

“(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor’s abortion decision, had the abortion been performed in the State where the minor resides.

“(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action, unless the parent has committed an act of incest with the minor subject to subsection (a).

“(e) DEFINITIONS.—For the purposes of this section—

“(1) a ‘law requiring parental involvement in a minor’s abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court; and

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(2) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a 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;

“(3) the term ‘minor’ means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor’s abortion decision; and

“(4) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States.

**“§2432. Transportation of minors in circumvention of certain laws relating to abortion**

“Notwithstanding section 2431(b)(2), who-ever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both.”

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

“117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431”.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I congratulate Chairman ENSIGN for managing this bill, an important bill that we have passed and that the House has passed, and now it is time for us to go to conference. I thank leadership and

the managers on both sides because we were able to address a very important issue and had appropriate amendments under an agreement that was reached, and conclusion was passage as we just heard by 65 to 34 on this bill.

With regard to that, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 748, the House companion measure; provided that all after the enacting clause be stricken and the text of S. 403, as amended, if amended, be inserted in lieu thereof; the bill then be read a third time and passed, and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees with a ratio of 7 to 5.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, on behalf of myself and other Senators, I will object to the appointment of conferees at this point. This is an issue which has been debated for a short time here on the floor and never went through the Senate Judiciary Committee for consideration. It is our belief that at this point in the session asking for a conference committee is premature.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, the objection is heard. And I will say that I am disappointed. This bill passed the House of Representatives on April 17, 2005, and just passed this body 65 to 34 expressing the will of the Senate. Routinely, we would go to conference with the House and the Senate bill and move forward. I understand that objection is made. I am very disappointed that is the case. I hope we can get to conference just as soon as possible. I do hope that the objection we heard tonight does not represent obstruction in taking this bill to conference, because that would be the normal course. But we will address this in the future.

Again, I am disappointed that we are being stopped from going to conference tonight.

**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 PRESIDING OFFICER. Without objection, it is so ordered.

**PRIME MINISTER MALIKI’S VISIT**

Mr. KENNEDY. Mr. President, Iraq Prime Minister Maliki’s visit to the United States comes at an important time. All Americans want Iraq’s new government to succeed. The principal measure of success will be whether the tide of violence recedes and full-scale civil war is avoided. But for that to happen, the new government must deal quickly, decisively, and effectively

with the principal threat to stability—the deadly influence of the militias—especially in Baghdad.

It is time for the new government to move beyond vagaries and develop a viable strategy to deal with the militias and prevent Iraq from descending into full-scale civil war. He needs to begin implementing a credible plan to disarm, demobilize, and reintegrate the militias into the security forces. He must obtain a real commitment from the political parties to assist in disbanding and disarming the militias.

As the new violence in Lebanon demonstrates, political parties cannot govern with one hand and terrorize civilians with militias with the other hand. It did not work with Hezbollah in Lebanon, it cannot work with Hamas, and it will not work in Iraq.

Militias are the engines of civil war, and there is no role for them in a legitimately functioning government of Iraq. Iraq’s future and the lives of our troops are close to the precipice of a new disaster. The timebomb of full-scale civil war is ticking, and our most urgent priority is to defuse it.

America, too, must be honest about the situation in Iraq. President Bush, the Vice President, and Secretary Rumsfeld continue to deny that Iraq is in a civil war. But the increasing sectarian violence, the ruthless death squads, and the increasingly powerful role of the privately armed militias tell a very different story.

We cannot ignore this major danger. President Bush needs to consider the cold, hard facts and prepare a strategy to protect our troops who are at risk of getting caught in the middle of an unwinnable sectarian civil war. Such planning is not an admission of defeat; it is responsible and necessary to protect the lives of our men and women in Iraq who are serving with great courage under enormously difficult circumstances.

**LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005**

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October 14, 1995, in Atlanta, GA, Quincy Taylor, a high school student, was found dead behind a convenience store from gunshot wounds to the chest. Taylor frequented and sometimes worked at a popular gay bar known for featuring cross-dressing entertainment. According to police, the killer knew the victim and was motivated solely by his sexual orientation.

I believe that the Government’s first duty is to defend its citizens, to defend