. 403 on July 25, eight flipped and voted to kill the parental notification requirement on September 29. They were Ken Salazar (Co.), Tom Carper (De.), Bill Nelson (Fl.), Daniel Inouye (Hi.), Evan Bayh (In.), Kent Conrad and Byron Dorgan (both ND), and Herb Kohl (Wi.).

The six Democrats who voted in favor of the bill on both occasions were Mark Pryor (Ar.), Ben Nelson (Ne.), Mary Landrieu (La.), Harry Reid (Nv.), Tim Johnson (SD), and Robert Byrd (WV). The four Republicans who opposed the bill on both occasions were Lincoln Chafee (RI), Susan Collins and Olympia Snowe (both Maine), and Arlen Specter (Pa.).

"It is remarkable that only six out of 45 Senate Democrats voted to require a parent to be notified before an abortion is performed on a young daughter in some other state," commented NRLC Legislative Director Douglas Johnson, who noted that the bill allowed exceptions for cases involving abuse, medical emergencies, and judicial waivers of notification. "We commend Majority Leader Bill Frist for fighting to the end to free this legislation from the grip of a Senate minority, a minority that has preserved the ability of profiteering abortionists to keep parents in the dark."

Senator Rick Santorum of Pennsylvania, the third-ranking Republican senator, who had pushed strongly for enactment of the bill, said afterwards, "The passage of this common sense legislation would have been particularly important to Pennsylvania because most of Pennsylvania's surrounding states have weaker parental involvement laws. ... It is unfortunate that the Democrats stood in the way of enacting this vitally important legislation."

The chief sponsors of the legislation are Sen. John Ensign (R-Nv.) and Congresswoman Ileana Ros-Lehtinen (R-Fl.).

The bill provided that violators could be sued by a minor's parents, or subject to federal criminal misdemeanor penalties of up to one year of incarceration and up to a \$100,000 fine.

The NRLC website contains a great deal of additional information on this subject, including a letter from NRLC to the Senate about the bill, and summaries of state parental notification and consent laws. Go to [www.nrlc.org/federal/ccpa/index.html](http://www.nrlc.org/federal/ccpa/index.html).