

al-Qaida considers our borders a vulnerability. Imagine how terrorists might exploit a 1,951-mile border with Mexico.

We are a Nation of immigrants, but we are also a Nation of laws and principles. Any attempt to halt the influx of illegal immigrants must respect that fact. The comprehensive immigration reform legislation the Senate passed in May struck a careful balance. We took a three-pronged approach: fortify our borders, strengthen worksite enforcement, and develop a fair and realistic way to address the 12 million people already in our country illegally, without offering amnesty.

Clearly, we won't reach an agreement on comprehensive immigration reform before we leave for the recess, but fortifying our borders is an integral component of national security. We cannot afford to wait until November to do that. We know what works. We built a 14-mile fence near San Diego and saw illegal immigration in the area drop dramatically. We deployed 6,000 National Guard troops to our southwest border and saw a 45 percent drop in border apprehension.

The comprehensive solution to immigration reform is ideal, yes, but I have always said we need an enforcement-first approach to reform—not enforcement-only but enforcement-first.

The Secure Fence Act of 2006 let's us get a head start on the first prong of comprehensive reform. It requires the Department of Homeland Security to achieve complete operational control over our border with Mexico. With this bill, we will have better control over who enters the country, how they enter it, and what they bring with them.

Without the critical security measures included in the bill, we leave ourselves open to attack. We place our national security at risk.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The majority leader yields back the remainder of his time.

The PRESIDING OFFICER. All time has expired.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have not been ordered.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts would vote "nay."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—80

Alexander	DeWine	McConnell
Allard	Dodd	Mikulski
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (FL)
Bayh	Dorgan	Nelson (NE)
Bennett	Ensign	Obama
Biden	Enzi	Pryor
Bond	Feinstein	Roberts
Boxer	Frist	Rockefeller
Brownback	Graham	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Harkin	Smith
Carper	Hatch	Snowe
Chambliss	Hutchison	Specter
Clinton	Inhofe	Stabenow
Coburn	Isakson	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Collins	Kyl	Thomas
Conrad	Landrieu	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	

NAYS—19

Akaka	Jeffords	Murray
Bingaman	Kerry	Reed
Cantwell	Lautenberg	Reid
Chafee	Leahy	Salazar
Durbin	Levin	Sarbanes
Feingold	Lieberman	
Inouye	Menendez	

NOT VOTING—1

Kennedy

The bill (H.R. 6061) was passed.

Mr. FRIST. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. FRIST. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 5122

Mr. LEVIN. Mr. President, under the unanimous consent agreement, I have been allocated 10 minutes, at the end of which I am going to make a unanimous consent request that we proceed immediately to the Defense Authorization bill, the John Warner Authorization bill conference report, which has come over from the House. I do not know of any opposition to this bill. We have worked on it for 5 months. It has provisions in it which are critically important to our troops.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Michigan has the floor.

Mr. LEVIN. I think it is critically important before we leave—

Mr. FRIST. Mr. President, let's have regular order.

Mr. LEVIN. I ask unanimous consent at this point that the conference report to accompany H.R. 5122, the John Warner National Defense Authorization Act of Fiscal Year 2007, be deemed adopted by the Senate with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. We are in discussion now and I believe we are making real progress on addressing this bill. I will object here shortly because we have to talk to a number of colleagues. But I think we are making real progress on the bill.

Mr. LEVIN. So we could adopt it tonight?

Mr. FRIST. Thus, I object.

CHILD CUSTODY PROTECTION ACT

Mr. SPECTER. Mr. President, I oppose cloture on the Child Custody Protection Act, S. 403, because there are not adequate safeguards for young women seeking abortions, particularly in cases of rape, incest, or health of the minor.

On September 22, 1998, I voted against cloture on a similar bill. On July 25, 2006, I voted against a similar bill.

Those bills, like the one now pending, made it a crime to take a minor across state lines for purposes of obtaining an abortion without parental consent or notification. I opposed that legislation because of my concern for minor girls who have an abusive or bad relationship with their parents, including circumstances of incest. Such a relationship makes it difficult, if not impossible, for the girl to admit to being pregnant or to express her desire to obtain an abortion. Additionally I am concerned with the delay this bill poses on young girls seeking abortions in the case of rape or health risks.

Proponents of this legislation have urged me to support it on the ground that the state judicial bypass laws provide a sufficient means for young girls who have such a bad relationship with their parents, to receive judicial authorization to secure an abortion without their parents' knowledge or consent.

It has been suggested to me that there may be compelling data that the judicial bypass procedures provide a sufficient means for such girls' interests to be protected. On the current state of the record, however, I believe that the judicial bypass procedures are not adequate, so I do not believe that a Federal crime should be legislated for those who take minor girls across state lines to secure an abortion.

To those who have urged me to support the legislation and have asked me to review such data, I have replied that I would be willing to study any such information. As noted, on this date of the record, I could not support legislating a Federal crime on this issue.

