

The PRESIDING OFFICER. The pending business is H.R. 1122, as amended.

Mr. HELMS. 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 bill having been read the third time, the question is, Shall the bill pass?

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 64, nays 36, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—64

Abraham	Faircloth	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Moynihan
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Byrd	Hatch	Santorum
Campbell	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Conrad	Hutchison	Smith (OR)
Coverdell	Inhofe	Specter
Craig	Johnson	Stevens
D'Amato	Kempthorne	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Domenici	Leahy	Warner
Dorgan	Lott	
Enzi	Lugar	

NAYS—36

Akaka	Feinstein	Lieberman
Baucus	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Collins	Kerry	Snowe
Dodd	Kohl	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Levin	Wyden

The bill (H.R. 1122), as amended, was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I wish to explain my vote today on H.R. 1122, the partial-birth abortion ban.

As with many of my colleagues, this was not an easy decision. Virtually every Senator who has participated in the debate has noted his or her abhorrence to the procedure.

I respect the views of Senators on either side of this issue. I have chosen to speak after the vote because this is a decision each Senator must decide for himself or herself.

My own decision was not easy, in part, because this bill may have no practical effect on abortions in this

country. It is likely that doctors wishing to perform later-term abortions will simply choose another option.

As I repeated last week, this is not a ban of abortion; it is a ban of a specific procedure.

It is not an easy decision because I favor a woman's right to consult the physician of her choice to decide the most appropriate course of action on matters directly affecting her health and her most personal circumstances.

This decision was not easy because, in spite of the personal nature of this debate, its complexity, the medical repercussions, and its seriousness, this issue has become politicized to the extent that much of the rhetoric has substantially diminished the potential for real discourse on such an important matter.

The result is that sincere efforts to find common ground have been labeled as "shams," as "political cover," and "deceptive" by many who passed judgment without having even read the legislation.

Perhaps because my expectations were much too high, my greatest disappointment is reserved for some officials in the Catholic Church, especially in my State, for whom I had great respect and from whom I was given initial encouragement for my efforts. Their harsh rhetoric and vitriolic characterizations, usually more identified with the radical right than with thoughtful religious leadership, proved to be a consequential impediment to the decision which I have made today. It was most instructive.

This was not an easy decision, because it is highly likely that H.R. 1122 will be declared unconstitutional should it be enacted into law.

The Supreme Court has been very clear in regard to two issues concerning abortion.

First, prior to the viability of a fetus, a woman's ability to choose to terminate her pregnancy is a fundamental constitutional right and cannot be abrogated. The Court has ruled that the Government cannot impose an undue burden on a woman who wishes to terminate her pregnancy with an abortion, prior to the viability of the fetus. Second, that after a fetus is determined to be viable, it can be given protection, so long as it does not endanger the life or health of the mother.

On both principles, the bill just passed appears to be in conflict with numerous Supreme Court rulings.

Yet in spite of the difficulty in coming to my decision, I voted in favor of its passage because I still desire to find common ground with those outside the extremes who truly hope to resolve the issue in a constructive and meaningful way.

I will continue to insist that any common ground approach fall within the constitutional parameters which protect a woman and respect the legitimate concerns for her health. But I will consider other proposals which accommodate that need in a manner more effective than mine.

My hope is that we can get beyond this debate to find a lasting, more acceptable legislative response. Recurring efforts to pass and veto a bill which is likely to be found to be unconstitutional only delays meaningful progress in an effort to ban not just one procedure but all of them once a fetus is viable.

Failure to find common ground leaves little choice but to accelerate the legislative process to allow the earliest review of the law by the Supreme Court. Its determination of the questionable constitutionality of this approach will guide us and will certainly force those unwilling to compromise now to a more conciliatory position later.

Our Nation must find the solution to this deeply vexing, moral problem which has persisted in dividing us.

Let us not give up hope.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

RILEY ANNE CZARTORYSKI

Mr. CRAIG. Mr. President, I certainly respect the comments of my colleague, and I will leave it at that because at this moment I would like to announce to my fellow Senators a joyous event in my family.

Yesterday afternoon at 4:46 my daughter, Shae Czartoryski, with the help of her husband Jeff, gave birth to our first grandchild—Suzanne Craig's and Larry Craig's first grandchild—a beautiful baby girl by the name of Riley Anne Czartoryski. She came in at 6 pounds 6 ounces, and 20½ inches long, and yelling her head off.

We are just tickled pink about that.

So, as we talk about life and as we talk about joy, I wanted to share with all of you today a joy in my life, my first grandchild, the first grandchild of our family.

I thank the Chair.

THE PARTIAL BIRTH ABORTION BAN ACT

Mr. DORGAN. Mr. President, I supported passage of the Partial-Birth Abortion Ban Act when it was considered during the 104th Congress and I supported overriding the President's veto of that measure. Today, I again voted in favor of this legislation.

My position on abortion issues is clear. I have consistently stated that I would not support overturning the Supreme Court's decision in *Roe versus Wade*. I support a women's right to have an abortion. I do not think we should turn back the clock and make abortion illegal, but we should work in every way to reduce the number of abortions that are performed.

I have also cast votes in Congress in opposition to using Federal funds to pay for abortions except in cases of life endangerment, rape, or incest.

Today, the Senate again voted on legislation which would prohibit a physician from performing partial-birth

abortions, a procedure in which a fetus is delivered into the birth canal before its skull is collapsed and delivery is completed. This legislation contains a provision which would make an exception for partial-birth abortions that are necessary to save the life of the mother in cases in which no other medical procedure would suffice.

