

small business health plans, which also have a direct impact, similar to what we are doing in energy, in affecting the cost of living that squeezes everyday Americans.

If we can lower those health care costs, make health care both affordable and available, that will take some of that squeeze off individuals and their families and they will be able to benefit from what we know is a very productive, growing economy out there with over 5.4 million jobs created in the last 2½ years and unemployment at historically low—4.6 percent—levels. The average American doesn't quite feel how good our economy is because of energy prices, which we are going to address, and because of health care costs, which we are going to address. Americans need to know they are safe and secure. They need to know their futures are safe and that their health care is affordable and secure.

We have a lot of issues to address. Again, we have had a very productive week. If we continue that productivity we will be able to address those issues. It is our job in the Senate to deliver these meaningful solutions to the challenges and the needs of people across this country. It is our duty and our privilege to do just that, and I am confident, by continuing the progress we made this week, that we will be able to do just that.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD CUSTODY PROTECTION ACT

Mr. SESSIONS. Mr. President, I am glad the majority leader has called up and allowed us to consider the Child Custody Protection Act today. I was involved, in 1998, when then-Senator Spence Abraham, later Secretary of Energy Spence Abraham, offered this bill. We had a press conference and made a number of efforts to pass it and always had a good deal of support but, frankly, to my frustration and surprise, it never became law. It has, in every respect, strong support among the American people and in the Congress.

I am pleased that Senator JOHN ENGLISH of Nevada has taken up this piece of legislation. He has directed his considerable talents to pressing it forward. We now have it on the floor. We will soon have a vote on it. I believe it should pass. I expect it to pass. I think those who would object to it have a high burden to show what is unreasonable about the legislation that is before us today.

The Child Custody Protection Act deals with an important subject. It

deals with how young girls are being secretly taken across State lines for the purpose of abortion, without the consent of their parents or even the knowledge of their parents, in violation of the laws of the State in which they live. Forty-five States have enacted some sort of parental consent laws or parental notification law. By simply secreting a child across State lines, one can frustrate the State legislature's rules. It is, in fact, effectively subverting and defeating valid, constitutionally approved rights parents have with regard to being involved in the health care of their children, emotionally and physically. It is a very important issue, and I think it is one we need to continue to discuss.

This bill does not in any way deal substantively with abortion or the right to abortion. It does not really expand additional restrictions on abortion. What it does, though, is to stop an abominable practice by which someone—usually an adult, often an adult male who has gotten a young girl pregnant without wanting the parents to know about it—takes them across a State line to some foreign jurisdiction to seek an abortion without the parents' involvement, an abortion that could not be performed in their home State without the approval of the parent.

In fact, the abortion clinics in those States know that they must have a parent's consent. They seek that consent. If they don't have it, they don't perform the abortion—at least most of them don't. That is what the law is and that is what the situation is. But that is being subverted by moving them across the State line.

I submit this is a commonsense proposal. It is consistent with Federal prohibitions on interstate transportation, in violation of law, and it is something we should act on now. It is past due, in fact.

I submit the American people care about this issue. It is something that is important. And well they should because they love their daughters. They care about them. They will be involved with them medically, physically, and emotionally the rest of their lives. It won't be some abortion clinic in some distant State that will be involved with their emotional problems, their psychological problems, their physical problems, which arise from having had an abortion. The parents are the ones who care about their child and have the responsibility to raise her.

As we all know, a child cannot be given an aspirin in a school without parental consent. I have heard recently that you can't even give them sunscreen, in some schools, without parental consent. So we have this kind of legal procedure for a child's medical protection, but we have a circumstance in which a valid parental consent for a very serious procedure such as an abortion can be conducted without parental consent if you go across State lines and avoid the existing State law in the home State.

The Supreme Court, I hasten to add, has considered parental consent laws. They have considered a number of those cases. Parental consent laws have been enacted in many big States such as Pennsylvania and Texas. In *Planned Parenthood v. Casey*, the Supreme Court of the United States upheld consent laws and said they are valid restrictions on abortion. This is not too much of a restriction or an undue burden.

They also say that if somehow the parent is a problem—if there is a question of incest or child abuse or dysfunctional parents—there must be a judicial procedure which allows a judge to bypass the parental consent requirement of that State. So all the State laws in existence that require parents to be notified have a judicial bypass option. If a child does not believe they could tell their parents for whatever reason, they can go to a court and seek court approval without telling that parent, if there is a real basis for it.

