

giving them in a marriage tax penalty does not make sense to me.

I certainly hope I will be able to offer this at the appropriate time. I want to make sure we are doing everything we can for the Armed Forces of our country. I hope the distinguished majority leader will allow making permanent the marriage tax penalty bill a priority for this session of Congress.

I thank the Chair. I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. DASCHLE. Mr. President, over the course of the last hour or so, I have had a number of conversations with the distinguished Republican leader and the chairman and ranking member of the Armed Services Committee. We have been discussing how we might proceed on the Defense authorization bill.

I know there are Senators on both sides of the aisle who have amendments they would like to have considered, and they are certainly within their rights to offer these amendments.

My concern is that if we find ourselves in debates on unrelated issues for an extended period of time, there is the real danger that we will not finish our work prior to the time we leave next week. I have already indicated publicly and privately to anyone who is interested in the schedule that we must finish this bill before we leave. That is an absolute necessity. So I do not want any Senator to complain about any misunderstanding they may have. I want to be as clear and unequivocal about that as I can: We will finish this bill before we leave.

As we have discussed how we might ensure that happens, of course one option would be to file cloture. Unfortunately, there are defense-related amendments that may be relevant and may be related to the Defense bill but not technically germane.

I have consulted with the Republican leader, and we have concluded, with the support of the chairman and ranking member—and I thank both of them for their willingness to support this effort—we have concluded that we will move to table or make a point of order against any amendment which is not defense related from here on out in this debate. We do it regretfully because we oftentimes are supportive of some of these amendments on both sides.

I know an amendment was going to be offered on marriage tax penalty, and I know some of my Republican col-

leagues and perhaps Democratic colleagues would be interested in the amendment. There are amendments on this side that I will move to table that I would otherwise support.

We have come to the conclusion that the only way we can complete our work is by taking this action. So I am announcing at this point that from here on out, all amendments that are not related to the Defense bill are amendments that either Senator LOTT or I or our colleagues on the Armed Services Committee, Senators LEVIN and WARNER, will move to table or will file a point of order against.

I want to notify all of our Senators that will restrict significantly the opportunities they have to offer additional amendments, but we intend to follow through, and we hope that sends a clear message. We want to complete our work. While we respect Senators' rights to offer amendments, we need to get this legislation done.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I concur with this agreement, and I will support it. The leadership on both sides of the aisle and the managers of the legislation on both sides of the aisle will support this effort.

There is no more important issue for us to deal with right now than to pass the Defense authorization legislation that is necessary for our military men and women to do their job, including the equipment they need, the pay they need, and the quality of life they need, both here and when they are abroad. So we need this Defense authorization bill.

We have already passed the supplemental appropriations to pay for some of the costs of the war against terror, particularly with regard to our efforts in Afghanistan but other places also. Now this will do the Defense authorization for the next fiscal year.

These bills are never easy. In fact, they are always hard. Year after year, though, under the leadership of Senator WARNER and now with Senator LEVIN, we have done it. We need to do it again. It should be our highest priority.

I have urged that this legislation be moved at a time when we can get it done before the July 4 recess. Senator DASCHLE has called it up in a timely way. Now we see that without this agreement between now and when Senator DASCHLE would probably have to file cloture and then get cloture sometime next week, the amendments that would be brought up on both sides of the aisle would be, more often than not, nongermane to the Defense bill.

Senator DASCHLE is right, one of the first ones right out of the box I am for. I think we ought to make the cuts in the marriage penalty tax permanent, unequivocally. There are young men and women who are married or want to get married and want to know what they can count on. We ought to do that, and I am looking forward to find-

ing a way to vote on that again as I did last year.

Having said that, it is not germane to this bill. There will be other amendments that can be offered on both sides of the aisle that are not germane. They may be good and we need to consider them, and maybe we can find a way to consider them, but we have important work to do. It is not as if this Defense authorization bill does not have more amendments that will need to be considered. There are a couple of big ones that I know of, maybe more than a couple—I would say more like five or six. So we have our work cut out for us to finish this bill on its substance, on relevant amendments, in order to finish this work in a reasonable time on Thursday and hopefully in such a way that we could get an agreement to proceed on the Yucca Mountain issue.

I know Senator REID would just as soon I talked all day and not said that, but we have work to do and then we have work to do after that.

I support this effort. I think it is the right thing. I thank Senator WARNER for going to Senator LEVIN. They talked about this and then came to us and suggested this was the right thing to do, and I certainly concur. I commend them for being willing to take that stand.

By the way, this is good precedent. We might want to consider managers doing this on other bills when they are basically attacked by nongermane amendments to the underlying bills. If the manager will stand up on both sides of the aisle and say we are going to table this or we are going to make a point of order because it does not relate to this very important issue we are considering, we can move our legislation a lot quicker. There are culprits on both sides, and sometimes I am one of them, but in this case it is the right thing to do and maybe it will set a pattern for us for the rest of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I do not wish to precede my chairman, but I want to make sure I say this while both leaders are on the floor. The distinguished majority leader talked in terms of relevancy; the minority leader spoke in terms of germaneness. My understanding is that the standard is relevancy to be decided by the chairman and the ranking member in this case, and we will exercise that fairly but very firmly. We are committed. When I approached the chairman with this proposition, I said I will move to table on our side, he will move to table on his side or make points of order, as the case may be.

The distinguished Republican whip participated in the conversations, and I judge that what I am saying is consistent with all who are listening at this time.

Mr. NICKLES. Absolutely.

Mr. WARNER. I thank the leadership. This goes back to the days when

I was privileged to be in the Senate with Senator Stennis, who will always be the person who started me on this course of action; that is the way he worked. That is the way John Tower, Barry Goldwater, Scoop Jackson, and those who preceded us worked when it came to the issues of national defense. They managed those bills with great skill, and less dependence, of course, on cloture. I hope this will be the direction in which we will move.

Mr. LOTT. Will the Senator yield for two points?

Mr. WARNER. Yes.

Mr. LOTT. I think Senator DASCHLE was very careful to say this would not apply to the Defense authorization relevant amendments. There are some that could be offered that they might prefer they not be offered, but they would relate to military hospitals, for instance, as opposed to germane ones, which would clearly be eliminated by a cloture vote. Several of the amendments that have been pending or are being considered, or suggested would be offered, clearly were not relevant or germane.

The other thing is, I really was impressed when the Senator referred to a fellow Mississippian, John Stennis, whom I had the honor of succeeding.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank our leaders. It is a very difficult and challenging job to be leaders in this instance. They have proven so many times over the years and proven it again this afternoon the importance of taking a very difficult step, but it is a necessary step if we are going to get the bill passed.

I heard Senator WARNER with his commitment, and I join him in making that commitment that we will move to table or otherwise make a point of order against amendments which are not relevant to this Defense bill. It is a better approach than a cloture approach because at least relevant amendments which are not technically germane but are relevant to defense will be offered and will not be tabled because of any agreement between us.

I also thank our whips. Senator REID, as always, is right there helping to make the wheels move and to grease those wheels, as well as Senator NICKLES. I thank the two of them, but again thank our two leaders for taking this very difficult step and committing to either table or make a point of order against amendments which they may very strongly support. That will go for Senator WARNER and myself. I know of a bunch of them already that I very strongly support but because of the need to get this bill passed I will be constrained to move to table or make a point of order.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues for their comments and their support for this agreement. The Senator from Virginia made

a constructive suggestion that the two of them be the determinants of relevance, and I think that is a very appropriate way to proceed. We will have our managers make that decision, and I will stand behind the decision our managers make on these amendments.

