

\$7.5 million shall be transferred to include projects to conduct epidemiological research and carry out other activities to establish the scientific link between radiation exposure and the occurrence of chronic lymphocytic leukemia;”.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses and appoints the following as conferees on the part of the Senate.

The Presiding Officer (Mr. ALEXANDER) appointed Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. INOUE conferees on the part of the Senate.

#### PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Resumed

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask that the Chair lay before the House the message from the House accompanying S. 3, as under the previous agreement.

The legislative clerk read as follows:

A message from the House to accompany S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

Mr. SANTORUM. Mr. President, we have before the Senate right now what is usually a procedural motion. When the House passes a bill and the Senate passes a bill and they are different, we procedurally just move to disagree with the House and their provision and go to conference, just as we did prior to the calling up of this bill, S. 3.

The Presiding Officer, who is sitting here for the Vice President, said we were appointing conferees.

The Senator from California has sought to have a debate about whether we are going to disagree with the House and therefore go to conference. I don't understand quite why this is necessary since it is purely a procedural motion. I have been in the Senate not that many years. I have been here about 9 years and have never had a debate on a motion to disagree with the House and to have this kind of time spent when everybody agrees that is what we need to do.

I will support the motion to disagree with the House so we can go to conference and come up with a bill on partial-birth abortion that will be in a conference report that will then come to the Senate that will not be amendable.

If we did not disagree with the House, and the bill came here to the floor, we would have the House bill here. It would be subject to amendments. We would go on again for a long time and have debates and discussions on other amendments. We would have to send it back to the House, and we would be going through this game again.

So this is just a way to bring finality to this process of trying to get a bill

which has now been hanging out here in the Senate. We passed this several months ago. The House did also. We have sort of been on hold here because of this procedural motion.

Now that we have agreed to allow 8 hours of debate—2 of which were last night—we will debate a couple hours tonight, and tomorrow morning we will have run a couple more hours, and then, hopefully, finish it sometime, maybe tomorrow evening. But the idea is to get this bill to conference where I am confident we will get a bill that will be to the liking of the vast majority of the Senate as well as the House and the President.

With that, we will have this bill signed and for the first time have a Federal piece of legislation to ban a procedure which the late Senator from New York, standing at that desk right over there, referred to as “infanticide.”

It is a gruesome procedure which is very difficult to talk about because it is so gruesome and graphic, this description of what this procedure is all about.

It is used almost always on babies who would otherwise be born alive, who are post 20, 21 weeks in gestation, which is halfway through a pregnancy, or later.

These babies are, as I said before, in most cases, healthy. The mothers are healthy. This procedure is used because late in pregnancy a mother decides, for some reason, that she no longer wants the child within her—which is a tragic situation to have a child that is unwanted. I think we all recognize the tragedy of that.

But I think what most Members of the Senate have said is that this procedure—not that she shouldn't have the right to do it. Roe v. Wade, as interpreted by many subsequent Supreme Court cases, gives a woman the absolute right to an abortion at any time during pregnancy.

Now, for those of you who have not listened to debates on abortion before in the Senate or who have not read the case law with respect to abortion, that may come as a surprise to you, that Roe v. Wade, and its subsequent line of cases, has developed to the point where there is no restriction—no restriction—on the right to an abortion up until the moment the baby separates from the mother completely. Up until that time, the Supreme Court now has decided that a woman has a right to kill the child within her. Or even, as in the case of partial-birth abortion, the Supreme Court ruled that the woman has a right to kill the child who is but an inch, 2, or 3 inches completely from being separated from the mother in the process of being delivered. That is how extreme the Roe v. Wade decision is.

Now, I would say that for most Americans who are listening, that is further than they had thought Roe v. Wade had taken this country, and that it is not where the vast majority of Americans are. That is why 70 percent of the people in this country oppose partial-birth

abortion and would like to see it banned. That is why the vast majority of people in this country are for some limitation on abortion.

Depending on the poll you see, anywhere from 15 to 23 percent of the American public want abortions available at any time during pregnancy. Most Americans—the overwhelming majority of Americans—want some restrictions.

Now, in the Senate we did something I would argue was unfortunate. A couple months ago we adopted an amendment offered by the Senator from Iowa which was truly an extreme amendment.

