

Mr. LOTT. 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.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, I think it is important now we give Members some indication of what the schedule looks like. Senator DASCHLE and I have been talking about how we can move forward.

I believe we have two amendments that have to be dealt with, with the possibility of votes, at least two votes at 7:30, in order to finish the Treasury-Postal Service appropriations bill. I think there will probably just be one amendment vote and final passage, although there is another amendment that has to be disposed of in that time.

At that point, our plan is to go to the District of Columbia appropriations bill. Work is being done on that now. Senator DASCHLE and I are ready to announce right now that if we can get that done tonight at a reasonable hour, we will not have any votes on Friday. If we have difficulty, if we can't get it done tonight, then we will be in with votes tomorrow. We probably are going to have to be in tomorrow anyway. Senator DASCHLE and I had already planned on being here. We want company. We are still working on nominations tonight, and we might have some we will try to get cleared tomorrow.

Basically, I am saying that if we could get this D.C. appropriations bill completed, then we would not have recorded votes tomorrow. It behooves us all. We are in a good mode now. We are making progress. I urge those who are involved in the D.C. appropriations bill to work aggressively so we can complete this at a reasonable hour tonight. Otherwise, we will see you in the morning at 9:30.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. LOTT. I am delighted to yield.

Mr. BYRD. I hope you will have a session tomorrow without votes. There are many of us who like to make some speeches from time to time. We don't get the opportunity to do that. I would like to give a speech concerning Independence Day, for example, and there are others.

Mr. LOTT. Mr. President, as I indicated, I thought we might have to have a session tomorrow anyway because of some wrapup business we may need to do. If we have Senators who would like to speak as to the Fourth of July, that is all the more reason. The key question for all other Senators is, will there be votes tomorrow morning or not. That will depend on finishing up the District of Columbia appropriations bill.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. LOTT. I yield the floor, Mr. President. I believe we have a D.C. unanimous consent request that is ready now.

#### UNANIMOUS CONSENT REQUEST—S. 1283

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that we take up and consider the District of Columbia appropriations bill with the following parameters: 40 minutes equally divided on the Coverdell needle exchange amendment, with a second-degree amendment by Senator DURBIN; 30 minutes for Senator DURBIN's tuition assistance program amendment, and 10 minutes for the opposition; 15 minutes for Senator DURBIN's sense-of-the-Senate amendment; the Hutchison managers' amendment, and a final vote.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I have not seen the needle exchange amendment or Senator DURBIN's second degree, if he has one. I cannot agree to this at this time, until I see the amendment, because it affects a lot of people and it could mean the spread of disease. I need to see the amendment.

The PRESIDING OFFICER. Objection is heard.

Mrs. HUTCHISON. We will work with the Senator from California and let her see the amendment. I will ask Mr. COVERDELL to make the amendment available.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Senator WELLSTONE, is to be recognized.

Mr. WELLSTONE. Mr. President, I think I follow Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### AMENDMENT NO. 1200

(Purpose: To prohibit the use of funds to pay for an abortion or to pay for the administrative expenses in connection with certain health plans that provide coverage for abortions)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], Mr. ABRAHAM, Mr. BROWNBAC, Mr. SANTORUM, Mr. HELMS, Mr. ASHCROFT, Mr. MCCAIN, Mr. NICKLES, and Mr. HAGEL, proposes an amendment numbered 1200.

The amendment is as follows:

At the end of title VI, add the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal em-

ployees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mr. DEWINE. Mr. President, I rise to offer this amendment on behalf of myself and Senators ABRAHAM, BROWNBAC, SANTORUM, HELMS, ASHCROFT, MCCAIN, NICKLES, and HAGEL.

This amendment would maintain in force the current law restricting Federal funding for abortions only to cases of rape, incest, or life of the mother. Specifically, my amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest, and threat to life of the mother.

This is the same amendment that was accepted during the debate for fiscal year 1999 Treasury-Postal appropriations, the same amendment agreed to by this body during the debate for fiscal years 1996 and 1997. In fact, this is the same language that has been consistently supported by a bipartisan group of Senators and Representatives from 1983 to 1999, with the exception of only 2 years.

I mention all of this to make it very clear to the Members of the Senate that this amendment stakes out no new ground. This amendment maintains the status quo. This amendment has been voted on time and time again by this body, and time and time again this body has accepted it.

The principle is a very simple one—one that goes beyond the conventional pro-choice/pro-life debates that we hear on this Senate floor. I think my colleagues know I am pro-life and, therefore, I wish to promote the values protecting innocent human life. However, I point out that the vast majority of Americans on both sides of the abortion issue strongly agree that they should not pay for someone else's abortion. That really is what this debate is about.

Fairly stated, this amendment is not about the morality of abortion or the right of a woman to choose abortion. Rather, this is a very narrowly focused amendment that answers a key question: Should taxpayers pay for these abortions?