Given that understanding, let me say it is our understanding Senator MURRAY's amendment having to do with military hospitals will be offered shortly. I would not expect that the debate on the amendment would be completed tonight, but I would expect that the vote would be sometime tomorrow morning. I do not want that amendment to be all we do for the remainder of the week. So hopefully we can dispose of the amendment either tonight or tomorrow. We will consult with her on how much time may be required. We have debated this before. We have had votes on this on many occasions. So it would be my hope that we would not have to debate it at length, but we will return to the floor to make some announcement about the remainder of the evening and a vote on the Murray amendment either tonight or tomorrow morning.

Given the fact that it is late in the afternoon, I would not be surprised if we would have to wait until tomorrow morning, but there may be hope we can complete it within a couple of hours. So we will consult with colleagues on both sides of the aisle with regard to the Murray amendment.

Senators may lay their amendments down. We will see if we can get a unanimous consent agreement on the Murray amendment. If there is the possibility of reaching agreement on time on the amendment, that vote will still occur tonight.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3927

Mrs. MURRAY. Mr. President, I am hoping we will have an agreement and I will be able to offer my amendment shortly, so we can have a time agreement tonight and hopefully move to a vote on this quickly.

To save time, I will now begin a discussion of the amendment I will offer. I hope to shortly send an amendment to the desk on behalf of myself, Senator SNOWE, Senator MIKULSKI, and Senator BOXER.

Every day since the attacks of September 11, the men and women of our Armed Forces have been working overtime—often in hostile, dangerous environments—to protect our citizens and to secure the freedoms and values that we cherish.

This Department of Defense authorization bill will ensure they have the

equipment and resources they need to protect us.

Surprisingly, as the women of our military fight for our freedoms overseas, they are actually denied some of those freedoms during their service. Here at home, women have the right to choose. They have constitutionally protected access to safe and legal reproductive health services. But that is not the case for military women serving overseas.

So I will this evening offer an amendment to ensure that military personnel serving overseas have access to safe and legal abortion services. As many of you know, I have offered this amendment for the past several years, and I continue to urge my colleagues to support these efforts.

Under current restrictions, women who have volunteered to serve their country—and female military dependents—are not allowed to exercise their legally guaranteed right to choose—simply because they are serving overseas. These women are committed to protecting our rights as free citizens, yet they are denied one of the most basic rights afforded all women in this country.

This amendment does not—and let me stress does not—require any direct Federal funding of abortion related services. My amendment would require these women to pay for any costs associated with an abortion in a military facility.

In addition, this amendment does not—and again let me stress does not—compel a medical provider to perform abortions. All branches of the military allow medical personnel who have moral, religious or ethical objections to abortion not to participate. This amendment would not change or alter conscience clauses for military medical personnel.

This is an important women's health amendment.

Women should be able to depend on their base hospital and military health care providers to meet all of their health care needs. To single out abortion-related services could jeopardize a women's health.

Opponents of this amendment will argue that the military does not ensure access for women. But under current practices, a woman who requires abortion related services can seek the approval of her commanding officer for transport back to the United States. Once in the United States, she can seek these services at her own expense, but she is not afforded medical leave.

In addition to the serious risk posed by delaying an abortion, this policy compromises a woman's privacy rights by forcing her to release her medical condition and needs to her superiors. She must seek and receive the approval of her commanding officer with no guarantee that this information will be kept confidential.

This policy also forces women to seek abortions outside of the military establishment in foreign countries. Many

women have little or no understanding of the laws or restrictions in the host country and may have significant language and cultural barriers as well.

In this country, we take for granted the safety of our health care services. When we seek care in a doctor's office or clinic, we assume that all safety and health standards are adhered to. Unfortunately, this is not the case in many countries.

From 1995 until 2000, the previous administration and former Secretary of Defense Cohen supported this amendment. They argued it was an important protection for military personnel and dependents. They did not assume there would be any difficulty carrying out this requirement. They were confident that the Defense Department would be able to determine the cost of these services as well as ensure the availability of providers.

The Department of Defense has been on record in the past in support of this amendment by stating that it was unfair for female service members serving in overseas location to be denied their constitutional right to the full range of reproductive health care. Despite the support of the previous administration, opponents still argued that allowing privately funded abortions in overseas military facilities was somehow beyond the abilities of the Department.

Opponents have argued that there is no way to determine the costs of these services, despite the fact that private hospitals must determine per-unit costs of per-procedure costs, every single day. Opponents also argued that the military might have to contract for these services and assume liability for these contractors. This is no different from what the Department does for all military personnel. If a neurosurgeon or highly trained specialist is required to meet the needs of our military personnel, the Department can and does contract for these services and of course insures the quality of these services by assuming the liability.

I remind my colleagues that prior to 1988, the Department of Defense did allow privately funded abortions at overseas military facilities. Clearly, it can be done. I should also point out that it must be done today in certain circumstances.

Under current law, the Department allows for privately funded abortions in the case of rape or incest. It also may pay for abortions in case of life endangerment.

For our opponents to argue that the Department cannot handle or does not want to be responsible for providing privately funded abortions at overseas military facilities, is to argue that the Department cannot protect military personnel and dependents who have been raped, who are a victim of incest, or whose life is endangered.

Is this what we are saying to the estimated 100,000 women who live on military bases overseas?

Regardless of one's view on abortion, it is simply wrong to place women at

risk. Ensuring that women have access to safe, legal, and timely abortion related services is an important health guarantee. It is not a political statement. It is essential that women have access to a full range of reproductive health care services.

This amendment has been supported by: the American College of Obstetricians and Gynecologists, the American Medical Women's Association, Physicians for Reproductive Choice and Health, Planned Parenthood of America, National Family Planning and Reproductive Health Association, and the National Partnership for Women and Families. These organizations support this amendment because of its importance to women's health care.

I would also like to read a letter I recently received from retired General Claudia Kennedy, the Army's first woman three-star general. Before she retired in June 2000, she was the highest ranking female officer of her time. She writes:

DEAR SENATORS SNOWE AND MURRAY: I am writing to express my support of your efforts to amend the National Defense Authorization Act for Fiscal Year 2003 to ensure that servicewomen and military dependents stationed overseas have the ability to obtain abortion services in U.S. military medical facilities using their own, private funds.

The importance of access to abortions for military women has not been discussed in public media very often, since many of the issues that related to non-military women also are a part of the social and medical environment of military women. However, some distinctions do exist, making it imperative that our soldiers have access to safe, confidential abortion services at U.S. military hospitals overseas. Let me just relate an experience of one of my soldiers about 15 years ago.

I was a battalion commander of an intelligence battalion in Augsburg, Germany from 1986 until 1988. One day a non commissioned officer (NCO), who was one of the battalion's senior women, came into my office and asked for permission to take a day off later in the week and to have the same day off for a young soldier in the battalion. She said the soldier was pregnant and wanted an abortion—yet had no way to have an abortion at the U.S. Army medical facility in Augsburg. She had gotten information about a German clinic in another city, and they were going there for the procedure. The soldier did not have enough money to return to the USA for the abortion. Further, she did not want to have to tell her predicament to her chain of command in order to get the time and other assistance to go to the States. I told the NCO to go with her and to let me know when they had returned.

Later the NCO told me that the experience had been both mortifying and painful. . . . no pain killer of any sort was administered for the procedure; the modesty of this soldier and the other women at the clinic had been violated (due to different cultural expectation about nudity); and neither she nor the soldier understood German, and the instructions were given in almost unintelligible English. I believe that they were able to get some follow up care for the soldier at the U.S. Army medical facility. But it was a searing experience for all of us—that in a very vulnerable time, this American who was serving her country overseas could not count on the Army to give her the care she needed.