We hear so much talk about people who are pro-life, who are against abortion, as being extremists. The definition of “extreme” is someone who is outside the norm. Well, when you have 15, 16, 17 percent holding this position, and 85 percent holding the other position, it is very difficult for the 16 percent to say the 85 percent is extreme.

But that is what we hear on the floor of the Senate, that those who believe in the absolute right given under Roe v. Wade—the absolute right—to have an abortion at any point in time in a pregnancy, for any reason—because you don't like the color of your child's eyes or because your child may have a cleft palate or because something happened in your personal life that has upset you and you no longer wish to carry this child, even though you may be 37 or 38 weeks along—it doesn't matter.

Under Roe v. Wade, and under the amendment offered by the Senator from Iowa, we have said in the Senate—I believe wrongly and unjustly—that should be the law of the land, that a woman's right, domain over a child, is absolute until complete separation. There are some who even argued after separation. But, thankfully, the Senate voted last year that a child who was born and completely separated has a constitutional right. That is how far we have come. We actually passed a bill last year which said that once a child is born it has constitutional protection. That is the biggest step we have been able to take to protect the life of innocent children in America.

But what this Roe v. Wade language—this language which I anticipate being dropped in conference—says is that we believe in the absolute right—absolute right—of a woman to terminate a pregnancy, to kill the child within her, at any point in time, for any reason. That is what the law of the land says.

Now, I would make the argument that Roe v. Wade, because of this twisting of the Constitution—it really is tortuous—has done something that we have not seen done in this country, that we have not seen done in this country since the Dred Scott decision.

If we think back to the Dred Scott decision—well over 100 years ago, 150 years ago—the Dred Scott decision was based on a misunderstanding of ordered

liberty, of ordered rights that we laid out in our founding documents. In the Declaration of Independence, the document on which this country was founded, we made a statement as a country that we hold dear. The Declaration of Independence—of maybe all the documents, of all the great works of craftsmanship of words that we have seen put forth in this country—there are very few that match the eloquence of the Declaration of Independence.

What the Declaration of Independence said is: We hold these truths to be self-evident, that all men are created equal and endowed by our Creator with certain inalienable rights. And then what—this is very important.

The Presiding Officer is a great student of history and maybe the greatest advocate for the understanding of history and the knowledge of who we are as Americans. I would argue the Declaration of Independence tells us more about who we are as Americans than maybe any other single document. But what this document says is: We are endowed by—not a Congress or not the courts or not some king—our Creator, the God that you worship, Allah, Jesus, God of Abraham, Isaac and Jacob, a God who may be a God of the Hindu religion, whatever that creator is, the creator God, he has given us rights by the fact that we are human.

What these rights consist of the Constitution laid out. They laid them out very particularly because there is an order to the rights that God has given us. There has to be. We have the right to life, liberty, and the pursuit of happiness. They didn't say the pursuit of happiness, liberty, life. They didn't say liberty, life, happiness. They said them in a specific order because without that ordering of liberty, without that ordering of rights, they make no sense. For you cannot have happiness, true happiness, you cannot pursue true happiness, which the Founders really sought as truth—the ability to find what is true and what is right and what is just, and that would in a sense make you happy—you cannot pursue happiness without the freedom to do so, without the liberty, the right of liberty to think and to pursue your beliefs freely.

But you cannot have liberty, obviously, if you are not alive. If you don't have life, then what good is liberty? And if you are not alive, if you have no right to your own life, you can't pursue happiness. So life, liberty, and the pursuit of happiness are not just words that were thrown out there because they sounded lofty or because they were rolled off the tongue in a way that makes a nice impression. They are there because they are foundational in understanding how free people treat each other, how a free society must conduct itself in order for it to prosper.

What did Dred Scott do? The Dred Scott decision put the liberty rights of the slaveholder over the life rights of the slave. It said that I, as a slaveholder, could own and control you, could kill you, could sell you as a piece

of property—liberty rights over life rights. The U.S. Supreme Court in the 1850s said that was constitutional. As a result, many people believed that, because it was constitutional, it was therefore right. It was legal. It was just. It was moral. Why? Because our laws are a reflection of a collective morality. Our laws are a reflection of what we as a society believe is right.