In fact, this legislation provides in unusual circumstances that judicial bypass would take place. It is responsible in that regard.

The ability of parents to be involved in the health of their children is a fundamental parental right. It is being undermined today—and we ought to strengthen that right and that responsibility.

In fact, one of the great threats to our Nation is legal undermining of parental rights and parental abdication of responsibility for their children and how they develop. We need to strengthen families, we need to strengthen the responsibility of parents, and we need to protect children. We need better involvement of parents with their children.

Some say this is painful, if we required young people to tell their parents that they are pregnant. But I submit to you that out of that pain can come healing, can come good decisions, can come a change in behavior, a recognition that a child is in trouble and has problems, a recognition by parents, perhaps, that they need to be more involved and more engaged in their children's activities.

How is that bad? How is it bad that a child would be required to engage with their parents once they get in this kind of serious trouble? We are talking about minor children, minor girls, often taken advantage of by much older men.

I think it is the right thing to do. But regardless of that, regardless of how you feel about parental consent, it is State policy by State laws that have been passed in States throughout this Nation that parents should be informed, and in some cases have consent. These constitutional State laws are being undermined in a real way. I will talk about that in a minute and show you some points on it. But it is a very real problem. It is not imaginary.

Let's look at some of the advertisements, fliers, and brochures that are

being passed out around the country to promote interstate transportation of minor children to promote abortion.

Here is one. Metropolitan Medical Associates is in New Jersey which does not have a parental consent law, but many States such as Pennsylvania and others nearby do. Here is the flier:

We accept all insurance and credit cards.

It goes on to say:

All calls and appointments are confidential. Parental consent is not required.

They passed this out in the region to people in surrounding States which do have to have parental consent. The word gets out that they can come and avoid that requirement.

I think that is unhealthy. I think that is an attempt to undermine the laws of the States of this country.

Here is another one, South Jersey Women's Center. It mentions all of their promotions, their abortion procedures. I will highlight this phrase: "No 24-hour wait. . . ."

In some States, it is required that you wait 24 hours after being informed about the abortion procedures before you go forward. "No 24-hour wait or parental consent required."

That is in New Jersey.

Again, there is promotion in the other States to come into that State to obtain an abortion that would otherwise be illegal in the minor's home State.

Here is an advertisement in, I believe, a Pennsylvania phone book. Pennsylvania has a parental consent law. This one is from a clipping in Buffalo, NY. It is Planned Parenthood Women's Health Center. But they run an ad in the Pennsylvania phone book for a Buffalo, NY, abortion clinic. It says: "No parental consent or waiting period."

We have many of those. There are lots of those. I just show these ads to show that we are not talking about a rare or insignificant event. There is a studied policy to promote abortion in distant States where parental consent is not required to undermine existing law of the State where the child may have become pregnant.

The attorney for the Center for Reproductive Law and Policy, Kathryn Kolbert, stated:

There are thousands of minors who cross State lines for an abortion every year and who need assistance from adults to do that.

We see several examples of abortion clinics which openly place advertisements in phone books and otherwise.

I chair the Administrative Oversight and the Courts Subcommittee of the Judiciary Committee, and I chaired a hearing in June a couple of years ago where we heard a number of stories that deal with this issue. One particularly moving story involved a young woman named Crystal Lane who exhibited a maturity beyond her years when she testified before the committee. When Crystal was just 13 years old, she was secretly transported across the State line by adults seeking to hide the

fact of her pregnancy from her mother. Crystal was taken across State lines from Pennsylvania, a State which had a consent statute, to New York, a State which did not. Crystal testified that she suffered serious complications from this "legal" abortion that was botched and which resulted in "the most terrifying time" in her life.

Crystal's mother, Mrs. Joyce Farley, testified that her daughter was taken out of State for an abortion by one Rosa Marie Hartford.

Is this just a friend, Mrs. Hartford? Is this just a neighbor trying to take care of her? That is not really the pattern. Mrs. Hartford was actually the mother of a 19-year-old young man whose statutory rape of the then-12-year-old girl caused the pregnancy. In other words, the woman was trying to cover up the criminal activity of her son. The son later pleaded guilty to statutory rape.

Thus, the clinics are openly encouraging evasion of State laws. The Child Custody Protection Act would shut those practices down.

The question of parental notification and consent is an important one. The American people care about it.

I would like to show a chart which shows the depth of the feeling of the American people on this issue, which has remained strong for a decade or more. Just last year, in a Fox NEWS Dynamics Opinion Poll, the question was:

Do you think a female under age 18 should be required by State law to notify at least one parent or guardian before having an abortion?