This Senate, this Congress, has consistently answered no. Congress has consistently agreed that we should not ask taxpayers to promote a policy, in essence, of paying for abortion on demand by a Federal employee. My amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest, and threat to the life of the mother.

The vast majority of Americans oppose subsidizing abortions. Employers, as a general principle, determine the health benefits employees receive. Taxpayers are the employers of Federal

employees, and a large majority of taxpayers simply do not want their tax dollars to go to pay for abortions. Taxpayers provide a majority share of the funds to purchase health insurance for the Federal civilian workforce. This provision addresses the same core issue and simply says that the Federal Government, as the employer, is not in the business of funding abortions. Abortion is certainly a contentious issue, and we should not ask the taxpayers to pay for it.

In conclusion, this issue has been debated time and time again on the Senate floor. Current law limits abortion availability in Federal employee health care plans to cases of rape, incest, and to save the life of the mother. That has been the position of the Senate, that has been the position of the House, and that was approved last year and the year before as well. We should not involuntarily take the money of Americans—many of whom find abortion abhorrent—to pay for abortions. We should not go against the will of the people of this country. We should uphold current law, and that is very simply what this amendment does.

I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I would like to understand the parliamentary situation. As I understand it, the Senator from Ohio has 22 and a half minutes and I have the same amount of time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise today in opposition to the amendment offered by the Senator from Ohio, Mr. DEWINE, and I want to tell you why. I hope colleagues will listen to this, because this is an amendment that impacts 1.2 million women in America today. It is a law that is aimed directly at them. It will harm them; it will take away their rights.

We do a lot of things around here, and some of them don't really affect real people. This affects real people who happen to be women, 1.2 million of them, who are hard-working women, who pay for their own health insurance—part of it. Yet, under the Senator's amendment, he says to those 1.2 million women: You are going to be treated differently from every other working woman in America today just because you happen to work for the Federal Government and just because the Senate has the power to impact you.

I think this is a sad day for us again, a very sad day. Every other woman in America who has a health insurance plan can avail herself of all the legal

procedures that are known to exist today. They have no problem. Abortion is a legal procedure. Let me repeat that. Abortion is legal in America. That is what this is all about. This isn't a debate about these 1.2 million women, not at all.

It is about the underlying question.

The Senator from Ohio is a leader in the effort to take away a woman's right to choose. He is open about it. He is honest about it. He is forthright about it. He thinks abortion should not be legal under any circumstance. And his cosponsors today, if you look at their record, are all in favor of a constitutional amendment banning the right to choose.

What we are seeing is another way to get to the same end. If you can't repeal Roe, if you can't take away a woman's right to choose, take away her right to be able to pay for the procedure which is legal.

Federal employees work hard. They work in every aspect of our lives. Some of them are scientists at the NIH. Some of them work delivering the mail. They work hard.

It seems to me unconscionable that we would say, because we have the power to do it, we would say because of raw legal power, Federal employees, women, you are second-class citizens, and you do not have the same rights as someone who works for American Telephone, or any of the companies, small or large, in this country.

Why is it that the Senator from Ohio doesn't have that in his amendment? Because he can't get it passed. But he has figured out a way because, yes, the Federal Government, as part of our benefits package, pays part of the health insurance premium.

So that is the vote. It is true that this has passed a couple of times. We didn't have a debate on it really the last time. I found it very interesting when we started this because my friends came to me and said: Do we really need to have a vote? Do we really need to talk about this?

I want to say something about this. We have a lot of time to talk about Y2K. We have endless days to talk about Y2K, and then we add another hour and a half to talk about Y2K. When it comes to business, we have a lot of time. But when it comes to taking away the rights of women, oh, Senator BOXER. Do you really need to talk about it? Can't we just forget about it? We don't need a vote. We want to go home. I want to go home. But we are about to do again what we have done before, which is to say to these women, you can't be treated like other women.

Everyone who gets up on that side to talk about this—I guarantee it—really wants to outlaw abortion, period.

That is what this is about—make it tougher, make it harder, any hook that they can find to stop a woman from exercising her legal right given to her by

the Supreme Court decision, and, by the way, ratified over and over and over again by that Court—even the current Court. Yes, it is legal for a woman to have control over her own body. Yes, it is legal, they said. It is within her privacy rights. It gives her dignity. It gives her options. It gives her the ability to take care of her own health.

This is an insult to women who work for the Federal Government.

The Senator from Ohio has no compunction about it—standing up here and looking at the women who work here; his own staff, by the way, who will be treated as second-class citizens, different from all the other women in this country.

I now yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from California, Senator BOXER, who has risen to speak against this amendment, for her courage, and for her reminding all of us of how important this issue is to so many women across this country.

I speak today in strong opposition to the DeWine amendment, which once again, attempts to restrict access to safe, legal, affordable reproductive health care services for women. This amendment simply seeks to obstruct a women's right to choose.

