



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145

WASHINGTON, WEDNESDAY, OCTOBER 20, 1999

No. 143

Senate

The Senate met at 9:32 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

This is Character Counts Week, established by the Senate to build the character of the American people. And today we consider two of the pillars of character: fairness and caring.

Let us pray.

O dear God, in a world where so much seems not fair and in a culture that has become so careless, where people so often are unfair and uncaring to each other, we ask You to give us more love, self-sacrifice, and more likeness of You so that we may do battle with anything that denies fairness or caring of people who are cherished by You. May our fairness and caring go beyond a cautious give and take. Teach us to sacrifice our own comfort to comfort others, our own preferences to give others a sense of what is good for them. Make us fair in thought, kindly in attitude, gentle in word, generous in deed. Remind us that it is better to give than to receive, to forget ourselves than to put ourselves first, to serve rather than expect to be served.

O dear God, help us care for our Nation and its future. May the Senators' caring for every phase of our society be an example to the American people. May there be a great crusade of caring and fairness, beginning right here and spreading across this land. May children see from their parents and from these leaders that caring and fairness are not only crucial but are the crux of our civilization. Dear God, make us courageous, caring, and fair people, for You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. SANTORUM. I thank the Chair.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will immediately resume debate on the motion to proceed to the partial-birth abortion bill. There will be 20 minutes of debate with a vote to occur at approximately 9:50 a.m. It is anticipated the motion will be adopted, and therefore debate on the bill will continue throughout the day. It is the hope of the majority leader that an agreement can be reached with regard to amendments so the bill can be completed by the close of business tomorrow. The Senate may consider any conference reports available for action. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume debate on the motion to proceed to S. 1692, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 1692, a bill to amend title 18, United States Code, to ban partial-birth abortions.

The PRESIDING OFFICER. Under the previous order, there will be 20

minutes for debate equally divided and controlled between the majority and minority leaders.

The Senator from Pennsylvania is now recognized.

Mr. SANTORUM. I thank the Chair.

Mr. President, we will be voting on a motion to proceed to a bill that we have brought up in the Senate now for the third session of the Senate, third Congress in a row. I do not believe there is much controversy with respect to considering this bill. Obviously, this bill is going to pass, and it is going to pass by an overwhelming vote.

The concern that was voiced last night, and I think will be voiced today, is that we are moving off campaign finance reform to the partial-birth abortion bill. I am hopeful we can recognize that we had a good debate on campaign finance reform; amendments were offered; there were several days for those amendments to be offered; and it is apparent there is not enough votes to overcome cloture, to break a filibuster, if in fact that was going to be called for, and that it is time to move on to other business, whether it is partial birth or bankruptcy or appropriations bills and the like, and that a week, almost a week-long debate on the issue of campaign finance reform was, in fact, sufficient.

We know where the votes are going to come out. I don't think anyone is going to be changed by further debate and further amendments. It is time to move on to the other business at hand. I hope we can have some sort of comity here that would allow the business to continue. I think that would be good for all of us, particularly those of us who would not like to be here through the holidays for a long period of time, who would like to get back home after we finish our business to spend some time with our constituents in our States.

So, again, I think a fair debate was had, the votes are clear, and further debate will do nothing other than take up

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S12861

the time of the Senate and delay action on important matters that we have to get to before we adjourn for the end of the year.

So with that, I am hopeful my colleagues, frankly, on both sides of the aisle will support moving off campaign finance reform.

With that, I reserve the remainder of my time.

Mr. LEVIN. Mr. President, do I understand there are 10 minutes for this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. The majority leader has authorized me to allocate time to myself. I yield to myself 4 minutes.

A majority of the House and a majority in the Senate support campaign finance reform. It was clearly indicated yesterday that we have a majority in favor of campaign finance reform. A minority of the Senate is not in favor of campaign finance reform, and they have decided to try to block the will of the majority, which is their right. They can filibuster this legislation to which they are so strongly opposed, and I defend their right to oppose this legislation with all their might, although I disagree with them with all my might.

The supporters of campaign finance reform have every right to try to pass the bill. That means we have every right to not agree to withdraw campaign finance reform legislation just because we didn't get cloture on the first, second, or third vote. It took four votes to get civil rights legislation passed in the late 1960s and 7 weeks to get that legislation passed. It wouldn't have passed had the supporters of civil rights legislation, after they did not get the necessary votes to adopt cloture the first time, backed off from their cause.

We, the supporters of campaign finance reform, are just as passionately in support of closing the soft money loophole as the opponents are passionate in their opposition. We do not need to withdraw as long as we are in the majority. We don't have to go quietly into that good night after a failed cloture vote.