At first there were a few. As Henry the Fifth in Shakespeare said: We few, we band of brothers. In this country there were few who stood and said: No. It may be legal, it may be seen as just by the courts, but it is wrong. It is immoral; it is unjust; and it is a fundamental misunderstanding of the basis upon which this country was founded.

As Abraham Lincoln said, a house divided against itself cannot stand. The separation began to grow. And more and more people began to understand the injustice of taking the liberty rights of one to trump the life rights of another. There were many in this country and many in this very Chamber who believed we could sustain that, as unjust as maybe they even thought it was.

Many would have said: Well, I am personally opposed to slavery. I would never own a slave. I would never do something like that. But who am I to tell someone else they can't own a slave? Is that my responsibility? I may think it is immoral, but how can I impose my morality on a slaveholder who has his own economic interests? He has a family to raise. He has complications in getting his crops in.

There are exigencies out there that those who promoted slaveholding said: We need this. We don't like it.

I am sure there were many people on both sides of the aisle who said: We support slavery. We don't like it. We don't encourage it. Yes, we think it is probably immoral. But we need to have this option available for people if that is what they choose. We need to give people the right to choose.

Eventually there were enough people in this country who decided they could not let that stand. Unfortunately, we had to fight a war to change it.

After that war, I am sure there were many in this Chamber who thought this great scourge, this black mark, this pox upon the American existence had been wiped away, never to be seen again; that we would learn from history never to repeat this horrendous injustice, this immoral behavior as a society. We would never, ever again misorder our liberties. But they were wrong. For today in this country, as a result of Dred Scott 2, the Roe v. Wade decision, we have seen the same thing come about.

We now have the life rights, the most important right given to us as children of the Creator, crushed and hidden away behind the concept of liberty. It repulses us now to think that people used liberty to defend slavery. They used the right of free people to live their life freely to defend slavery.

I hope that 100 years from now—hopefully soon—people will be on the floor looking back at this time and saying: I can't believe they did it again. I can't believe they didn't learn their lesson. I can't believe they didn't see that a House divided against itself cannot stand.

The Senator from Tennessee, the Presiding Officer, is honest. It has been said many times that those who do not learn from history are doomed to repeat the mistakes of history. And so we are, and so we will continue, I suspect. But it is important that the few, we merry band of brothers, stand up, in spite of what may be majorities against us—and certainly the media and the popular culture is speaking against us—and speak the truth that our Founders laid out.

They did not say we believe or we think we were endowed by our Creator. They did not say it is our opinion that these rights exist. They claimed truth. They claimed truth, and they devoted their lives, their fortunes, and their sacred honor to fight for that truth during the Revolutionary War.

People who came from little hamlets all over the north and the border States did the same. Today, in their own quiet way, millions of Americans do the same. They fight the battle. They fight it with prayer chains. They fight it at home at night and through their prayers, through the counsel of those who are going through troubled times. They do it through the love they feel toward those who are going through difficult times in their lives, but they understand that the truth claim that our Founders chiseled into the Declaration of Independence will not be forgotten in our society.

We will lose many more battles. There is no doubt we will lose many more battles, but ultimately, I have to believe, because I do believe in America, we will win the war and reestablish truth, justice, and righteousness—righteousness as defined by our Founders, as understood in the nature of humans. We will win that war one day.

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

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

Mr. SANTORUM. Mr. President, I ask unanimous consent that the time be taken equally off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I wish to take a few minutes to join with my colleague from California and talk about this important measure pending before the Senate.

First, I applaud the Senator from California, Mrs. BOXER, for insisting on a vote on this motion to disagree with the House. She has been a long-time leader in the Senate and the House in protecting a woman's constitutional right to privacy and her right to choose.

The motion before us is a motion to disagree with the House version of the late-term abortion bill. What is the reason we would want to disagree with the House bill? The House bill is exactly the same as the Senate bill except for one key difference: It failed to include the resolution which I offered on the Senate floor, adopted in the Senate regarding the Supreme Court decision on *Roe v. Wade*.