During that same time frame, and in the early 1990's when I was a brigade commander

of an intelligence brigade in Hawaii, I noticed that there were Army doctors who displayed posters which were extremely disapproving of abortion . . . creating a climate of intimidation for anyone who might want to discuss what is a legal option. Since the doctors are officers and far out-rank enlisted soldiers, and since the soldiers have no way to choose which doctor they see on sick call, it was only with good luck that a young soldier might be seen by someone who would treat her decision with the respect she deserved.

What makes the situation of a soldier different from that of a civilian woman? She is subject to the orders of the officers appointed over her. Every hour of her day belongs to the U.S. Army, and she must have her seniors' permission to leave her place of duty. She makes very low pay and so relies on the help of friends and family to pay for travel for medical care that is not given by the Army.

Of all the reasons we lose soldiers we lose soldiers from their place of duty (for training, injuries, temporary duty elsewhere, and other reasons), pregnancy accounts for only 6% of all reasons for soldier absence. Yet, this feature of women (that they sometimes become pregnant) is offer cited as an attribute that makes them less desirable as soldiers. While I believe that the difficult decision to end a pregnancy should be completely individual, the institution cannot have it both ways: to deny women safe and reasonable access to abortion (in a world in which there is no 100% effective birth control), and at the same time to complain that women are pregnant.

I commend your efforts to remove this irrational and harmful barrier to the health and well-being of our soldiers serving America.

Madam President, I could not have said it better myself. Our female military personnel deserve better than what they are getting. As we send out troops into the war on terrorism to protect our freedoms, we should ensure that female military personnel are not asked to sacrifice their rights and protections as well.

I recognize the urgency in passing the fiscal year 2003 Defense authorization bill. It provides important support for our military personnel and infrastructure.

I thank the chairman and ranking member of the Senate Armed Services Committee for their efforts to move this legislation.

I stand ready to support whatever measures we need to consider to ensure that our military is ready to respond to this new world threat.

I only ask that female military personnel and their dependents be given the support they deserve when serving in overseas military locations.

I yield the floor at this time.

Again, I will offer my amendment as soon as we have a time agreement. Hopefully, that can be very soon because I know we want to vote on this and move on.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, for the information of Members, what we are going to try to do tonight is make sure that everyone who has anything to say about this amendment has the opportunity to speak. Whether you are for it

or against it, come over and tell us how you feel. The majority leader has indicated we will schedule a vote in the morning. We are trying to work that out now with him, but probably around 9:45 in the morning.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent that there be 60 minutes for debate tonight with respect to the Murray amendment No. 3927, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment, prior to a vote in relation to the amendment; that when the Senate resumes consideration of the bill on Friday, June 21, following the opening ceremony, the time until 9:45 be equally divided and controlled in the usual form; that at 9:45 a.m., without further intervening action or debate, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Madam President, reserving the right to object, I just got a call in of somebody who may want to speak. If we can hold this for a minute, I think we can check it out.

Mr. REID. Why don't we just increase the time to 90 minutes?

Mr. BROWNBACK. I need to check this out, if I can. I will object at this point, but I hope we can get it done quickly.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, we require an awful lot from our service men and women. First of all, we urge them to volunteer to serve in the military. Then, we send them all over the world to serve our Nation's interests. When we ask them to serve in foreign countries, the least we can do is ensure that they receive medical care equal to what they would receive in the United States.

Service women and dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by an English speaking doctor in a modern, safe American medical facility.

Military women stationed overseas do not have the same opportunity. They can seek the permission of their commanders to return to the United States to obtain an abortion, or they can seek an abortion in foreign hospitals by foreign doctors, many of whom don't speak English, and who may have different medical standards. These choices are not acceptable.

I can only imagine how difficult it would be for a female officer or enlisted person to have to go to her commander and ask for time off to travel to the United States to get an abortion. This is a very personal and difficult decision even under normal circumstances.

The alternative of seeking an abortion from a host nation doctor, who may or may not be trained to U.S. standards, in a foreign facility, where the staff may not even speak English, is an equally unacceptable alternative. Our servicewomen deserve better.

Our laws recognize the right of women to choose. This amendment would restore the ability of our female service members stationed overseas to exercise their constitutional right to choose safe abortion services at no cost to DOD.

The amendment to be offered does not require the Department of Defense to pay for abortions. All expenses would be paid by those who seek the abortion. The abortions would be performed by American military doctors who volunteer to perform abortions.

Military women should be able to depend on the military for quality health care, no matter where we may ask them to serve their country. This amendment gives service women stationed overseas the same range and quality of medical care available in the United States. We owe them at least that much.

I hope soon there will be a unanimous consent agreement entered into that would allow Senator MURRAY then to offer her amendment on this subject. I hope tomorrow morning we can expect a vote on this amendment and that the Senate will adopt the amendment.

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I just received a communication from the leadership. May I have another 3 or 4 minutes?

Mr. REID. Of course. 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, I ask unanimous consent that there now be a period of 60 minutes for debate with respect to the Murray amendment No. 3927; that the debate be completed tonight; that the time be equally divided and controlled in the usual form; that no amendment be in order to the amendment prior to a vote in relation to the amendment; that on Friday, June 21, when the Senate resumes consideration of the bill at 9:30 a.m., the Senate vote, without any intervening action or debate in relation to that amendment.

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

Mr. REID. Madam President, for the information of all Members, the chairman and ranking member of the committee of jurisdiction of this matter have a very important committee meeting at 9 o'clock tomorrow morning. We asked them if they would allow us to go forward with the vote at 9:45 a.m., and they said they have a very important witness, Secretary Wolfowitz. They agreed to that 15 minutes.

I indicate to the two managers of the bill, we will drag this vote out so they can stay at their meeting until 9:45 a.m. or a little longer. We are not going to stick to our usual iron-fast rule that the votes are completed quickly. This vote might take 30 or 40 minutes.

Mr. WARNER. Madam President, I thank the distinguished leader. Yes, we are having a very important hearing, but I am certain we could determine a point during the course of that hearing and the time normally allowed for the vote for us to adjourn for, say, 10 minutes, so that all of our members could vote and return to the hearing. I am sure the chairman would agree to that.

Mr. REID. We hope everyone will get here as quickly as possible. That being the case and this having been agreed to, there will be no rollcall votes tonight. The majority leader asked me to make that announcement.

Mr. WARNER. The time under our control will be controlled by the distinguished Senator from Kansas.

Mr. REID. And the time on this side will be controlled by the sponsor of the amendment, Senator MURRAY.

AMENDMENT NO. 3927

Mrs. MURRAY. Madam President, I call up amendment No. 3927 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Ms. SNOWE, proposes an amendment numbered 3927.

Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore a previous policy regarding restrictions on use of Department of Defense facilities)

On page 154, after line 20, insert the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “RESTRICTION ON USE OF FUNDS.—”.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask the Senator from New Jersey how much time he wants.

Mr. CORZINE. Five minutes at the most.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from New Jersey, and then we will go to the other side.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I rise today in support of the Murray-Snowe amendment to the Department of Defense authorization bill.

As the Senate considers this authorization bill of great importance to our military, one that I support, and I think most Members will, it is critical to guarantee U.S. servicewomen and military dependents access to safe and comprehensive reproductive health care services.

Current law prevents women in the military from using their own money to access abortion services at overseas Department of Defense facilities, except in the cases of life endangerment, rape, or incest.

Frankly, I think it is an outrage that women in the military—who make the ultimate commitment to this country—are in turn denied a freedom protected by the Constitution and afforded all women in this country. It is hard for me to imagine.