I know the proponents of this amendment claim they are only prohibiting the use of federal funds to pay for abortion. The truth is this amendment is about the U.S. Senate determining what health benefits federal employees will receive.

Health insurance for federal employees is an earned benefit. It is part of an overall compensation package. It is no different than a salary. Through this amendment, Senator DEWINE and his colleagues attempting to give federal taxpayers a say in how federal employees spend their salaries. This is unfair. A federal employee's salary belongs to the federal employee and a federal employee's health benefits belong to the federal employee.

Yet, we are here today debating an amendment that is based on the premise that the taxpayer controls federal employee's benefits. Again, health insurance is an earned benefit offered in lieu of income. The value of this benefit is part of the overall compensation for work performed. Why are we attempting to dictate the value or scope of a benefit owned by the federal employee? The answer is because the majority believes it can and therefore that it should. That's unfortunate.

I have a solution for federal employees who object to receiving benefits that allow a woman the right to a full range of reproductive health care services: refuse to purchase health insurance from a plan that offers these benefits. It's that simple. Since the Federal

Employees Health Benefit Plan is, in part, funded by a premium paid by the employee that employee should have the right to refuse to support activities to which he or she objects. Those employees should simply not select these plans.

I think all federal employees should be outraged by this kind of amendment that we are debating. Dedicated, hard working federal employees are basically being asked to limit their constitutional right to choose when they enter federal employment. This amendment treats federal employees like second class citizens and gives them no ability to decide what kind of health insurance is appropriate to meet all of their health care needs, including reproductive health.

This amendment is not about the federal funding of abortions. This amendment is an assault on women's health. It is a creative way to deny access to abortion services for federal employees and their families. Federal employees should not be captive to the narrow views of a minority of the public. Allowing federal employees to purchase and receive insurance policies that allow them to have an abortion is not direct federal funding of abortion. It is a round-about way to limit some American's abilities to exercise the rights granted them by the Constitution. I, and the majority of Americans, support that right and the Roe versus Wade decision. This Senate should not undermine the fundamental right of women to decide whether to bear a child.

Most of my colleagues know voters would be outraged if they sought to overturn Roe versus Wade. But instead of simply coming forward and admitting they oppose the idea that a woman has a constitutional right to decide what is in her best interest and the best interests of her family, they hide behind arguments about federal funding. Most of my colleagues know that a majority of the population supports the basic of privacy inherent in the Roe versus Wade decision. Abortion, up to viability, is a personal and private matter. Rather than seeking to overturn Roe versus Wade, they have decided to restrict access with a multitude of creative, but similarly offensive, ways.

By mandating that insurance companies participating in the Federal Employees Health Benefit Plan deny access to abortion services as part of their defined benefit package, the U.S. Senate is attempting to take a private and difficult decision and add to a woman's hardship by turning it also into a financial burden.

Many federal employees simply do not have the discretionary income to pay for an abortion. The cost of this procedure can be high. By removing this health care benefit from all federal insurance plans, we have placed a significant financial burden on employees

and their families. For federal employees, the protections guaranteed under Roe versus Wade are seriously jeopardized. Financial barriers can be just as effective for many people as simply overturning Roe versus Wade.

I hope this amendment is defeated and that we can recognize the valuable contributions of all federal employees by not forcing them to surrender their rights and protections as a condition of being a civil servant. I also hope that we can stop these constant assaults on women's health care and that of their families.

Mr. President, I retain the remainder of our time.

Mr. DEWINE. Mr. President, let me just briefly respond to some of the comments that have been made. This matter has been debated many times on the Senate floor. I seriously doubt there will be any new points that I or anyone else will raise.

Sometimes the obvious must be stated: This amendment does not stop abortions. This amendment does not say to any woman what she can or cannot do. This simply says taxpayers are not going to pay for it. It is that simple. It is that basic.

We have to understand, on the average health plan in the Federal Government, 73 percent of the cost is paid for by the Government, which means 73 percent of the cost is paid for by the taxpayers.

We get back to the issue, should the American people, on an involuntary basis, through their taxes, have money taken out of their pay to be used to pay for abortions when many people believe very adamantly that this is wrong? I think the answer is absolutely not, we should not have this money involuntarily taken from taxpayers to pay for abortions, which violates the conscience of many taxpayers.

This is one Senator who doesn't quote polls too often on the Senate floor, but I think it has some relevance about what the American people expect us to do as far as how their taxes are spent. A Fox poll in 1998 asked: Do you think health care plans should pay for any of the cost of an abortion? That answer? Sixty percent said no. The question specifically had to do with the Federal Government paying for these Federal health care plans. Sixty percent said no; 28 percent said yes.