After careful thought about this issue, I have concluded that I simply cannot justify the use of this specific procedure to terminate pregnancies in which the mother's life is not at stake. For this reason, I voted to support the ban on partial-birth abortions, and I hope that the President will reconsider his decision to veto this measure and sign it into law.

Mrs. MURRAY. Mr. President, I rise today to express deep regret at the passage of H.R. 1122, the so-called partial birth abortion bill. I find it appalling that the U.S. Senate will enact legislation that is not just an attack on choice, but more importantly an assault on a woman's reproductive health.

I had hoped that the Daschle amendment, which I cosponsored, would address the alleged concerns about unnecessary abortions being performed after viability. This amendment was a reasonable approach and would have met the State objective of preventing late-term abortions on healthy fetuses when there was no serious threat to the life or health of the mother. However, it has become obvious what the real agenda is; to chip away at the guarantees and protections afforded to all women by the Supreme Court. Those on the other side have now solicited the American Medical Association [AMA] in their efforts to undermine Roe versus Wade and to jeopardize the health of women.

The AMA has simply cut a deal which unfortunately does not include women's reproductive health. They have acted in such a way to protect their interests and not the interest of their patients. Their announcement does not in any way change the intent of this legislation nor does it do anything to address the concerns about women's health. It is simply a political, calculated decision.

During the 104th Congress, there were 53 floor votes attacking reproductive health. Today's vote is simply a continuation of this attack. In the 104th Congress we witnessed attacks on title X, international family planning, and access to save and legal abortion coverage for Federal employees and military personnel. This is not about preventing late-term abortions, this is about preventing a women's and physician's right to determine their own health care needs. They will not stop here. This attack will continue until all abortions, regardless of viability or the life and health of the mother are illegal. Today, we have taken a huge step backward.

Since joining the Senate Labor and Human Resources Committee, I have

heard from numerous groups representing physicians and from numerous doctors from Washington State. I have been told repeatedly that Congress must act to prevent the further eroding of the patient-doctor relationship currently taking place in the managed care delivery system. I have heard numerous stories about physicians who are unable to prescribe the appropriate treatment for their patients because insurance companies have determined this treatment too costly or not necessary. I have always agreed that doctors should be making health care decisions, not insurance companies. I now am baffled as to why the AMA would want the U.S. Congress to dictate what treatment options physicians can use to save the life and health of their female patients. Today's action invites the U.S. Congress into the operating room and appears to have the blessing of the AMA.

I am grateful that there is one last line of defense; the President's veto. I am hopeful that the President will act swiftly to veto this offensive and threatening legislation and that we will do the right thing and sustain this veto.

Mr. ENZI addressed the Chair.

THE PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 765 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Concurrent Resolution 27, the concurrent budget resolution, and I might indicate that we conferred with the ranking minority member and he concurs in this consent request.

THE PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence

and use of small electronic calculators be permitted during consideration of the fiscal year 1998 concurrent resolution on the budget and any conference report thereon.

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

Mr. DOMENICI. Mr. President, I ask unanimous consent for full floor privileges be granted to the following members of the Budget Committee staff: Austin Smythe and Ann Miller.

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

Mr. DOMENICI. That is for the duration of the discussion on the resolution.

I ask unanimous consent that the staff of the Senate Committee on the Budget including congressional fellows and detailees from the executive branch named on the list I now send to the desk be permitted to remain on the Senate floor during consideration of Senate Concurrent Resolution 27 and any conference report thereon.

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

The list is as follows.

SENATE BUDGET COMMITTEE—MAJORITY STAFF TITLE LIST

Scott Burnison, Budget Analyst.
Amy Call, Communications Assistant.
Jim Capretta, Sr. Policy Analyst.
Lisa Cieplak, Sr. Analyst for Education and Social Services.
Kay Davies, Legislative Counsel.
Kathleen Dorn, Administrative Director.
Beth Smerko Felder, Chief Counsel.
Alice Grant, Analyst for International Affairs.
Jim Hearn, Sr. Analyst for Government Finance and Management.
G. William Hoagland, Majority Staff Director.
Carole McGuire, Assistant Staff Director, Director of Appropriations Activities.
Anne Miller, Director of Budget Review.
Mieko Nakabayashi, Staff Assistant.
Cheri Reidy, Sr. Analyst for Budget Review.
Ricardo Rel, Sr. Analyst for Agriculture and Natural Resources & Community Development.
Karen Ricoy, Legal Assistant.
Brian Riley, Sr. Analyst for Transportation and Science.
Michael Ruffner, Sr. Analyst for Income Security and Veterans.
Andrea Shank, Staff Assistant.
Amy Smith, Chief Economist.
Austin Smythe, Assistant Staff Director, Director of Budget Process and Energy.
Bob Stevenson, Communications Director.
Marc Sumerlin, Fellow.
Winslow Wheeler, Analyst for Defense.

Mr. DOMENICI. Mr. President, I note the presence of Senator LAUTENBERG in the Chamber and I wonder if he might join with me in at least discussing with the Senate how we might try together to be as helpful to fellow Senators yet move this resolution along as expeditiously as possible.

From my standpoint, I do not believe my opening remarks and the opening remarks of any Members that I am aware of who want to speak in favor of the resolution should take any longer than 1 hour. I am not holding anyone to that but just sort of indicating to