This ban discriminates against women and their families by restricting their legally protected right to choose simply because they are stationed overseas.

Surely we do not believe that American citizens who risk their lives in service to this country deserve fewer rights than other Americans enjoy?

Because of the ban on access to abortion services at military base hospitals, women are forced to choose between often-inadequate local health care facilities or sometimes extensive and costly travel. In both cases, the current ban has the effect of severely jeopardizing women's health.

Let there be no exaggeration about the scope of the Murray-Snowe amendment. This is not about federal funding

of abortion. This amendment would simply allow women to use their own private funds to do what they would have the right to do at home, to access services at overseas U.S. military hospitals.

In addition, it will not force providers, doctors or others, to perform abortion services. All three branches of the military already have conscience clauses that will remain intact.

Finally, this amendment respects the laws of host countries.

I urge my colleagues to support our women in the military by supporting this amendment. Surely, women who serve our country have the same rights as those who are here at home in private life. I thank Senators MURRAY and SNOWE for their leadership on the issue. I think it is extremely important that we respect the right of choice.

The PRESIDING OFFICER (Mr. DAYTON). Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, I rise in opposition to the Murray amendment. I think it is regrettable that we would tie up the DOD authorization bill with one of the most contentious issues of our day. Yet that is what is regrettably taking place in this legislation.

On February 10, 1996, the National Defense Authorization Act for Fiscal Year 1996 was signed into law by then-President Clinton with a provision to prevent the Department of Defense medical treatment facilities from being used to perform abortions, except where the life of the mother is endangered or in cases of rape or incest. This provision refers to the Clinton administration policy instituted in January 1993 permitting abortions to be performed at military facilities. From 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger. That had been the longstanding policy.

The Murray amendment, regrettably, which would repeal this culture of life provision, attempts to turn taxpayer-funded Department of Defense medical treatment facilities into, unfortunately, abortion clinics. Fortunately, the Senate has refused to let this issue of abortion adversely affect our armed services and rejected this amendment in the year 2000 by a vote of 51 to 49. We should reject it again this year. It is I think very harmful and wrong that we would hold America's armed services hostage to abortion politics using the coercive power of government to force American taxpayers—that is who pays for these facilities, the American taxpayers—to fund health care facilities where abortions are performed. This would be a horrible precedent and would put many Americans in a very difficult position.

Americans are being asked to use their taxpayer dollars to fund some-

thing that many people find absolutely wrong and completely disagree with, and we are asking people to use taxpayer dollars to fund the Department of Defense medical facilities to do something with which they disagree.

I realize we are terribly divided as a nation on the issue of abortion. That is painfully obvious and has been so for the past 30 years, but here we step into the issue of taxpayer funding, the use of taxpayer-funded facilities for abortions, and that is generally a terrain where most of the public has been quite in agreement we should not use taxpayer dollars.

They may say privately you can go ahead with abortion, other people say no, you should not do that, but generally when you are saying use taxpayer-funded facilities, most people have said we should not go there, we should not use taxpayer-funded facilities for something that many people in the public believe is terribly wrong. That is why I oppose this amendment.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians, as well as many nurses and supporting personnel, refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do these abortions. Indeed, there is a CRS study we have on this topic which said that in the 6 years preceding the 1988 ban—I am reading directly from this CRS report dated June 5, 2000—military hospitals overseas have performed an average of 30 abortions annually. Last spring, though, when the military medical officials surveyed 44 Army, Navy, and Air Force obstetricians and gynecologists stationed in Europe, they found that all but one doctor adamantly refused to perform the procedure. That one holdout, too, quickly switched positions. No military medical personnel willing to perform abortions have stepped forward in the sprawling Pacific theater either.

We can look at that and say there is not access to the service or we can say that the military personnel are just very uncomfortable and they do not want to do this in the medical facilities that are paid for by taxpayer dollars.

Military facilities around the world operate as outposts of the U.S. Government. These are our facilities. They are seen as our facilities. They operate in many countries with differing ideas, with differing faiths, and with differing views on abortion. They do not want to be, as military personnel, having those abortions performed in these facilities operated and controlled by the U.S. Government. They do not want to perform the abortions themselves either.

This amendment would allow doctors to use U.S. Government military personnel to perform a procedure that many countries and many cultures view very negatively and as wrong. I think we should listen to what some of our doctors are saying and, in the military, what some of them are saying by

their actions. Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed, and this is abortion on demand.

I want to make that clear as well because the current law provides for the use of these facilities for abortions when the life of the mother is endangered or in cases of rape or incest. So we are talking about the issue of abortion on demand.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still cannot perform abortions in those locations if they are in a country that has those laws.

Military treatment centers, which are dedicated to healing and nurturing life, dedicated to a culture of life, should not be forced to facilitate the taking of innocent human life, the child in a womb, abortion on demand, where the life of the mother is not at stake or it is not a case of rape or incest. We already provide for that.

I urge my colleagues to table the Murray amendment and to free America's military from abortion politics. American taxpayers should not be forced to fund the destruction of innocent life when many are deeply affected and believe this is not the sort of thing for which their taxpayer dollars should be used. Enough people are disappointed on some things we spend taxpayer dollars on without going into such a divisive area in our country, using taxpayer-funded facilities to allow abortions to take place.

If passed, this amendment will have a tremendously detrimental impact on this DOD authorization bill, probably effectively killing it if this amendment is included. I therefore urge my colleagues to reject this amendment, for the benefit of the DOD authorization bill and the benefit of the taxpayers who do not view this as the right way to use their facilities, paid for at taxpayer expense, turned over as abortion clinics.

It is a very divisive issue and an issue that is difficult for most Members to discuss. It is an issue on which we all have taken a position. All positions are clear on this topic. I hope we do not hold hostage this very important bill that is needed for this country in the time of this war on terrorism. Do not hold it hostage to such a difficult, divisive issue.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I see my colleague from Maine, Senator SNOWE, a cosponsor of this amendment, who has worked

diligently with me. I ask how much time she needs.

Ms. SNOWE. As much time as I may consume.

Mrs. MURRAY. I yield to the Senator from Maine as much time as she may consume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I commend Senator MURRAY for her leadership, once again, on this most important amendment to the Department of Defense authorization. I commend her for her commitment and perseverance on this issue. Ultimately, we will prevail. I hope that will occur on this reauthorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women's reproductive freedoms by seeking to restrict, limit, and eliminate a woman's right to choose. Think of Yogi Berra: I have the feeling of *deja vu* all over again. To that, I add: The more things change, the more they stay the same. Here we are debating the issue again.

The most recent changes ought to truly give Members pause; all the more impetus to ensure that things don't stay the same. We must remember that when we are considering this Defense authorization during a time of war, when Americans, both civilian and military are fighting terrorism all across the globe, both men and women. In fact, more than 34,000 women were serving overseas as of April this year. We have combined, between women in the service and dependents, more than 100,000 abroad. We recognize the impact that the failure to repeal this ban has on so many of these women.

Think of the changes that have occurred since 1973 when the Supreme Court affirmed for the first time a woman's right to choose. That landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive health decisions.

Importantly, while it has not always been easy, that right stands protected today; that is, unless, you happen to be a female member of the Armed Forces or a female dependent of a military member stationed overseas. How ironic it is that the very people who are fighting to preserve our freedoms, those who are on the front lines defending this war on terrorism or other parts of the globe, are supporting those who are fighting, are currently the least protected in terms of the right to make choices about their own personal health and reproductive decisions.