I think it is very clear, with the Federal Government paying almost three-fourths of the cost of these plans and taxpayers paying three-fourths of the cost, we understand what is at stake and what the issue is. It has nothing to do with whether or not a person has a legal right to an abortion. That is a debate for a different day.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. DEWINE. I yield.

Mr. SANTORUM. The Senator from Washington was saying we are restrict-

ing someone's right by not paying for an abortion, which posits the interesting question that right now comes with a guarantee that the Government will pay for that right. We have freedom of speech guaranteed in the Constitution. Does the Government pay for someone who wants to speak? Do the taxpayers pay to put them on television if they want to speak?

Mr. DEWINE. The answer is no.

Mr. SANTORUM. If a group of people want to assemble, does the Government pay for a room or the assembly costs? Is that part of the right of speech—that the Government must pay for the cost of assembling?

Mr. DEWINE. The answer is no.

Mr. SANTORUM. If someone believes in freedom of religion, does that mean the Government should pay the church to make sure people have the freedom to worship, and make sure the freedom of religion is guaranteed?

Mr. DEWINE. The answer is no.

Mr. SANTORUM. That is the obvious question.

A right is a right, but it does not include the right of the Government to pay for the exercise of that right.

In fact, there could be complications—there is a separation of church and state—if the Government were to get involved in enforcing those rights in this kind of way.

I think we set a very dangerous precedent when we elevate a right to the point where the Government now has to pay for the access of that right or for the enforcement of that right. I think that is a dangerous standard that the Senator from Washington has posited and one I hope the Senate will reject tonight.

I thank the Senator.

Mr. DEWINE. I thank my colleague for his comments.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 1 minute to the Senator from New York.

Mr. SCHUMER. I thank the Senator from California.

I rise in agreement with the Senator from California against the amendment of the Senator from Ohio. I make this argument—and I am sorry the Senator from Pennsylvania is not here—if I were to offer an amendment that said you couldn't use your Federal dollars to buy a handgun from your salary, there would be outrage on that side. They would say: We haven't made handguns illegal.

You may think they should be. I don't, it so happens, but for the sake of argument you think handguns should be illegal. But fight it on the issue of handguns, don't fight it by taking away Federal employees' rights.

There would be outrage from the very same people who are now saying this.

Mr. SANTORUM. Will the Senator from New York yield?

Mr. SCHUMER. I am delighted, on the time of the Senator.

Mrs. BOXER. We have retained the remainder of our time.

Mr. DEWINE. I yield to the Senator.

Mr. SANTORUM. Is there any prohibition in the DeWine amendment from someone using their own money to purchase insurance to cover abortion?

Mr. SCHUMER. To prohibit an individual to use their own wages to purchase insurance for abortions—

Mr. SANTORUM. Whether one uses their own wages or is part of a Federal health plan, paid for, in fact by those wages—

Mr. SCHUMER. Will the Senator let me finish?

Mr. SANTORUM. Over 70 percent is paid for by taxpayer dollars.

Mr. SCHUMER. What I say again, it is a specious difference to argue that when you go out with your own dollars is any different from with a health plan.

Mr. SANTORUM. Than with taxpayer dollars. That is a specious difference? I don't think so.

Mr. SCHUMER. What the Senator from Ohio is seeking to do—

Mr. SANTORUM. The answer is obvious.

I retain my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. There is no prohibition in the DeWine amendment for someone taking their own wages and purchasing insurance to cover abortion. That is the analogy the Senator made, and it is invalid. I wanted to make that clear.

Mrs. BOXER. I yield to the Senator.

Mr. SCHUMER. I thank the Senator from California for yielding to me to allow me to answer the question of the Senator from Pennsylvania, which is what I was attempting to do. He asked me a question, and he didn't let me answer.

The answer is simple: What you are doing on this amendment is imposing your will on how a Federal employee can spend their money, despite the fact they have a right to choose. It is no different, I argue, from me imposing my will on the right of a Federal employee to spend their money—Federal dollars—on the right to, say, buy a handgun. What is good for the goose is good for the gander.

I wouldn't support that amendment for both the reasons I mention. I think you argue right head on—not try to deal with Federal dollars. Second, I am not for abolishing all handguns. However, I say to my colleagues, the analogy is exact. I think it shows the fallacy of the argument behind the amendment of the Senator from Ohio.

Mr. KENNEDY. Mr. President, I strongly oppose the DeWine amendment.

It has been 26 years since the Supreme Court decided the case of Roe

versus Wade in 1973. That landmark decision recognized a woman's fundamental constitutional right to choose to terminate her pregnancy. It removed the barriers that for generations had prevented large numbers of American women from obtaining safe and legal medical care to terminate their pregnancies.

In recent years, however, the barriers blocking access to abortion have begun to be rebuilt. This amendment to ban abortion coverage under the Federal Employees Health Benefits Plan is part of that unacceptable effort.

