

April 22, 2005

RE: Child Interstate Abortion Notification Act (H.R. 748)

Dear Member of Congress:

On or about April 27, the House of Representatives will take up the Child Interstate Abortion Notification Act (H.R. 748), sponsored by Congresswoman Ros-Lehtinen. This bill, which would do much to protect the well-being of minor girls and the rights of their parents, is strongly supported by the National Right to Life Committee (NRLC) and by our affiliates in every state.

We urge you to oppose all weakening amendments and procedural attacks on H.R. 748, and to support its final passage.

The Child Interstate Abortion Notification Act (CIANA) incorporates all of the provisions previously contained in the Child Custody Protection Act (H.R. 1755 in the 108th Congress), a bill that the House passed in 1998, 1999, and 2002. Under those provisions, it would be a violation of federal law to transport a minor girl across state lines for the purpose of procuring an abortion, if this is done to evade a parental notification or parental consent law that is in effect in the girl's home state.

In addition, H.R. 748 requires that in a state without a parental notification requirement, before an abortion provider may perform an abortion on a minor girl who is the resident of a different state, that provider must notify a parent -- unless the minor has already received authorization from a judge in her home state ("judicial bypass"), or unless she falls into carefully crafted exceptions to cover cases of abuse or medical emergencies.

Parental notification or parental consent laws, consistent with existing Supreme Court case law, are in effect in about half the states. These laws are often circumvented by interstate transportation of minors, and Congress has a duty to regulate this interstate activity, which is the sole purpose and effect of the CIANA. The CIANA would not affect abortions that are performed on girls by abortion providers within their home states.

H.R. 748 fully recognizes the legal rights of persons who are not parents but who hold the legal authority of parents under state law, including legal guardians, legal custodians, and any "person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required." However, opponents of H.R. 748 have proposed amendments to empower in-laws, siblings, religious counselors, godparents, cousins, or other persons who do not have the legal authority of

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parents, to authorize out-of-state abortions and even to transport a minor out of state without the knowledge of either parent. We strongly urge you to oppose all such amendments. Congress should protect parental rights, not codify parental circumvention.

Opponents of the bill often refer to cases in which minors are the subject of sexual abuse or other physical abuse by a parent. H.R. 748 explicitly provides for such cases by allowing an abortion provider to refrain from parental notification in that circumstance, and to notify instead the appropriate state child abuse agency. Some opponents of H.R. 748, however, wish to exempt abuse victims entirely from the scope of the bill -- an approach that would greatly increase the likelihood that these minors would be subjected to abortions and then returned to the cycle of abuse.

H.R. 748 also contains an exception that would apply to a rare case, should it ever occur, in which a girl's life is endangered and an abortion is necessary to prevent her death. Opponents of the bill, however, have argued that the bill should be amended to exempt any case in which an abortionist asserts that an abortion will benefit the "health" of a minor. The term "health" is often construed to include alleviation of emotional distress and thereby could be employed to cover any abortion.

However, in a case in which a minor has a genuine serious physical health problem, that is all the more reason that a parent should be involved. Only the parent is likely to know the child's full medical history, and it is likely to be a parent who must recognize and respond to an infection or other complications of an abortion -- complications that a parent might well overlook if he or she does not even know that an abortion has occurred.

In addition to the exceptions described above, H.R. 748 also recognizes and accepts a waiver issued by a court in the home state of any minor whose home state already has a parental involvement law in effect. In other words, under H.R. 748, the same judicial bypass process that suffices for an abortion in the minor's home state, also would suffice for the minor to receive an out-of-state abortion. That is not sufficient for the opponents of H.R. 748, however, who want to permit complete circumvention of the home state's parental involvement requirements, including the judicial bypass option.

Parental notification and parental consent laws are supported by overwhelming majorities of the public. For example, when a national Quinnipiac University poll of 1,534 registered voters, conducted March 2-7, 2005, asked, "Do you favor or oppose requiring parental notification before a minor could get an abortion?," 75% favored and only 18% opposed.

Please oppose all weakening amendments and procedural attacks on H.R. 748, and support the bill on final passage. NRLC expects to include the roll call on final passage, and also the most important preceding roll calls on procedural questions and amendments, in the NRLC scorecard of key pro-life congressional roll calls for 2005.

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For additional information regarding parental notification for abortion, including the results of other public opinion polls on this issue, please visit the NRLC website at <http://www.nrlc.org/federal/ccpa/index.html>, or contact the NRLC Federal Legislation Department at 202-626-8820 or Legfederal@aol.com.

Thank you for your consideration of NRLC's position on this important legislation.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Johnson". The signature is written in a cursive style with a long horizontal stroke at the end.

Douglas Johnson
NRLC Legislative Director

A handwritten signature in black ink that reads "Patricia Coll". The signature is written in a cursive style.

Patricia Coll
NRLC Congressional Liaison

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