Seventy-eight percent said yes. Only 17 percent said no.

How about this one, a Quinnipiac University poll of just last year:

Do you favor or oppose requiring parental notification before a minor could get an abortion?

Seventy-five percent say yes; eighty-eight percent say no.

How about this one, a CNN-USA Today poll conducted by Gallop:

Do you favor or oppose each of the following proposals? How about a law requiring women under 18 to get parental consent for any abortion?

You see how they changed that language a little bit; you would affect the numbers a little bit. It did—73 to 24. But still three-fourths of the people say a parent should know and consent before their minor daughter can get an abortion.

How about this one. This is the Wirthlin Worldwide poll from several years ago:

Do you favor or oppose requiring one parent of a girl who is under the age of 18 years of age to be notified before an abortion is performed on the girl?

Eighty-three percent to fifteen.

Here is another one, the Los Angeles Times:

Should girls under the age of 18 be required to get the consent of at least one parent before having an abortion?

Eighty-two to twelve.

Here is CBS News-New York Times:

Would you favor or oppose requiring parental consent before a girl under the age of 18 could have an abortion?

Seventy-eight to seventeen percent. That one was 1998, 8 years ago.

The numbers have been strong. They haven't gone down. They remain so. Why? Because it is good policy.

For Heaven's sake, shouldn't a parent know if their child is having this kind of medical procedure? I think so. Some may think that a 13-year-old should just be allowed to be taken away by some 29-year-old, some 40-year-old man to have an abortion to cover up his statutory rape. They may think that is good policy. I don't.

But I would just say this: This law that we are considering today, the Child Custody Protection Act, really does not deal with that. It simply says that if a State of this United States passes a law, and someone takes a child across State lines to avoid that law, they would be implicated in a Federal violation. The Federal Government would simply be affirming and supporting the States that choose to have a parental consent law. It does not make any new law. It does not set any parental consent standard. It does not put any new constraints on abortion. It simply says that if you try to avoid the State law, the Federal Government will be of assistance.

I think the statute is drafted in a good way. I was a Federal prosecutor for 15 years and very familiar with many of the questions that come up with regard to prosecuting Federal cases. We have had some recent federalism decisions by the Supreme Court. They basically raise concerns that we in Congress have become too careless in how we draft legislation by attempting to make criminal acts solely within a State that have no interstate connection.

When I was a young prosecutor, some of the first cases I got to prosecute were automobile theft cases. But it is not automobile theft in Federal court, it is interstate transportation of a stolen motor vehicle. That is the crime—interstate transportation of that vehicle. If you just stole a car in Alabama, and you caught the person in Alabama, they never crossed a State line, it is not a Federal crime. It can only be prosecuted in Alabama.

The Supreme Court raised some concerns about that.

Theft from an interstate shipment is also a Federal crime. It is a Federal crime for people to steal from a railroad going through the community, if it is an interstate shipment. But if you steal from a farmer, and you don't get out of State with the produce, it is not a Federal crime. It is theft from interstate transportation of stolen property, ITSP. And that is a Federal offense.

So that is how this statute is written. This statute does not say we are going to micromanage what goes on within a State. What we are saying is, if someone travels in interstate commerce—because the Constitution of the

United States provides that this Congress, this Federal Government, has the authority to regulate interstate commerce—for the purpose of avoiding a State law to help a minor child get an abortion without the knowledge of their loving parents, who are raising the child and will have to raise them in the future, they are guilty a Federal offense.

I think that is perfectly sound constitutionally and something we should do. It is past time we do it. I would urge my colleagues to consider this. If there is one circumstance in which we should be most concerned about abortion, it is that of the young lady I described who testified at our hearing. Crystal Lane was impregnated and having sex with an older man when she was 12 years of age, and had an abortion at 13 years of age, and her parent did not know about it. How did it happen? The young man's mother and young man got together and secreted her across State lines to have an abortion, so he would not be found out, so he would not be prosecuted for statutory rape. This was not done out of any interest in the child's welfare.

That is a very real problem that should not continue. We have the ability to do something about it. I urge my colleagues to study this act and to make sure we stop those who would usurp State law, usurp parental rights, and damage children without the knowledge of their parents.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Oregon.

(The remarks of Mr. WYDEN are printed in today's RECORD under "Morning Business.")

Mr. WYDEN. I yield the floor.