Several million women currently serve the federal government in every state of the nation. Many work for modest pay and depend upon federal health benefits for all aspects of their medical care, including reproductive health services. The amendment offered today would deny those women access to a legal, medical procedure—a constitutional right—and subject them to discrimination, simply because they have chosen to work in public service.

The anti-choice Republican majority in Congress has failed to undo Roe and make abortion illegal. But, they are doing insidious work to make abortion more difficult and more dangerous for the women of this country.

The most important majority in America—the majority of the American people—believe in a woman's right to choose. They understand what the anti-choice leadership in the Republican Party is trying to do, and they oppose it very strongly. We must do everything we can to uphold this basic right of American women against this relentless attack.

A ban on abortion coverage under the federal health plan would undermine a woman's ability to make a decision on one of the most personal, private, and difficult medical issues that will ever occur in her life. I urge my colleagues to vote against this ban, and preserve the constitutional right to choose for all women who are federal employees.

Ms. MIKULSKI. Mr. President, I rise in strong opposition to the amendment offered by Senator DEWINE.

The bill reported by the Senate Appropriations Committee would enable federal employees, whose health insurance is provided under the Federal Employees Health Benefits Plan, to receive coverage for abortion services.

The DeWine amendment would prohibit coverage for abortion, except in cases of life endangerment, rape or incest. It would continue a ban which has prevented federal employees from receiving a health care service which is widely available for private sector employees.

I oppose this Amendment for two reasons. First of all, it is an assault on the earned benefits of federal employees. Secondly, it is part of a continuing assault on women's reproductive rights and would endanger women's health.

We have seen vote after vote designed to roll back the clock on women's reproductive rights. Every year, on this Appropriations measure and on many others, the assault on a woman's constitutional right to decide for herself whether or not to have a child continues. This amendment continues that assault.

Well, I support the right to choose. And I support federal employees. And that is why I strenuously oppose this amendment.

Let me speak first about our federal employees. Some 280,000 federal employees live in the State of Maryland. I am proud to represent them. They are the people who make sure that the Social Security checks go out on time. They make sure that our nation's veterans receive their disability checks. At NIH, they are doing vital research on finding cures and better treatments for diseases like cancer, Parkinson's and Alzheimers. There is no American whose life is not touched in some way by the hard work of a federal employee. They deserve our thanks and our support.

Instead, federal employees have suffered one assault after another in recent years. They have faced tremendous employment insecurity, as government has downsized, and eliminated over 200,000 federal jobs. Their COLAs and their retirement benefits have been threatened. They have faced the indignity and economic hardship of three government shutdowns. Federal employees have been vilified as what is wrong with government, when they should be thanked and valued for the tremendous service they provide to our country and to all Americans.

I view this amendment as yet another assault on these faithful public servants. It goes directly after the earned benefits of federal employees. Health insurance is part of the compensation package to which all federal employees are entitled. The costs of insurance coverage are shared by the federal government and the employee.

I know that proponents of continuing the ban on abortion coverage for federal employees say that they are only trying to prevent taxpayer funding of abortion. But that is not what this debate is about.

If we were to extend the logic of the argument of those who favor the ban, we would prohibit federal employees from obtaining abortions using their own paychecks. After all, those funds also come from the taxpayers.

But no one is seriously suggesting that federal employees ought not to have the right to do whatever they want with their own paychecks. And we should not be placing unfair restrictions on the type of health insurance federal employees can purchase under the Federal Employee Health Benefit Plan.

About 1.2 million women of reproductive age depend on the FEHBP for their

medical care. We know that access to reproductive health services is essential to women's health. We know that restrictions that make it more difficult for women to obtain early abortions increase the likelihood that women will put their health at risk by being forced to continue a high-risk pregnancy.

If we continue the ban on abortion services, and provide exemptions only in cases of life endangerment, rape or incest, the 1.2 million women of reproductive health age who depend on the FEHBP will not have access to abortion even when their health is seriously threatened. We will be replacing the informed judgement of medical care givers with that of politicians.

Decisions on abortion should be made by the woman in close consultation with her physician. These decisions should be made on the basis of medical judgement, not on the basis of political judgements. Only a woman and her physician can weigh her unique circumstances and make the decision that is right for that particular woman's life and health.

It is wrong for the Congress to try to issue a blanket prohibition on insuring a legal medical procedure with no allowance for the particular set of circumstances that an individual woman may face. I deeply believe that women's health will suffer if we do so.

I believe it is time to quit attacking federal employees and their benefits. I believe we need to quit treating federal employees as second class citizens. I believe federal employees should be able to receive the same quality and range of health care services as their private sector counterparts.

Because I believe in the right to choose and because I support federal employees, I urge my colleagues to join me in defeating the DeWine Amendment.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER. There are 12 minutes 57 seconds under the control of the Senator from Ohio and 8 minutes 2 seconds under the control of the Senator from California.

Mr. DEWINE. I yield the Senator from Oklahoma 5 minutes.

