



**Legislative Bulletin.....April 17, 2002**

**Contents:**

1. **H.R. 476** — Child Custody Protection Act
2. Smith (MI) Motion to Instruct Conferees on H.R. 2646, The Farm Bill
3. Tancredo Motion to Instruct Conferees on H.R. 2646, The Farm Bill

---

---

**H.R. 476 — Child Custody Protection Act (Ros-Lehtinen)**

**Order of Business:** The bill will be considered on Wednesday, April 17, 2002, (most likely) under a closed rule with one motion to recommit.

**Note:** The Child Custody Protection Act (H.R. 1218) passed the House during the 106<sup>th</sup> Congress on June 30, 1999 by a vote of 270-159 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=1999&rollnumber=261>). The bill passed after the defeat of a motion to recommit the bill with instructions offered by Rep. Sheila Jackson-Lee. Her motion would have allowed an adult sibling, grandparent, minister, rabbi, pastor, priest, or other religious leader of the minor to transport her for an abortion. The motion to recommit was rejected in House 164-268 (roll call #260) <http://clerkweb.house.gov/cgi-bin/vote.exe?year=1999&rollnumber=260> The Senate never acted on H.R. 1218 or the Senate companion, S. 661, authored by Sen. Spencer Abraham. The bill first passed the House on July 15, 1998, 276-150 <http://clerkweb.house.gov/cgi-bin/vote.exe?year=1998&rollnumber=280> after a motion to recommit, that would have made it a crime only if there were force or threats, was defeated 158-269 <http://clerkweb.house.gov/cgi-bin/vote.exe?year=1998&rollnumber=279>

The full House floor debate from the 106<sup>th</sup> Congress can be read at: <http://www.congress.gov/cgi-bin/query/R?r106:FLD001:H05120-H05122>

**Summary:** H.R. 476 makes it a federal offense to knowingly transport a minor across a state line to obtain an abortion in circumvention of her state's parental consent or parental notification law. Currently, 43 states have enacted some form of a parental involvement statute. Courts have enjoined the statutes of seven states, and the statutes of nine other states merely "encourage" but do not require parental involvement. The remaining 27 states require parental notification or consent for abortion (subject to judicial bypass procedures).

**States with parental consent or notification laws in force:** Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wyoming. (For a complete state-by-state list of parental consent/notification laws go to: <http://www.naral.org/mediaresources/fact/pdfs/restrictions.pdf>)

**H.R. 476 states:**

“whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.”

**Exception:**

“The prohibition [above] does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.”

**Cost to Taxpayers:** CBO estimates that implementing H.R. 476 would not result in any significant cost to the federal government. CBO expects that any increase in federal costs for law enforcement, court proceedings, or prison operations would not be significant because of the small number of cases likely to be involved. Because those prosecuted and convicted under H.R. 476 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Such fines, which CBO estimates would be negligible, would be deposited in the Crime Victims Fund.

**Does the Bill Create New Federal Programs or Rules?:** Yes, the bill creates a new federal crime for transporting a minor across state lines to subvert her state's parental involvement laws relating to abortion.

**Constitutional Authority:** The Judiciary Committee, in Report #107-397, finds Constitutional Authority under Article I, Section 8, Clause 3 of the Constitution (power to regulate Commerce).

**Additional Information:**

**The following organizations support H.R. 476 and have indicated they will be scoring and/or relaying the outcome of this vote to their constituents:**

- Campaign for Working Families
- Christian Coalition
- Concerned Women for America
- Eagle Forum
- Family Action Alliance
- Family Research Council
- National Right to Life Committee

**The following organizations have indicated their opposition to H.R. 476:**

- Planned Parenthood Federation of America and affiliates (recipient of \$137 million federal funds in FY2000, according to GAO audit)
- NARAL
- National Abortion Federation
- National Organization of Women (NOW)

**Staff Contact:** Sheila Moloney, sheila.moloney@mail.house.gov; (202) 226-9719

---

---

## **Smith (MI) Motion to Instruct Conferees on H.R. 2646, the Farm Security Act of 2001**

The Smith motion, which was announced from the floor Tuesday evening and is therefore privileged, is as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed:

- (1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and
- (2) to insist upon an increase in funding for:
  - (A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and
  - (B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

Section 169(a) of the Senate Amendment sets payment limits capping the amount an individual can actually receive in any give year. For all crops, the combination of fixed, decoupled payments and counter-cyclical payments is limited to \$75,000 per individual, per year. Marketing loan benefits are limited to \$150,000. This creates a total limit of \$225,000 per person per year. In the case of married couple, the limit is raised by \$50,000.

During House consideration of the Farm Bill, the House considered an amendment offered by Mr. Smith (MI) to impose a strict payment cap. The amendment was defeated 187 to 238. A link to the vote is below:

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=365>

---

## **Tancredo Motion to Instruct Conferees on H.R. 2646, the Farm Security Act of 2001**

The Tancredo motion, which was announced from the floor Tuesday evening and is therefore privileged, is as follows:

Mr. Tancredo moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646, an Act to provide for the continuation of agricultural programs through fiscal year 2011, be instructed to disagree to the provisions contained in Section 452 of the Senate amendment, relating to partial restoration of benefits to legal immigrants.

The House bill did not contain any provision altering food stamp eligibility for legal aliens. Below is a comparison of current law and the Senate proposal:

<b>Present Law</b>	<b>Senate Bill</b>
<p>a. <i>Children</i> – Legal permanent residents who were living in the U.S. as of August 22, 1996, and who are under age 18 are eligible for food stamps.</p> <p>b. <i>Work history requirement</i> – Legal permanent residents with a substantial work history (defined as 40 quarters, or 10 years) are eligible for food stamps.</p> <p>c. <i>Humanitarian cases</i> – Asylees, refugees, Cuban/ Haitian entrants, certain aliens whose deportation/removal is being withheld for humanitarian reasons, and Vietnam-born Amerasians fathered by U.S. citizens are eligible for food stamps for 7 years after entry/grant of status.</p> <p>d. <i>Disability benefit recipients</i> – Legal permanent residents who were living in the U.S. as of August 22, 1996, and who are receiving federal disability benefits are eligible for food stamps.</p>	<p>a. Makes legal permanent residents under age 18 eligible for food stamps – regardless of their date of entry. Also exempts them from requirements that their sponsor’s financial resources be deemed to them in determining food stamp eligibility.</p> <p>b. Reduces the work history requirement to 16 quarters (4 years).</p> <p>c. Removes the 7-year limit on eligibility for humanitarian cases.</p> <p>d. Makes eligible disabled legal permanent residents receiving federal disability benefits – without regard to their date of entry.</p>

The Tancredo motion would instruct conferees to reject the Senate amendment to current law.

---