Mr. CHAMBLISS. Mr. President, I support S. 403, the Child Custody Protection Act. This bill is a commonsense measure that says simply that families, parents, and children are important in America and that we will respect them and protect them. The bill also demonstrates the importance of respecting our citizens who have spoken in State after State by the adoption of parental notification and parental consent requirements before a minor child can be subjected to invasive medical procedures with both physical and emotional consequences.

The Child Custody Protection Act would make it a Federal misdemeanor to transport a minor across State lines to obtain an abortion, in order to circumvent a home State law requiring notification of one or both parents prior to an abortion.

This bill does not permit the prosecution of the child or his parents, but it does permit the prosecution of outside third parties who would interfere with the parent-child relationship in order to further a political or ideological agenda.

In addition to criminal penalties, the bill allows any parent who suffers harm from a violation of this act may seek and obtain an appropriate civil remedy.

At a time when children in public schools cannot obtain so much as an aspirin from a school nurse without parental consent, America has overwhelmingly insisted that before permitting minors to undergo a major medical procedure, such as an abortion, their parents should consent or at the very least, be notified. Thirty-four States have enacted parental consent or notification laws. Parental notification is supported by 83 percent of the American people.

Yet, too often, outside third parties have intentionally sought to circumvent these profamily State laws and invade the parent-child relationship by transporting children across State lines for the purpose of having an abortion.

This bill will serve as a real deterrent to such efforts. It reaffirms the parent-child relationship which is so important to the overwhelming majority of Americans. I urge my colleagues to join me in support of this bill.

I yield back.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

INTERNET NEUTRALITY

Mr. WYDEN. Mr. President, I have already announced that I will do everything I can to block Senate consideration of the major overhaul of the telecommunications laws until it contains language to ensure there cannot be discrimination on the Internet.

Last week, I outlined a number of examples of the kind of discrimination that could take place unless there is language known as Net neutrality in the legislation. I am going to give additional examples this morning of what will happen if discrimination is allowed on the Net. I also intend to start laying out answers to some of the most frequently asked questions about Net neutrality.

The major phone and cable companies that are now spending enormous sums trying to prevent Net neutrality so outspend the folks who share my views that I think it is important for the Senate to get a sense of what is going on. That is why it is my intent to come to the floor of the Senate again and again and again to outline what is at stake with respect to ensuring that the Internet is kept free of discrimination.

Let me begin by first addressing this question of what exactly is Net neutrality. If you listen to some of the so-called experts about communications, they would suggest this is so complicated, so arcane, so difficult for any-

body to understand, you ought to let the lawyers and the lobbyists sort this out. Of course, that is traditionally what has gone on in this field. You have lawyers and lobbyists being paid very handsomely to battle it out with each other, usually in Washington, DC, or in courtrooms across the country.

Somehow, the typical person, the typical citizen, who has become empowered using the Internet, does not get to participate in these discussions. I will tell you, Mr. President, I do not think the American people are going to buy that any longer. The Internet, which, of course, has opened up so many doors for our citizens in terms of health care and business opportunities, education, and culture, has also ensured they get a lot of information about these communications debates that used to be reserved for lawyers and lobbyists.

The people of this country—and the hundreds and hundreds of organizations that want to keep the Internet discrimination free—are no longer going to accept a notion that a handful of insiders in Washington, DC, can have these debates about the future of the communications systems they depend on, and that the people of this country will have to take what these so-called experts decide. So this is going to be a debate, in my view, that is going to be driven by the grassroots of this country, by thousands of people getting involved and coming to their legislators, and others, to talk about the future of telecommunications—why so much communication power is concentrated in so few hands.

I am going to try to advance this debate here on the floor of the Senate every so often so we can make sure somebody is getting the message out about what is at stake, other than those big cable and phone companies that seem to be spending almost \$150 for every \$1 spent by folks who share my views.

The first question I want to talk about this morning is what exactly is Net neutrality? It is not that complicated. It is a pretty straightforward proposition. What Net neutrality means is you cannot discriminate on the Internet. The people who are against Net neutrality—I call them "the discriminators" because that is their agenda—want to discriminate. They want to be in a position to play favorites. They want to say: We will give certain people a good deal, both in terms of service and all the considerations that go into folks making their choices on line.

I do not think we should have that kind of discrimination. I think it ought to be, as it is today, possible for our citizens to go with their browser where they want to go, when they want to go, and everybody would be treated equally. That is the way it works today. I do not think there ought to be any changes.

Today, somebody pays a fee to get on the Net. They go where they want,