That is why I stand to join my colleague, Senator MURRAY, once again, in overturning this ban on privately funded abortion services in overseas military hospitals, for military women and dependents based overseas, which was

reinstated in the fiscal year 1996 authorization bill, as we all know. It is a ban without merit or reason that put the reproductive health of these women at risk.

Specifically, as we know, the ban denies the right to choose for female military personnel and dependents. It effectively denies those women who have voluntarily decided to serve our country in the armed services safe and legal medical care simply because they were assigned duty in another country. What kind of reward is that? Why is it that Congress would want to punish those women who so bravely serve our country overseas by denying them the rights that are guaranteed to all Americans under the Constitution?

Our task in this debate is to make sure that all of America's women, including those who serve in our Nation's Armed Forces and military dependents, are guaranteed the fundamental right to choose.

Let's review the history of this issue. First and foremost, I remind my colleagues since 1979 the Federal law has prohibited the use of Federal funds to perform abortions at military hospitals. However, from 1979 to 1988, women could use their own personal funds to pay for the medical care they need.

In 1988, the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals even if it was paid for out of a woman's private funds—a policy which truly defies logic.

In January of 1993, President Clinton lifted the ban by Executive order, restoring a woman's right to pay for abortion services with private, non-Defense Department funds.

Then, in 1995, through the very bill we authorize today, the House International Security Committee reinstated this ban which was retained in the conference. That effort kicked off the debate which we are now having today.

Let me reiterate—and it is a point that needs to be made perfectly clear—President Clinton's Executive order did not change existing law prohibiting the use of Federal funds for abortion, and it did not require medical providers to perform those abortions. In fact, all three branches of the military have conscience clauses which permit medical personnel with moral, religious, or ethical objections to abortion not to participate in the procedure. I believe that is a reasonable measure.

With that chronology fresh in everyone's mind, we should state for the record to the opponents of this amendment that the argument that changing current law means that military personnel and military facilities are charged with performing abortions, and that this, in turn, means that American taxpayer funds will be used to subsidize abortions, is wholly and fundamentally incorrect. Every hospital that performs the surgery, every physician that performs any procedure on

any patient must determine the cost of that procedure. That includes the time, the supplies, the materials, the overhead, the insurance, anything that is included in the expense of performing that procedure is included in the cost that is paid by private funds. Public funds are not used for the performance of abortions in this instance. That is an important distinction to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues when, in fact, what we are talking about is a woman using her own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman's private funds. That is what we need to understand today. That is what this issue is all about. A woman would have the ability to have access to a constitutional right when it comes to her reproductive freedom to use her own funds, her own health insurance, for access to this procedure.

I think when it comes to health care and safety of an American soldier, sailor, airman, marine, or their dependents, our armed services should have no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproductive decisions.

Timing is everything because for those women who are in the military or were military dependents overseas between 1993 and 1996, they were able to have access to abortion services using their own private funds at a military hospital.

If it is true that timing is everything, all those women who served overseas since 1996 have lost everything when it comes to making that most fundamental, personal, difficult decision. I repeat that—it is a very difficult decision. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a constitutional right that should extend to women in the military overseas, not just within the boundaries of the United States.

I cannot understand how anyone could rationalize that we could somehow discriminate against our women who are serving in the military because they happen to be abroad. I think it is regrettable because it is shortchanging women in the military and the military depends on women serving. We could not have an all-volunteer force without women serving in the military.

I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example given to us, to my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do

not think for one moment anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds to make her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerce the women who serve our country into making decisions and choices they would not otherwise make. As one doctor, a physician from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result from this policy. Women have to travel long distances in order to obtain a legal abortion. Travel arrangements were difficult and expensive. In order to take leave, they had to justify taking emergency leave to their commanding officer. Imagine that circumstance. So that everybody knows.

Some women, alternatively, have turned to local illegal abortions. In other circumstances, their dignity was offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator MURRAY and me from Lieutenant General Kennedy, who is now retired. She was the highest ranking woman in the military. She talked about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can reconcile the realities of the existing ban by overturning this prohibition in law and granting to women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America.

I never thought that women should leave their constitutional rights at the proverbial door, but that is what this ban has done. These constitutional rights are not territorial. Women who serve their country should be afforded the same rights that women here in America have.

I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which the American people so overwhelmingly support. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the protections of the Constitution, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 12 minutes 30 seconds.

Mrs. MURRAY. I thank my colleague from Maine for her excellent state-

ment, and I yield to my colleague from North Carolina such time as he should consume.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I thank Senators LEVIN and WARNER for their leadership on this important bill. It is an important bill for the country and we need to move forward on it. It is important work they have done. I also thank my colleague from Washington, Senator MURRAY, for her leadership on this amendment. Women who serve our country in the military should have a right to use their own private money to pay for safe, legal medical care that they themselves choose. I wish to express my strong support for Senator MURRAY's amendment. We appreciate very much her leadership on this issue.

I also want to take a minute to talk about the issue of homeland security. In the last couple of weeks, everybody in Washington has been talking about the administration's plan to reorganize a whole range of Government bureaucracies into a new Department of Homeland Security. Now Congress is rushing to complete this massive reshuffling in just a matter of weeks.

I do not oppose this reorganization effort. In fact, I think it might do some real good in the long run. I applaud the very serious people on both sides of the aisle who are trying to make the plan the best it can possibly be. But I am troubled that Washington is becoming so caught up with reorganization that we are losing sight of our most urgent priorities. Everybody is asking who will report to whom? Who will be in what building? Who will get the corner office?

We are beginning to convince ourselves that by reshuffling the bureaucracy, we are going to solve the real problem—that Government reorganization can win the war on terrorism.

We cannot allow preoccupation with reorganization to distract us from the clear and present danger from terrorists who are in our midst as we speak. Our most urgent priority is simple: to find the terrorists, infiltrate their cells, and stop them, stop them cold. In order to do that, I think we need to address three critical questions directly related to prosecuting the war on terrorism today.

No. 1, are we doing enough, everything in our power, to track al-Qaida, Hezbollah, Hamas, and every other terrorist organization within our own borders? To be more specific, are we doing enough to develop and deploy the human intelligence needed to infiltrate these organizations?

No. 2, does the FBI know foreign intelligence information when they see it? And do they recognize all the uses of that information? For example, if the FBI acquires foreign intelligence information in the course of a criminal investigation, do they see the importance of that information, not just for their criminal prosecution but also in

the ongoing effort to disrupt terrorists in their activities?

No. 3, having recognized the importance of information, is the FBI effectively sharing that information, both within the FBI itself and with other elements of the intelligence community?

No. 1, are we getting the information we need about the terrorists in this country? No. 2, are we recognizing all the uses of that information? No. 3, are we effectively sharing that information among those who need to have it in order to react to it?

I believe the answer to all three of those questions is no. As a member of the Intelligence Committee, I believe these issues are fundamental to our ability to fight terrorism. They must be fixed now. And they do not require reorganization of existing bureaucracy.

There is no question that we should reorganize the Government to meet the challenges of the future. But there is no substitute for the urgent steps we must take now, immediately, to meet the dangers of the present.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I yield 10 minutes to our colleague from Arkansas, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Thank you, Mr. President. I thank the distinguished Senator from Kansas for leading the opposition to this ill conceived amendment. I thank him for his courage and conviction in this area of human life. I thank him for yielding time.

I rise today in very strong opposition to the amendment that is being put forward by the Senator from Washington. This amendment would allow abortion on demand on military facilities overseas. In fact, it would force the American people—including those millions who are strongly opposed to abortion and who are pro-life—to help pay for abortions. I know the opponents of this amendment argue otherwise. But I think a little thought shows the fallacy in that proposition and that, in fact, it would force those who have very deep conscientious convictions against abortion to help pay for abortion on our military bases.