Mr. FEINGOLD. Mr. President, I cannot support the Child Interstate Abortion Notification Act, CIANA. First, I object to the decision to bring this bill directly to the floor, circumventing the

Senate's committee process, and to prevent Senators from offering amendments. This bill contains provisions that have never been debated in the Senate not in committee, and not on the floor. Part of the bill we are considering today consists of the Child Custody Protection Act, which did pass the Senate earlier this year although without being considered in committee. But this bill also contains a number of additional troubling provisions that should go through the committee process. At a minimum, Senators should have an opportunity to offer amendments to legislation that could have such a serious impact on young women's lives.

I voted against the Child Custody Protection Act when it came before the Senate in July because the bill is an overreach of federal power that comes at the expense of the health and safety of young women. The notion that one state may not impose its laws outside its territorial boundaries is a core federalist principle, and I believe this bill might very well violate the Constitution. States should retain their right to enact and implement appropriate policies within their territorial boundaries. The Child Custody Protection Act would preempt these rights by allowing the laws of certain states to essentially trump the laws in other states.

The Child Interstate Abortion Notification Act, in addition to containing the language of the Child Custody Protection Act, includes a number of other, even more problematic, provisions. It would implement onerous new Federal notification and consent requirements in states whose existing state laws do not meet the bill's standards, raising serious federalism concerns, and would subject providers to criminal penalties for failing to comply. In addition, these requirements would vary for teens and providers according to the state in which the minor lives and the state to which she travels, making them extremely difficult to comply with. Not only that, but the new federal requirements do not include a judicial bypass procedure, and do not have an adequate health exception.

In an ideal world, all young women who face this difficult decision would be able to turn to their parents. But we do not live in an ideal world, and the reality is that there are young women who feel they cannot turn to a parent out of fear of physical abuse or mental abuse, getting kicked out of the house, or worse. This bill would deny these young women the ability to turn to another trusted adult for help.

Our focus in the Senate should be on ensuring that unintended pregnancies do not happen in the first place. For these reasons, I intend to continue my work in the Senate to ensure that all women have access to the best information and reproductive health services available. If we do that, abortions will become even more rare, as well as staying safe and legal.

Mr. ENSIGN. Mr. President, I rise today to discuss the Child Custody Protection Act, which will protect the rights of our Nation's parents and their children's well-being.

I was very pleased with the work of this body when the Child Custody Protection Act came before the Senate in July. Through the hard work of my colleagues, I believe we were able to come up with an even stronger bill designed to protect our young daughters.

The only successful amendment offered to the Child Custody Protection Act contained two important clarifying provisions dealing with parents who commit incest.

Senator BOXER and I worked together to ensure that parents who have committed the heinous act of incest are unable to sue, and therefore profit from, someone else who has transported their minor across State lines for an abortion.

The Ensign-Boxer amendment also added a new provision making it Federal crime for someone who has committed incest to transport their victim across State lines for an abortion.

Recognizing the importance of preserving parent's rights, the Senate passed the Child Custody Protection Act by a vote of 65 to 34.

The support of 14 Democrats reflects the reality that this not an issue divided on pro-life or pro-choice lines.

There is broad and consistent support to preserve the rights of parents.

An overwhelming number of States have recognized that a young girl's parents are the best source of guidance and knowledge when making decisions regarding serious surgical or medical procedures, like abortion.

Forty-five States have adopted some form of parental notification or consent law, proving their widespread support for protecting the rights of parents.

The people that care the most for the child should be involved in these kinds of health care decisions and, if there is aftercare needed, be fully informed in order to care for their young daughter.

Additionally, a huge majority support parental consent laws. In fact, most polls show that consent is favored by almost 80 percent of Americans.

These numbers do not lie; the American people agree that parents deserve the right to be involved in their minor children's decisions.

The bill before us today makes it a Federal offense to knowingly transport a minor across a State line, for the purposes of an abortion, in order to circumvent a State's parental consent or notification law.

It specifies that neither the minor transported nor her parent may be prosecuted for a violation of this act.

The purpose of the Child Custody Protection Act is to prevent people, including abusive boyfriends and predatory older males who may have committed rape, from pressuring young girls into having secret abortions without their parents consent.

The bill also requires an abortionist to give 24 hours' notice to a parent of the minor from another State before performing the abortion. Several exceptions are made, including exceptions related to parental abuse and the life and bodily health of the mother.

Should the abortionist fail to do so, they could face a fine or jail time.

We are reminded how important parental notification is when we hear the story of Marcia Carroll and her daughter, from Pennsylvania.

Mrs. Carroll's daughter was, without her mother's knowledge, pressured by her boyfriend's stepfather to take a train and cross State lines and have an abortion she didn't want to have and which she now regrets and seeks continual counseling for.

The abortion provider who performed an abortion on Mrs. Carroll's daughter had a long history of abusing his patients.

Mrs. Carroll should have been given an opportunity to learn about the history of her child's doctor, who had been professionally disciplined multiple times for having sex with a patient in his office, for performing improper rectal and breast exams on two others, and for indiscriminately prescribing controlled dangerous substances.