Mr. NICKLES. On legislative procedure, I have advised my colleagues on both sides to go through the Chair. I think it is somewhat demeaning to the Senate to not have exchanges through the Chair. There is a reason for the rule.

I will make a couple of comments concerning this issue. I compliment my friend and colleague from Ohio for raising the issue. This is not about how someone spends their own money, I say to my colleague from New York. Anybody can spend their own money. A Federal employee can spend their own money and pay for an abortion.

It says "no funds appropriated under this act." In other words, no taxpayer money shall be used to pay for abortion. That has been the law of the land. We have passed that many times. This administration wants to overturn it. They have not been successful.

I heard one of my colleagues, I believe my colleague from Washington, say it is only a minority, a radical minority. I am not sure if the word "radical" was used, but a small minority that wants to impose its will.

That is not the case. There was a poll taken some time ago that asked, "Should the Government subsidize health care plans to pay for abortion?" and 72 percent said no.

I have heard people say: You are trying to outlaw abortion.

That is not the case.

The purpose of the amendment is, we do not want to subsidize abortion and we don't want it to be a fringe benefit.

I heard a colleague saying this is a "benefit." It shouldn't be a benefit. Abortion should not be a fringe benefit that is provided for and subsidized, three-fourths of which is paid for by the Federal Government.

Remember what we are talking about. Abortion happens to take the life of an unborn child.

I heard a colleague say we need a full range of reproductive services, we need reproductive health. What about health of the unborn child? Are we going to have the taxpayers pay to destroy the life of an unborn child? The majority in Congress and overwhelming majority of the American people have said no.

That is what our colleague's amendment does. It does not take away a woman's right to choose. It does not outlaw abortion. It just says we should not subsidize it. We should not be using taxpayers' money to provide a fringe benefit in the Federal employees' health care plans to help subsidize the destruction of innocent, unborn children.

So I compliment my colleague for the amendment. I urge my colleagues to support this amendment when we vote.

I yield the floor.

Ms. LANDRIEU. Will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I will be happy to yield on the time of the Senator from California.

Mrs. BOXER. I yield 30 seconds.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Based on the argument he just made, would the Senator from Oklahoma then be in favor of repealing all tax benefits—tax subsidies or tax benefits to corporations in America that offer general health care plans to their employees?

Mrs. BOXER. Those that include abortions.

Mr. NICKLES. The answer to your question is no.

Ms. LANDRIEU. I would argue then that this argument makes no sense because this Senate and this Congress gives hundreds of millions, billions of dollars in subsidies to corporations all over this world that provide health care benefits. I will also argue that the Senator from California is correct; this is picking on a small group of employees.

Mrs. BOXER. I yield an additional minute to my friend.

Ms. LANDRIEU. In my mind, this amendment is not really about abortion one way or the other. It really is about the rights of employees, our employees who we are supposed to protect and treat fairly, men and women alike. It is not about direct subsidy. This is their wages that they earn, that they use to pay for their health care benefits. Since we give subsidies to all corporations everywhere, why can't we help our own employees for something that is legal? I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 6 minutes 32 seconds. The Senator from Ohio has 10 minutes 23 seconds.

Mrs. BOXER. I yield 2 minutes to my friend from Minnesota. Before I do, I want to make a point. If you heard the Senator from Oklahoma, you heard it right. He says abortion is not a health fringe benefit. He says it is taking the life of an unborn child. In other words, in his opinion it is murder.

Unfortunately for my friend—

Mr. NICKLES. Will the Senator yield?

Mrs. BOXER. I will yield on your time. I am happy to yield on your time. I will yield on your time.

Mr. DEWINE. I yield the Senator 30 seconds.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 30 seconds.

Mr. NICKLES. Through the Chair, I want to caution my colleague. I have been close to making a rule XIX order. It is against the rules of the Senate to impugn the motives or the intentions of Senators, and the Senator from California has been very close to doing that, both to the Senator from Ohio and now to the Senator from Oklahoma. I wanted to make her aware of that.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mrs. BOXER. Let me strongly disagree with my friend from Oklahoma. I am merely quoting him. I would be happy to ask the Chair to have read back his exact quote. He said abortion is not a fringe benefit. It is taking the life of an unborn child. Therein lies this debate. That is what he believes. He has said it in his own words.

I say to him that a woman's right to choose is legal. It is a legal health benefit for her to have that option. And to take it away from 1.2 million women who happen to be Federal employees and then to stand up here and say no, you wouldn't take it away from women who work for corporations, even though they get billions of dollars in subsidies, is an inconsistent position, in my view.

I yield 2 minutes to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, thank my colleagues for speaking on this. I actually will be very brief. I just want to make one point.

The Senator from Ohio is a good friend. We have worked together on many issues. I just see it a little differently.

I really do believe we are talking about a health benefit that the Federal employees have negotiated. This is a part of their package. It is the same thing as the salary they make.