Abortion is an issue that continues to divide our Nation. The Defense authorization bill should be focused on ensuring that our military has all the resources to fight and win our Nation's wars. It is unfortunate that this bill has year after year been the vehicle to attempt to advance a pro-abortion agenda.

In 1976, Congress adopted what has come to be known as the Hyde amendment. This amendment essentially prohibits the use of Federal funds for performing abortions. It has been upheld by the U.S. Supreme Court as constitutional.

I share the view of millions of Americans that abortion is a destruction of

human life and that it represents one of the great moral outrages of our day and one of the great moral questions of our generation.

The Hyde amendment ensures that the tax dollars of these citizens who deeply believe abortion is something that is morally objectionable—it ensures that those citizens are not forced to pay for something to which they so object. It ensures that their money is not used for what they consider to be the murder of the unborn.

This is the foundation of my objection to the Murray amendment. My colleagues claim that no public funds will be used for these overseas abortions. However, military facilities overseas were built with Federal tax dollars. The medical equipment was paid for by the U.S. Government. The military personnel facilities are paid from the Federal Treasury.

Under the Murray amendment, will a portion of the cost of the construction of the military facility be charged to the woman seeking an abortion or will this funding come from the pockets of the taxpayers, millions of whom believe abortion is a reprehensible practice?

It would be impossible—technically impossible—to accurately calculate the cost of reimbursing DOD for an abortion. It is not feasible with existing information systems and support capabilities to collect billing information relevant to a specific encounter within the military health care system. Military infrastructure and overhead costs cannot be allocated on a case-by-case basis. It is clear that the Murray amendment runs counter to both the letter and the spirit of the Hyde amendment.

A military health care professional cannot be forced to perform a procedure, such as abortion, that runs against their moral beliefs. That is a good thing. But it is a recognition we have had in the U.S. military that physicians who have moral convictions against abortion can't be forced to do that to which they morally object. In these cases, the military will be forced under the Murray amendment to contract out to civilian physicians.

In 1993, President Clinton issued an Executive order allowing privately funded abortions at military facilities. That is what we are voting on tomorrow morning. Every military medical professional stationed in Europe and Asia refused to perform an abortion—every single one; all of our military. I think it speaks very highly of them. Every one of these military medical professionals in all of the continent of Europe and all of the continent of Asia, to a person, refused to perform abortions. Think about that.

Military funding will have to be used to pay a nonmilitary doctor to come into a military hospital to perform an abortion. That, I think, is objectionable to most Americans, regardless of how you feel about abortion. It is unconscionable that this body is consid-

ering pushing the military into the business of performing abortions.

We are engaged in a global war unlike any in our Nation's history. The Defense authorization bill should be a vehicle to ensure that our military has all the resources it requires to protect the American people. Unfortunately, in this case it is being used to advance a pro-abortion agenda.

This amendment addresses a problem that does not exist. Servicemembers can use military air at virtually no cost to travel back to the United States for any medical procedure—any medical procedure.

As the former chair and current ranking member of the Personnel Subcommittee, I have spoken with thousands of our military personnel all over the world. They have concerns about many things—concerns about military pay, about housing, and about vaccines against biological weapons—but not once have I heard a complaint about not being able to get an abortion on a military base overseas.

It is the policy of the Department of Defense to follow the laws of the nations in which our bases are located. Many nations ban abortion. The Murray amendment would subvert the laws of those countries that host American military personnel. South Korea bans abortions. Saudi Arabia bans abortions. Essentially, the Murray amendment would require Department of Defense personnel to perform crimes in the nations that are hosting our military.

This amendment was defeated in the House of Representatives on May 9 by a vote of 215 to 202. Should this amendment pass the Senate and be added to the Senate Defense authorization bill, it will be a heavy weight on this bill. The conference committee will be sharply divided on this issue, as are the American people. This amendment will become the bone of contention in the conference committee, as it has been in previous years and as abortion issues have been in previous years. It will complicate what many of us already believe and anticipate will be a difficult conference. It will complicate this conference on the DOD authorization bill at a critical time in our Nation's history, when we need to speak with one mind and one voice and when we need to move ahead in unity to fight this war on terrorism. To see the DOD authorization bill bogged down on an emotional and divisive issue, which should not be in this legislation, is a disservice to those men and women who are fighting this war on terrorism around the world.

The Defense authorization bill includes the funding that our military desperately needs to fight the war on terrorism. It includes the pay raise of our troops. It includes funding for important initiatives aimed at improving the quality of life for military families. This bill is not the forum for a fight on abortion.

I regret that the amendment is being offered. It will place the Senate and the

conferees in the position of having to fight this issue out in what will undoubtedly be a protracted, prolonged debate in the conference committee.

Our military medical facilities are designed to save lives, not destroy them. I ask my colleagues to not turn them into abortion clinics. Please do not place this very heavy burden on the men and women of our military, especially while they are risking their own lives in defense of the American people against international terrorism.

I remind my colleagues, it violates the spirit and the letter of the Hyde amendment. No matter how you simplistically present it, you cannot allocate all of the various costs involved in this procedure to military personnel, to a tax-funded facility with tax-funded personnel, and to equipment purchased by the taxpayers. You simply cannot determine what that individual would have to pay to privately pay for the abortion.

It is really not a problem. It is not something we hear a hue and cry about from men and women in the military. And it violates, in many cases, the host country's laws and will put our own military in a position of violating the current Department of Defense policy, and a right policy, that we should recognize and respect the laws of the countries in which we are being hosted.

Frankly, and finally, it creates a great practical problem in bringing this legislation to finality and getting it to the President's desk and moving on at a critical time, as our Nation continues to fight this war on terrorism.

I ask my colleagues on both sides of the aisle and on both sides of the abortion issue to think long and hard about the wisdom of attaching this amendment to the DOD authorization bill.

I thank the Chair. And I thank the Senator from Kansas for yielding this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 20 seconds remaining.

Mr. BROWNBACK. Mr. President, I will be brief and allow the Senator from Washington to speak.

Some comments have been made. I certainly appreciate the excellent comments my colleague from Arkansas made. I think he very succinctly put forward that this is not a major problem. It could create problems in host countries.

We do not need to turn our military facilities into abortion clinics and use Federal funds to pay for something a lot of taxpayers believe is deeply wrong, the killing of life.

There is one argument that has been raised that I want to address directly, and that is that we are denying women their constitutional right if they can't use a military facility to have abortion on demand.

Remember, currently, women are allowed to have an abortion in cases involving the life of the mother, rape, or incest. That is allowed at military facilities today. So we are strictly talking about the category of abortion on demand at military facilities.

It has been raised that we are denying women a constitutional right. That is not the case. What we are talking about here is the use of taxpayer-funded military facilities. If that is denying women their constitutional right to an abortion, I would presume you would have to say we are denying that here because we do not provide abortions in federally funded facilities in the United States. We do not do that. That would be contrary to the Hyde amendment.

This is not denying women a constitutional right. They can have an abortion in other places. The Senator from Arkansas was commenting about how that could occur. This is strictly about the use of Government-paid facilities which we do not allow anywhere else in the world because of the Hyde amendment.

The Hyde amendment says you cannot use federally funded facilities, Federal dollars to pay for abortions. It is well-established U.S. law, a well-established U.S. position. We would now cut an exception to that if we allowed abortions in military facilities. The Clinton administration had done that for a period of time, but that has not been the law in this country for some period, since 1996.

So we are not denying women a constitutional right. This is about the use of federally funded facilities, which we do not allow anywhere, for the conducting of an abortion. I think that is a point we should make very clear in this debate.