The parents of America should be given the chance to make sure their children's doctors are not potential sexual abusers and controlled substance pushers, and this legislation would give them that chance.

As Mrs. Carroll testified, "I felt safe when [the police] told me my daughter had to be . . . of age in the State of Pennsylvania to have an abortion without parental consent . . . It never occurred to me that I would need to check the laws of other States around me.

I thought as a resident of the State of Pennsylvania that she was protected by Pennsylvania State laws. Boy, was I ever wrong."

Dr. Bruce A. Lucero, an abortion provider, has supported this legislation because "patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications."

Sure enough, the abortion provider who performed an abortion on Mrs. Carroll's daughter failed to schedule a followup visit with her to help ensure there were no postabortion complications.

Speaking as the father of three young children, including a daughter, I understand how difficult the challenges of raising children can be.

In most schools across the country, our children cannot go on a field trip, take part in school activities, or participate in sex education without a signed permission slip. An underage child cannot even receive mild medication, such as aspirin, unless the school nurse has a signed release form. Some states even require parental permission to use indoor tanning beds.

Nothing, however, prevents this same child from being taken across State

lines, in direct disobedience of State laws, for the purpose of undergoing a life-altering abortion.

In many cases, only a girl's parents know her prior medical and psychological history, including allergies to medications and anesthesia.

The harsh reality is our current law allows for parents to be left uninformed about their underage daughter's abortion, which can be devastating to the physical and mental health of the child.

Parental notification serves another vital purpose—ensuring increased protection against sexual exploitation of minors by adult men.

All too often, our young girls are the victims of the predatory practices of men who are older, more experienced, and in a unique position to influence the minor's decisions.

According to the American Academy of Pediatrics, "almost two-thirds of adolescent mothers have partners older than 20 years of age."

Rather than face a statutory rape charge, these men or their families use the vulnerability of the young girl against her, exerting pressure on the girl to agree to an abortion without talking to her parents.

In fact, in a survey of 1500 unmarried minors having abortions without their parents' knowledge, 89 percent said that a boyfriend was involved in the decision.

The number goes even higher the younger the age of the minor.

Allowing secret abortions do nothing to expose these men and their heinous conduct.

In the unfortunate instance of abuse or where there is rape or incest involved within a family, minors may be afraid to go to one of the parents. In response, judicial bypass laws have been written across the country to protect the minor.

This legislation is a commonsense solution to defeat the legal loophole that currently results in parents being denied the right to know about the health decisions of their minor daughters—a fact which the Supreme Court upheld in *Planned Parenthood v. Casey*, which states, that it is the State's right to declare that an abortion should not be performed on a minor unless a parent is consulted.

This is not an argument on the merits of abortion; rather, this is a debate about preserving the fundamental right of parents to have knowledge about the health decisions of their minor daughters.

Parental permission is so important because parents are the most intimately involved people in their children's lives.

We cannot allow another young girl's life to be irreparably damaged because of a legal loophole that keeps parents from being involved in one of the most major decisions their daughter may make in her life.

It is time for Congress to step up and commit to protecting our daughters by

assuring that a parent's right to be involved is protected.

Mr. MCCAIN. Mr. President, I am a proud cosponsor of S. 403, the Child Custody Protection Act. This bill has strong bipartisan support as illustrated by its vote of 65 to 34 that occurred in July. Unfortunately, due to political maneuvers by its opponents, the enactment of this critical legislation is being blocked.

This is one of the most important pieces of legislation to be considered during the 109th Congress. Why is this legislation so important? Because despite the fact that 23 States require a minor to receive parental consent prior to obtaining an abortion, these important laws are being violated. Today, minors, with the assistance of adults who are not their parents, are being transported across State lines to receive abortions without obtaining parental consent. We must end this circumvention of State laws and, more importantly, the consequences such actions have on life.

S. 403 would make it a Federal offense to help a minor cross lines for the purpose of obtaining an abortion, unless it is needed to save the life of the minor. Its enactment is critical, and we cannot allow its opponents to continue to stall needlessly its progress.

Earlier this month, I joined with 40 of my colleagues in urging the majority leader to take action to enable this legislation to continue through the legislative process. The leader has now taken such action. On Wednesday, a cloture motion was filed to break the opponents logjam, and I applaud and support this action. We must do all that we can to move this critical legislation to the President's desk.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, under rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 403: a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Bill Frist, John Ensign, Tom Coburn, Craig Thomas, Jim DeMint, Wayne Allard, Mitch McConnell, Trent Lott, Jim Bunning, Conrad Burns, Ted Stevens, Johnny Isakson, John Cornyn, Jeff Sessions, Larry Craig, Mike Crapo, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to S. 403, the Child Custody Protection Act, shall be brought to a close.

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—57

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Santorum
Burr	Hagel	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Smith
Coburn	Inhofe	Stevens
Cochran	Isakson	Sununu
Coleman	Johnson	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Thune
Crapo	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner

NAYS—42

Akaka	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Reed
Cantwell	Jeffords	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Wyden

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this question, the yeas are 57; the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30th, 2007, and for other purposes", having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the