What the Senate is trying to say to employees, or workers, is we are going to take away that benefit. We are going to take away your health benefit. From the point of view of a lot of working people and from the point of view of just thinking about it, from the point of view of employers and employees, I do not think that is what we should be doing. I do not think that is what we should be doing. I think it is a mistake in terms of what kind of respect we have for labor. I think it is a mistake in terms of the kind of respect we should have for employees. I do not think on the floor of the Senate we should try to take action to take away a benefit, a very important benefit—access to abortion services—from Federal employees. I think that is a profound mistake. I hope my colleagues will vote against this.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, not to take time, but I ask unanimous consent that Rachel Gragg and Ben Highton, who are two fellows, be granted the privilege of the floor. I reserve the remainder of our time.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from California has 3 minutes 46 seconds. The Senator from Ohio has 9 minutes 58 seconds.

Mrs. BOXER. May I ask if the Senator would like to use his time?

Mr. DEWINE. I see no speakers on our side. I am not prepared to yield back, but we are getting down to the closing at this point.

Mrs. BOXER. I yield a minute and a half to Senator ROBB.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. ROBB. Mr. President, I have not been present for all of the debate this time, but this issue has been before us many times in the past. I stand to oppose the amendment and to speak on behalf of the 1.2 million Federal employees who would be directly affected by the amendment. If this amendment were to pass, it would take away their health benefit rights which have been negotiated. The bottom line is, and I say this as one who represents a disproportionate number of Federal employees, this would make Federal employees, women who are eligible for this health benefit, second-class citizens. It would deny to them a benefit that is available to every other woman under every other private health plan that chooses to offer such coverage. I think it would be wrong.

I reserve the remainder of the time, and I thank the Senator from California and the Senator from Washington for their extraordinary leadership, again, on this very important issue.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Will the Senator from Ohio yield me 3 minutes?

Mr. DEWINE. I yield the Senator from Utah 3 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. BENNETT. Mr. President, I shall try to stay out of the more contentious part of this debate. But there is a point I think I have to make which has to do with the whole health care issue. That is, the health care system in this country is based on employer choice, not individual choice. I have spoken out against that. I did it during the debate on the Clintons' health care program. I have not made much headway, but this debate gives me the opportunity to point out, once again, that the benefits in a health care plan are always determined by the employer and not by the employee.

During the debate over the Clinton health care plan, people would say we should give everybody the same plan that you Senators have. I responded by saying I wish I had the same plan I had before I came to the Senate because I worked for an employer who gave me a better deal than the health care plan adopted by the Federal Government. I happened to be the CEO of that company. I, therefore, had something to say about what that deal would be.

I know of health care plans that deny pregnancy benefits. I would not want to work in such a place, having fathered six children. I took great advantage of the pregnancy benefits. But an employer could say and does often say: We can't afford pregnancy benefits. If

you are going to have a baby, you are going to have to pay for it yourself.

Fortunately, during the period of time when I had no health care coverage because my employer could not afford it, we did not have any children. We had our six children under plans that provided pregnancy benefits. But it is not unusual for benefits to vary from company to company, from employer to employer, and for the employer to make the decision.

The decision will be made on the basis of the conscience of individual Senators. But let us understand that as the employers of Federal employees, we are not engaged in any unusual activity to make a decision as to which procedures will be covered and which will not, and there are a whole host of procedures in the Government health care plan that are not covered for which other plans pay.

That is the way the system works. I would like to change the system and give the individual the right to control those dollars absolutely, but I know of no program under our current tax laws where that is done, except in the case of the self-employed. Unfortunately, within this Chamber, we have made the decision not to allow the self-employed to deduct the entire cost of that decision.

I add those particular facts to this debate, trying to stay out of the more emotional side of it. I yield the floor.

Mrs. BOXER. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. The Senator from California has 2 minutes 21 seconds.

Mrs. BOXER. I yield myself such time as I might consume.

Mr. President, abortion is legal in this country, and I know there are many on the other side particularly who do not like that. But it is legal. It is a health procedure that impacts on the rights of women, and the Supreme Court has said over and over it is legal.

This amendment by the Senator from Ohio, supported by the Senator from Pennsylvania and others, picks on women. It picks on a procedure only a woman would need. And it says to that woman: You cannot use your own health insurance to access the health care system for a procedure that you decide you want to have because it is legal in this country.

This amendment does not say you cannot use your health care insurance for a vasectomy. It does not target men and say you cannot use your own health insurance for a vasectomy. Some may not like that procedure. It does not say you cannot use your health insurance for Viagra. No, it picks on women, 1.2 million women.

My friend from Louisiana pointed out that corporations all over America offer their employees this benefit. We subsidize them every day with tax breaks and sometimes even direct payments, and yet we do not touch them.