This is the exact language that is in the Senate bill that the House disagrees with:

It is the sense of the Senate that—  
(1) the decision of the Supreme Court in *Roe v. Wade* 410 USC113(1973) was appropriate and secures an important right;  
and (2) such decisions should not be overturned.

That is all it says. That is what the Senate adopted. That was my amendment that I offered to the bill, and the Senate adopted it. This is what the Senator from Pennsylvania said was extreme. It is just a sense-of-the-Senate that *Roe v. Wade* was appropriate and secures an important right and should not be overturned. The Senator from Pennsylvania says that is extreme.

The Senator from Pennsylvania may think that. From listening just a little bit to him—and I have heard him talk at length on this issue on the Senate floor in the past—I am sure the Senator from Pennsylvania believes *Roe v. Wade* was an extreme decision. It is his right to think that. I do not say he cannot think that if he wants to, but that is not what the majority of people in this country believe. It certainly is not the way the vast majority of women in our society feel.

Again, this passed the Senate 52 to 47. It passed the Senate before in the same version. About 4 or 5 years ago, we passed the same thing, a sense of the Senate that *Roe v. Wade* should not be overturned. So, again, the only difference between the House and the Senate bills is simply this: The House does not have this language in it, so, again, to go to conference with the House we have a vote to disagree with what the House did.

If we agreed with what the House did, we would have no need for the conference. We would send the bill to the President. For example, if the House had included this language in their bill, we would not be here tonight talking about this. It would already have gone to the President and he would have signed it into law. So that is what we

are talking about. We are going to have a record vote on a motion to disagree with the House version. It is my belief that if one votes to disagree with the House version, then they are disagreeing with the fact that they did not put this language in their bill. That is the only difference.

Therefore, if my colleagues vote to disagree with the House, then they are voting to agree with the Senate. If they vote to agree with the Senate, they agree that this language should stay.

The Senator from Pennsylvania may try to explain it one way or another, a procedural vote, blah, blah, blah—all that kind of stuff—but the truth is, if my colleagues vote to disagree, the only thing on which they disagree is this language supporting *Roe v. Wade*. That is why I think it is important to have this vote.

The Senator from Pennsylvania says he is going to vote to disagree with the House, and then try to explain it some way. I mean, a vote is a vote. One can try to explain it any way they want, but the fact is this is the only difference.

I believe most people in this country believe that *Roe v. Wade* is a mainstream, moderate decision by the Supreme Court. It is one that American women have come to rely on, and I believe we owe it to them to insist that it remains in this bill.

The Senator from Pennsylvania has already said they will drop it in conference. Well, that is kind of interesting, is it not? The Senator from Pennsylvania has already preordained that no matter what we vote on in the Senate, they are going to drop it in conference.

I think every woman in America ought to know this. Every woman in America ought to know that the Republican leadership—and the Senator from Pennsylvania is in the Republican leadership—has said: We do not care what the Senate said, we are going to drop this language.

Can there be any doubt in any American woman's mind that their right to privacy, their right to choose, hangs by a thin thread?

The vote in the Senate was 52 to 47. Someone was missing. But a few votes here, a few votes there in the coming election, and I can guarantee that the right to choose for every young woman in America will be taken away. This Congress and this President will see to it that *Roe v. Wade* is overturned. They will see to it.

Every woman ought to know that whether they think abortion may be right or not, that is not the point. The point is whether a woman should have control over her own reproductive system or should some man have control over it? Or should a Supreme Court have control over it? Or should a legislative body such as a Senate or a House—comprised mostly of men, I might say—tell a woman what her reproductive rights are?

I have often wondered, if we could have randomly picked a Senate of 100 women or randomly picked a House of 435 women—I am sure there would be some women who would probably vote to do away with *Roe v. Wade*—but I would wager that the vast majority of any vote held in a Chamber of 100 women would be overwhelmingly: Keep your hands and keep your laws off my body. Keep your hands and your laws away from my right of privacy and my right to choose.

Does anybody have any doubt that a Senate of 100 women or a House of 435 women would vote differently than that? We would only be fooling ourselves if we thought they would vote the same as the men in the Senate and the men in the House. And I say pick them randomly.

On January 22, 1973, the U.S. Supreme Court announced its decision in *Roe v. Wade*. Again, for the record, it was a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. That is what some in this Chamber want us to go back to.