With that, I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues who have cosponsored this amendment with me—Senator SNOWE, Senator MIKULSKI, and Senator BOXER—and remind my colleagues that what we are simply asking for is that the women who serve us in military uniforms overseas have access to safe, legal, reproductive health care systems.

This system today does not let them have that. They are serving in the Philippines or Germany or wherever we have asked them to go, and they want access to affordable health care.

I would remind my colleagues that it is not just the women who are in the services; it is the dependents of these who are in the services, as well, who are being denied. They have to go to their superior officer to ask permission—usually an older person, usually a man—for leave to come back to the United States.

They have to wait for transport on a C-17 or other military equipment, which could take time, putting their health in jeopardy. They have to be

subjected to giving up their privacy rights because, most likely, they will have to tell their officer why they want to come back to the United States. So they are putting their life and their health and their health care at risk. And these are women who are serving us overseas.

All we are asking with this amendment is that they have the ability to go to a military hospital—where we have health care equipment, where we have safe equipment, where we have good doctors—to pay for their own health care for which they are asking.

I have heard over and over again that these are taxpayer expenses. The women will pay for the services. We are not asking for them to have taxpayer support.

Mr. President, this makes complete sense. It is common sense. We should treat our military women who are serving us as equal citizens to the women who live in the United States.

I urge my colleagues to support this amendment tomorrow morning.

I am more than willing to yield back my time. I see our whip is on the floor. And I see Senator BROWNBACK is in the Chamber. I am willing to yield back our time if he is ready to end this debate as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to respond to the comments of the Senator from Washington when she talks about the demeaning situation that women in our military have to go through and operationally discuss what her amendment would do.

She is saying they have to go to a superior officer, frequently a male, to ask for permission. If the Murray amendment were to pass, we currently do not have any military doctors—according to the last survey we received from CRS—who are willing to conduct abortions. This was the CRS statement I cited and the Senator from Arkansas cited.

The Senator from Washington is saying, OK, we are going to use U.S. military bases as an abortion clinic. The abortion is going to be performed there. Somebody is going to have to recruit a medical doctor who is not on the military base because you cannot force the military doctors to perform the abortion. Somebody is going to have to get the approval for that to take place. Somebody is going to have to secure the medical facility there at the military base for use in performing the abortion.

The notion that women have given up all their rights to privacy or their dependents have given up all their rights to privacy without having the Murray amendment—I would say that it is exactly the opposite, that it is more likely if they do have the Murray amendment. They are going to have to get the military facility, recruit a physician in that host country for them to then conduct the abortion there on the base. Do you think there will not be

significant military personnel who will know all this is taking place, that there will not be more people who will know this is taking place rather than under the current situation?

Again, this is strictly the issue of abortion on demand. It is not about the life of the mother, rape, or incest.

So I would submit that the argument that a woman has given up her right to privacy by virtue of not having the Murray amendment and the use of a military facility—it is the exact opposite. If we go this way, there are going to be a lot more people who will be knowledgeable that a woman associated with the military is having an abortion. So this is not a legitimate argument on the use of a military facility.

Mr. President, I hope we do not tie the Department of Defense authorization bill up with abortion politics by inserting this language. I think if we do, it is going to ensure that there is going to be protracted negotiations with the House, which disagrees adamantly with this language. And it would ensure protracted discussions with the President, the administration, which adamantly disagrees with the providing of abortions on military bases. And it would really, I think, upset a number of people in the military who do not agree with abortion. They are there to protect and to honor life, not to take it.

To add this language is the wrong way for us to go, the wrong way for us to direct our military personnel to proceed. And it is going to protract the negotiations, if not even kill the overall Department of Defense authorization bill.

So I urge my colleagues, wherever they are on the issue of abortion, to simply look at the issue of providing for the common defense at a time we need to be united in that, and to not insert something like this that is so divisive in this country.

I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On behalf of Senator MURRAY, I yield back her time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DORGAN. Mr. President, yesterday, the Senate approved a Committee amendment that authorizes military retirees to concurrently receive both military retired pay and veterans disability compensation. I am glad it did so. This is a matter of fundamental fairness.

This is an important issue for veterans. About 530,000 military retirees either are or could eventually be impacted by this issue.

Current law requires that military retired pay be reduced dollar-for-dollar by the amount of any VA disability compensation received.

There is no reasonable excuse for this offset. By faithfully fulfilling their required length of service, veterans

earned their retired pay. That retired pay is for service performed in the past. It should not be reduced because a veteran is awarded disability compensation by the Department of Veterans Affairs because he or she was wounded on active duty or otherwise lost earning capacity due to service-connected disabilities.

It is absurd that today, in Afghanistan and elsewhere, military personnel risk losing their retirement pay if they are wounded or seriously injured. A military career is filled with hardships, family separations, personal sacrifices, and all too often being placed in harm's way. Denying a military retiree an earned benefit, his or her military retirement pay, is unconscionable.

Last year, the Senate approved legislation authorizing concurrent receipt. However, the final version of the Fiscal Year 2002 National Defense Authorization Act that came out of conference authorized concurrent receipt only if the President proposed legislation that would provide offsetting budgetary cuts. Unfortunately, the Administration opposes concurrent receipt, so this essentially doomed concurrent receipt in 2002.

This year, the Committee bill for fiscal year 2003 that we are considering phases in concurrent receipt over five years for retirees with disabilities rated at 60 percent or more. The Committee amendment that we passed extends that benefit to all disabled veterans.

The Administration has issued a statement threatening a presidential veto of the Defense Authorization Bill if it authorizes concurrent receipt of both retired pay and disability compensation. The Senate should not be swayed by that threat.

Taking care of our veterans should be considered a part of our national security. That is why I am concerned that, while the President has proposed increasing military spending in fiscal year 2003 by about \$48 billion, his budget increases spending on veterans health care by less than \$2 billion, which is far less than needed.

This country made a promise to the men and women who risked their lives in defense of this nation. They were promised that their needs would be met by a grateful nation. Authorizing concurrent receipt will be a big step toward fulfilling that promise.

More than 200 hundred years ago, George Washington warned that "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of earlier wars were treated and appreciated by our nation." He could not have been more right. That is why we need to make sure that the Fiscal Year 2003 Defense Authorization Act authorizes current receipt.

Mr. KYL. Mr. President, In 1959, the City of Mesa, AZ wrote the Navy asking for an aircraft to display at one of its parks. In 1965, the aircraft, a Navy

Panther, was donated for static display to Mesa Parks and Recreation from the Naval Air Station at Litchfield Park. The aircraft was used as a centerpiece for a children's playground.

In 1994, the City of Mesa auctioned off the relic as surplus equipment to Richard Oldham for \$100. The City of Mesa sold the aircraft to Mr. Oldham in an open bidding process, and he has temporarily lodged it at the USS Hornet Museum in California. He intends for it to be transferred to the Women's Airforce Service Pilots, (W.A.S.P.), Museum in Quartzite, AZ.

According to the Naval Historical Center, it is a common for the Navy to conditionally donate aircraft, in what amounts to a long-term loan, to municipalities and museums. Donation of aircraft to city parks is conditional upon Congressional termination of title. Absent evidence of the U.S. Government's intent to make the donation unconditional, (a permanent transfer), the Navy would still hold title to the aircraft. Under section 3, article 4 of the United States Constitution, only Congress can make laws pertaining to the disposal of Federal property. Since there is no evidence in the Navy's or the City of Mesa's files that the Navy intended to give away the aircraft permanently, the aircraft still legally belongs to the Navy, and it would appear that Mesa did not have the right to sell the aircraft to Mr. Oldham.