We are picking on 1.2 million women who work for the Federal Government. It is wrong. These are good women. These are hard-working women. They deserve equal rights. They deserve dignity.

I hope some are listening to this debate and will come over and vote no, or if I move to table, will vote aye to table this amendment.

I reserve whatever few seconds I may have left.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I yield myself such time as I may consume. How much time is available?

The PRESIDING OFFICER. The Senator from Ohio has 6 minutes 40 seconds and the Senator from California has 2 seconds.

Mr. DEWINE. Two seconds?

Mr. President, this matter has been debated out, and I believe everyone knows what the issue is. It is really not a question, though, of taking anything away from Federal employees. As I pointed out earlier, my amendment simply maintains the status quo. It keeps the current law. It keeps the law that has been in effect virtually for the last decade, with the exception of a 2-year period of time. It does not take anything away.

It simply says taxpayers' dollars will not be used to subsidize the payment for abortions. The vast majority of the American people do not believe their tax dollars should be used to pay for someone else's abortion. Poll after poll has disclosed that. That is all this amendment does.

My amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest and threats to the life of a mother. That is what the amendment does. It is very simple. We have voted on it time and time again.

I simply ask my colleagues to follow the will of the American people. The American people are the employer in this case. As my colleague from Utah pointed out so very eloquently a moment ago, that is the way every other health plan is determined. The taxpayers of this country have the right to determine this plan, and they have the right to say their tax dollars will not be used to fund abortions.

Mrs. BOXER. Mr. President, I move to table the DeWine amendment.

The PRESIDING OFFICER. The motion to table is not in order while time remains.

Mr. DEWINE. If the Senator wants to yield back her 2 seconds, I am willing to yield back the several minutes I have left.

Mrs. BOXER. Absolutely.

Mr. DEWINE. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I move to table the DeWine amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1200. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—47

Akaka	Feinstein	Lincoln
Baucus	Graham	Mikulski
Bayh	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Campbell	Kennedy	Sarbanes
Chafee	Kerrey	Schumer
Cleland	Kerry	Snowe
Collins	Kohl	Specter
Daschle	Landrieu	Stevens
Dodd	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NAYS—51

Abraham	Dorgan	Lugar
Allard	Enzi	Mack
Ashcroft	Fitzgerald	McConnell
Bennett	Frist	Nickles
Biden	Gorton	Reid
Bond	Gramm	Roberts
Breaux	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Cochran	Hatch	Smith (NH)
Conrad	Helms	Smith (OR)
Coverdell	Hutchinson	Thomas
Craig	Hutchison	Thompson
Crapo	Inhofe	Thurmond
DeWine	Kyl	Voinovich
Domenici	Lott	Warner

NOT VOTING—2

McCain Murkowski

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1200) was agreed to.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

UNANIMOUS CONSENT  
AGREEMENT—S. 1283

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator COVERDELL's needle exchange amendment have 30 minutes of debate, 20

minutes under the control of Senator COVERDELL and 10 minutes under the control of Senator DURBIN, at the end of which time Senator COVERDELL will withdraw the amendment; Senator DURBIN's tuition assistance program amendment have 30 minutes of debate, with 20 minutes under the control of Senator DURBIN and 10 minutes under the control of Senator HUTCHISON, at the end of which time the amendment will be withdrawn; Senator DURBIN's sense-of-the-Senate amendment on D.C. quality of life, with 15 minutes under control of Senator DURBIN and 5 minutes under the control of Senator HUTCHISON, at the end of which time there will be a voice vote; Senator DASCHLE's Rock Creek Park amendment, with 20 minutes under the control of Senator DASCHLE, at the end of which time there will be a voice vote; two amendments by Senator DORGAN, with 5 minutes on each, controlled by Senator DORGAN, at the end of which time they will be accepted by managers; managers' amendments, and then a voice vote on final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—continued

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there are a number of amendments that Senator CAMPBELL and I have discussed, which we are prepared to accept. He has a number of them he will mention.

Let me mention the amendments by number that we are prepared to accept:

No. 1209, by Senator HARKIN, and he will be modifying that in a moment; amendment No. 1213, by Senator TORRICELLI; amendment No. 1212, by Senator WELLSTONE; amendment No. 1198, by Senator ENZI.

My understanding is that the remaining amendments that are pending will be withdrawn. My understanding, also, is that there is no request at this point for a recorded vote on final passage.

I am happy to yield to the chairman, Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, the amendments Senator DORGAN mentioned have been cleared with the majority, and we are prepared to accept them.

Mr. DORGAN. Mr. President, I amend that to say that the Torricelli amendment, No. 1213, will be accepted as modified, and it is the same case with the Harkin amendment, No. 1209, as modified. That has been cleared on both sides of the aisle.

My understanding, at the moment, is that Senator SCHUMER from New York is not able to clear the Torricelli sense-of-the-Senate amendment No. 1213.