This vote we are about to take on a motion to proceed to another item of business, this motion to end the Senate's consideration of campaign finance reform in the face of a filibuster by the opposition, is the vote that really counts on campaign finance reform. This is the moment of truth. A cloture vote simply decided that we did not succeed in breaking the filibuster. Today the majority will decide whether to give in to that filibuster. That is what this vote is about, whether or not a majority of this Senate which favors closing the campaign loopholes in the law that are supposed to put limits on how much a person can contribute to a campaign or candidate, gives in to a filibuster, whether those laws which have been so totally undermined by the soft money loophole, in effect, will be

restored to good health. That is the decision we are going to make.

This is the vote that tests the determination of supporters of campaign finance reform against the determination of the opponents—whether the majority which went on record yesterday as favoring campaign finance reform will say we are going to give up our cause for whatever length of time because we haven't gotten 60 votes yet. We would not have had civil rights legislation if that were the position taken by the supporters of civil rights—8 long weeks on just one of the civil rights bills in the 1960s and four cloture votes, which finally, with the help of a bipartisan group, were able to take them over the finish line.

Yes, the opponents have a right to filibuster, a right to tie up the Senate. However, we in the majority on campaign finance reform do not have to back down. This is the vote that counts: Whether we in the majority agree we will move to something else or whether we will say to the filibusters they may do what they are doing under our rules and we will defend that right, but we need not and will not back down to that filibuster.

I yield the floor.

Mr. FEINGOLD. Mr. President, how much time remains on the Democratic leader's time?

The PRESIDING OFFICER. Six minutes.

Mr. FEINGOLD. Mr. President, I ask I be yielded such time as I shall consume.

I especially thank the Senator from Michigan for his great determination on this issue. I am certainly going to join him on this.

I will vote "no" on the motion to proceed in a few minutes, but it is not because I oppose moving to the late-term abortion bill at this time. Supporters of campaign finance reform are prepared to move that bill by consent, which keeps the campaign finance bill as the pending business of the Senate—that is all we are trying to do—and thereby allows the Senate to return to it once the late-term abortion bill is completed.

This vote we are going to have in a few minutes is not about whether we will debate late-term abortion. Everybody here is prepared to do that. It is about whether we will keep working on the campaign finance bill after a short hiatus to do other business.

I want to be clear: Senator MCCAIN and I are ready to move forward in debating our bill. I thought we had an exciting series of votes yesterday, the upshot of which is, we have three new supporters of reform. We need to keep up the pressure for reform. We did not have adequate time on the floor to do that. The majority leader promised on the record 5 days of debate. We had 4 days, and 1 of the days was yesterday when all we did was vote on cloture.

I say to my Republican colleagues who say they want the chance to offer amendments, now that we have had

those two cloture votes, we can do that. There is every opportunity now to offer amendments. There are a variety of ways to clear places on the amendment tree so the debate can proceed and we can see if we can work something out and actually pass the bill.

I appreciate the candor of the Senator from Pennsylvania, who just said, as I understand it, we had a fair debate. This is not what some of the other Republicans said. He also indicated there had been an opportunity to offer amendments. That is what the Senator said. That is the opposite of what many of the opponents of reform said. Which is it? Was there an opportunity to offer amendments or not? Maybe it is an academic debate at this point. It is a very interesting difference in the way the last few days have been characterized.

What really counts is that amendments can be offered right now. If there is any Senator out there who is saying he has not had that chance to offer amendments, they should vote to have the Senate continue on the campaign finance reform bill and come down and offer an amendment. Now is not the time to put campaign finance reform back on the calendar, which in this case means the back burner. It is time to come together and work to find a consensus.

Whatever different spin is put on this issue, the bottom line is this: The soft money system is wrong and it must be ended. Mr. President, 55 Members of this body have now voted for reform. The time has come to finish the job.

I urge my colleagues to vote "no" on this motion to proceed and help the Senate take a step toward doing that.

I suggest the absence of a quorum and ask the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SANTORUM. Mr. President, again I ask my colleagues to join with me in voting to move to proceed to the Partial-Birth Abortion Ban Act. It is a bill that is important business. It is something that has overwhelming support in the Senate. I hope we can move to this issue.

If there is a need to debate campaign finance reform in the future, then that is a matter for the leaders to work out, whether we want to come back to that issue. I think we have spent enough time on this bill. It is very clear where this issue is going. At least the issues of McCain-Feingold and Shays-Meehan do not have the necessary votes to pass in this Senate. Maybe there are other kinds of campaign finance that could, and maybe we could use this time over the next several months to find some middle ground to get a compromise.

We are not there right now. It is time to move on with the business of the Senate and the American people.

I yield the remainder of my time.
 Mr. BIDEN. Mr. President, I rise to comment briefly on why I will vote against the motion to proceed to S. 1692, the Partial-Birth Abortion bill. I support this legislation. I have voted for passage of this bill in the past, and I have twice voted to override the President's veto. I think we should take up this bill in the Senate, and I am quite certain we will get to it. Yesterday, in fact, we offered to move to this bill by unanimous agreement and, had that been accepted, we would be on it now.