I understand the Navy is willing to enter into a long-term loan agreement with the USS Hornet Museum and with the W.A.S.P. Museum; however, it would still be in the possession of the government.

Congress has in the past approved legislation to permanently transfer ownership of Federal property. One recent example is in the FY98 National Defense Authorization Act. Section 1023 transferred two obsolete Army tugboats to the Brownsville Navigation District, Brownsville, TX. Section 1025 of the same act transferred naval vessels to the governments of Brazil, Chile, Egypt, Israel, Malaysia, Mexico, and Thailand. Congress does not transfer property to individuals, but to organizations, municipalities, and countries. The W.A.S.P. Museum is a non-profit museum and is eligible to receive such a relic aircraft. Aircraft 125316 will find an appropriate and welcome home in the W.A.S.P. museum where it may continue to serve the nation as an important piece of our nation's military history.

Ms. LANDRIEU. Mr. President, I wish to address two amendments I will soon offer to S. 2514, the Defense authorization bill. The first amendment is critical to the training and future deployments of the Interim Brigade Combat Teams, and is, therefore, vital to both Louisiana and our national security. This amendment designates Louisiana Highway 28 between Alexandria, LA, and Leesville, LA, a road providing access to the Joint Readiness Training Center at Fort Polk, as a Defense Access Road.

Fort Polk has been designated as a home for one of the new, transformational Interim Brigade Combat Teams IBCTs. Furthermore, I am proud to say that Fort Polk will serve as the training site for all IBCTs.

Louisiana Highway 28 is one of the primary access roads into and out of Fort Polk. Highway 28 is the direct route from Fort Polk to the former England Air Force Base in Alexandria, Louisiana. I mention this because any military equipment designated for Fort Polk that is transported via C-130 must be trucked to Fort Polk if it is non-wheeled or non-tracked from the former England AFB. If military vehicles are tracked or wheeled, they then trek the forty miles from England to Fort Polk along Hwy. 28. No matter how the equipment arrives at Fort Polk, the heavy trucks and military vehicles cause tremendous wear and tear to Highway 28.

With the coming of the IBCTs to Fort Polk, the stresses on Hwy. 28 will only be exacerbated. Louisiana Highway 28 is a two lane highway that currently operates over capacity, as it already has a traffic volume of 2,000 cars per day. When you add 2,000 cars a day and 10 training rotations a year to a two-lane highway, the deterioration of the road surface and the congestion of the roadway will lead to numerous accidents, and possibly fatalities.

The commanding general of Fort Polk, Brigadier General Jason Kamiya, and the people of Louisiana want to see Hwy. 28 expanded to four lanes. A four lane highway will improve the safety conditions on the roadway, and four lanes will allow for faster deployment of units stationed and training at Fort Polk. During times of war, like we find ourselves in now, it is critical that units can deploy to the battlefield as quickly as possible. But, it is also important that our military achieve quick deployments in training because our service men and women will fight only well as they train.

The designation of Highway 28 as a Defense Access Road will allow the Department of Defense to work with the State of Louisiana to pool funds to make necessary repairs to the highway and increase the road surface to four lanes to best accommodate the IBCTs. DOD will only be required to participate in funding to the degree to which usage of the highway is out of the ordinary due to the military installation or military activity. It only makes sense that the Federal Government would aid State Governments to make repairs caused by federal usage or alterations to the highway requested by the Federal government. Finally, there is no cost associated with the authorization.

The second amendment pertains to the most crucial problem facing our United States Navy, both today and in future generations, the dwindling size of the Navy fleet. The 2001 Quadrennial Review stated that the Navy must maintain a fleet size of least 310 ships to achieve its mission. This amend-

ment makes it the policy of the United States for the budget of the United States for fiscal years after FY 2003, and for the future-years defense plan, to include sufficient funding for the Navy to maintain a fleet of at least 310 ships. Additionally, the President must certify within the budget of the United States that sufficient funding has been allocated to maintain a fleet of 310 ships. If such a certification is not made, the President must explain within the budget of the United States why the certification cannot be made. Today, Navy ships sail globally to ensure a world-wide American presence and to immediately respond to threats against America's national security. This amendment will make certain that the President funds a fleet at least capable of meeting the Navy's current mission objectives or explains why the Navy will fall shy of a 310 ship fleet.

Without the Navy, the United States could not have prosecuted the war in Afghanistan as successfully as we have. On numerous occasions throughout the war, our armed forces have been denied access to land bases in foreign countries from which our forces could operate. Nevertheless, when our armed forces cannot forward deploy because there are no willing host countries, the U.S. Navy provides our military with acres of floating sovereign territory from which the U.S. military can deploy. Without the firepower, logistics, and transport capabilities of the Navy, our ability to retaliate to the terrorist actions of September 11th would have been compromised.

However, if Congress and the President do not allocate critical resources to shipbuilding, the Navy will soon fall well below the minimum level of ships required for the Navy to properly provide for America's defense, a job the Navy has performed so admirably. Today, the Navy has approximately 315 ships in its fleet, a number which cannot dwindle or the Navy's operations will be gravely challenged. This year, the President's budget funded only 5 ships. The Senate has taken needed action to provide an additional \$690 million in advance procurement funding for 2 surface ships and a submarine. If current shipbuilding rates are sustained, the Navy will only have a fleet of 238 ships within 35 years. That is simply unacceptable. 310 ships is the lowest allowable floor, but Congress and the President should strive to maintain a Navy of at least 350 ships to guaranty America's sovereign needs on the high seas.

Accordingly, this amendment makes it the national defense policy of the United States to uphold a Navy of at least 310 ships, as spelled out in the Quadrennial Defense Review of 2001. Moreover, shipbuilding must be a priority of the President, and the President must certify in future budgets and in future year defense plans, beginning with FY 2004, that sufficient funds have been made available to sustain a fleet of at least 310 ships or explain why

such funds have not been made available. I hope the Senate will support this amendment to provide for our Navy which has provided for the American people since the Revolutionary War.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTERNATIONAL PEACE TROOPS IN AFGHANISTAN

Mr. REID. Mr. President, I love to read. I love to especially read history. One of the fine experiences I have had was reading a book by James Michener entitled "Caravans." It was about the history of Afghanistan. I read this book many years ago. Michener had already written "Hawaii" and some other books that were very famous, but this was a bestseller, and rightfully so.

I really developed a strong, positive feeling about the people of Afghanistan after having read that book.

As a result of what has happened to our country being so heavily involved in Afghanistan in the last 15 years, 20 years, I have reflected many times, since I read that book and since we have been so heavily involved in Afghanistan, about the people of Afghanistan and what has happened to them. Of course, I have given speeches on the Senate floor about how the reign of terror of the Taliban was a reign of terror to everyone in Afghanistan, but especially women. And during that period of time, women suffered irreparably in many instances.

The reason I mention this today is that during and since the Loya Jirga that has been held in Afghanistan, delegates who have spoken out for human rights, including the Minister of Women's Affairs, have been threatened and in many instances intimidated.

These threats going on in Afghanistan today, along with continued reports of violence and intimidation in the provinces, point to the imperative need for U.S. support for the immediate expansion of peace troops in Afghanistan. We need peacekeepers. I am disappointed that the administration is saying: Fine, we will make sure we have a presence in Kabul, but the rest of Afghanistan can try to fend for itself.

As I have indicated, in the provinces outside of Kabul, there are bad things happening to a lot of Afghan people but especially the women. Despite pleas from the United Nations, the Afghan interim government, and the women's rights community and people from throughout the world, governments throughout the world, the Bush administration has refused to expand the international security assistance force