The problem with this procedural tactic of having a recorded vote on this motion is that it ends the Senate's work on campaign finance reform, and we are not finished with that bill yet. We started debating campaign finance reform last week, and we have a chance to make some genuine improvements in American politics. We should finish what we have started.

Mr. MCCAIN. Mr. President, I intend to vote against the motion to proceed to S. 1692, legislation to ban partial birth abortions.

This is an unnecessary parliamentary maneuver designed solely to displace S. 1593, the campaign finance reform bill, from the floor. A unanimous-consent agreement was offered, with no known opposition, to temporarily lay aside the campaign finance reform bill so that the Senate could consider the partial birth abortion ban legislation. Under that procedure, when the Senate finishes its work on the latter bill, we could then return to complete the debate on campaign finance reform. But if this procedural vote is successful, the McCain-Feingold bill will be returned to the Senate calendar, effectively cutting off the debate, well short of the time promised to consider this important issue.

I want to make very clear, my strong support for this bill and my unequivocal and long-standing opposition to the practice of partial birth abortion. I am pro-life and oppose abortion except in the case of rape or incest, or when the life of the mother is in danger. Partial birth abortion is a repugnant procedure and an abomination, which should be outlawed.

I am a cosponsor of this legislation, as I was in previous years. I have voted five times over the past 5 years to ban this repugnant and unnecessary procedure, including two votes to overturn the President's veto of this legislation. When the Senate votes on S. 1692, I will again vote for the ban.

As I stated yesterday, I will not give up the fight to enact meaningful reform of our campaign finance system. If the McCain-Feingold bill is pulled from the floor today, I will return to the Senate floor with amendments on campaign reform this year, next year, and as long as it takes.

The PRESIDING OFFICER. The question is on agreeing to the motion

to proceed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.
 The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 52, nays 48, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—52

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Santorum
Breaux	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Byrd	Helms	Specter
Campbell	Hollings	Stevens
Cochran	Hutchinson	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Voinovich
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

NAYS—48

Akaka	Feingold	Lincoln
Baucus	Feinstein	McCain
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hutchison	Murray
Boxer	Inouye	Reed
Bryan	Jeffords	Reid
Chafee	Johnson	Robb
Cleland	Kennedy	Rockefeller
Collins	Kerrey	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Lautenberg	Snowe
Dorgan	Leahy	Torricelli
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden

The motion was agreed to.
 Mr. OTT. Mr. President, I move to reconsider the vote.

Mr. COVER DELL. I move to lay that motion on the table.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.
 The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. The yeas and nays have been ordered.

The clerk will call the roll.
 The legislative clerk called the roll.
 The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—53

Abraham	DeWine	Hutchison
Allard	Domenici	Inhofe
Ashcroft	Enzi	Kyl
Bennett	Fitzgerald	Landrieu
Bond	Frist	Lott
Breaux	Gorton	Lugar
Brownback	Gramm	Mack
Bunning	Grams	McConnell
Burns	Grassley	Murkowski
Byrd	Gregg	Nickles
Campbell	Hagel	Roberts
Cochran	Hatch	Santorum
Coverdell	Helms	Sessions
Craig	Hollings	Shelby
Crapo	Hutchinson	Smith (NH)

Smith (OR)	Thomas	Voinovich
Specter	Thompson	Warner
Stevens	Thurmond	

NAYS—47

Akaka	Feingold	McCain
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Inouye	Reed
Boxer	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Collins	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Lautenberg	Snowe
Dodd	Leahy	Torricelli
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

The motion was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:
 A bill (S. 1692) to amend Title 18, United States Code, to ban partial-birth abortions.

The Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, we now, somewhat belatedly, begin the debate on partial-birth abortion. To review the actions of this body on this issue and the actions of the Congress, this is the third time this bill or some form of this bill has been voted on to pass the Senate. We passed this bill in 1995 and in 1997. Here we are again in 1999. We had two override attempts of the President's veto in 1996 and 1998, and I am fairly sure we will probably have another attempt on a Presidential veto override next year, in the year 2000.

Each time this bill has been voted on, succeeding Congresses picked up votes. In other words, we have gotten closer to the two-thirds necessary, 67 Senators, to override an anticipated Presidential veto. I am hopeful we will continue that trend. We started in 1995 with a vote of 55 or 56 Senators supporting banning this procedure. As of the vote last year, we were up to 64 Senators in this body agreeing this procedure is not necessary. It is, in fact, unhealthy and it is a threat to the health and life of the mother, as well as being a brutal and barbaric procedure.

I am hopeful through the course of this debate we can have a fair debate about this issue. Some have tried to turn this into a broader debate about abortions and view this as just the first shot at Roe v. Wade, an attempt to put a chink in the armor, intimating there is a grand agenda to try to chip away abortion rights that were given by the Supreme Court in Roe v. Wade.

Let me assure my colleagues that is not my intention. This bill is a straightforward piece of legislation that deals with a specific procedure. In fact, I am hopeful we will be able, through an amendment process, to make it even more clear we are referring simply to the procedure known as