Siding with Jane Roe, the Court struck down the Texas law. In its ruling, the Court recognized for the first time that a constitutional right to privacy is "broad enough to encompass a woman's decision whether or not to terminate a pregnancy."

It also set some rules. The Court recognized that the right to privacy is not absolute and that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life.

A State's interest in potential life is not compelling until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside the womb. A State may, but is not required to, prohibit abortion after viability. Let me repeat that. A State may—it is not required—prohibit abortion after viability, except when it is necessary to protect a woman's life or health, and that is the difference.

This is what the Supreme Court said:

The stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe—

Prohibit—  
abortion except where it is necessary in appropriate medical judgment—

Interesting, the Court said medical judgment; they did not say legislative judgment—

for the preservation of the life or health of the mother.

Very important words.

Some people, when they get all "rhetoricked" about this issue, say that a woman can choose at any point, even up to minutes before the child is born, to terminate her pregnancy. That is not what the Supreme Court said. The Supreme Court said the State may even proscribe—prohibit—after viability "except where it is necessary, in appropriate medical judgment, for the

preservation of the life or the health of the mother."

So we see what the Senator from Pennsylvania and those who want to do away with *Roe v. Wade* are saying. They are saying: Look, we do not trust medical judgment, we do not trust a woman, and we do not believe that the health of the mother should be in here. "Life," maybe, but not "health of the mother." That is the difference. That is the key. Again, is that really extreme?

Oh, I hear the arguments. They say, "Health of the mother? Why, the woman can say anything. Why, a woman can say, 'I may break out in a hot sweat if I don't end this pregnancy. Maybe my big toe hurts; therefore, I have to have an abortion.'"

Again, what this gets back to is a mistrust of women, that somehow a woman cannot make that decision as to how it affects her health; that somehow a man, a legislator, a legislative body, has to then intervene because, you see, you can't trust women to make that decision.

I trust women to make that decision. I have never in all my years ever talked to a woman who has had an abortion who took it lightly, willy-nilly, just a little procedure and move on. This is one of the most profound, traumatic, life-changing decisions a woman will ever have to make. It is not made lightly. It is made under great anguish, with great thought and contemplation.

So I guess when it comes down to that, I say I put my trust in women to make that decision. Not me. It is not going to happen to me. I will trust the woman, with her husband, her family, her doctor, her priest, rabbi, minister—whatever religious faith she may be—but ultimately it is up to the woman to make that decision.

That is what this is all about, isn't it? When you cut down through all of it, get rid of all the rhetoric, it gets down to whether women can be trusted to make these decisions. That is what my resolution said. It said *Roe v. Wade* was an appropriate decision and should not be overturned.

Before the 1973 landmark ruling of *Roe v. Wade*, it was estimated that each year about 1.2 million women resorted to illegal abortion, despite the known hazards of frightening trips to dangerous locations in strange parts of the city, of whiskey used as an anesthetic, of "doctors" who were often marginal or unlicensed practitioners, sometimes alcoholic, sometimes sexually abusive, under unsanitary conditions, with incompetent treatment. Many times there were infections, hemorrhages, disfigurement, and death.

By invalidating the laws that forced women to resort to back-alley abortions, *Roe* was directly responsible for saving women's lives. It is estimated at least 5,000 women died yearly from illegal abortions before *Roe v. Wade*.

Who were these women? They were not the well-to-do. We all know from

our youth that the well-to-do, the people who were well situated, had access. They always had a friend, they had a doctor who would perform it and not say anything. They would pay him and that would be the end of it. To say otherwise, to say that never happened, stretches credulity. We know that. And we all know cases of it happening.

No, it was not the well-to-do. They had their own special doctors who could keep things quiet. It was poor women, women without connections, women who lived in small towns in rural Tennessee and rural Iowa who didn't have that kind of access, poor women who lived in cities and urban areas who resorted to these back-alley abortions because they didn't have the "connections."

Sometimes I feel there are many who want to overturn *Roe v. Wade* because, you know, deep down inside they know if it ever came to them or their families and they were confronted with a situation where their loved one—a wife, a spouse, a mother, a daughter, a sister—for health reasons had to terminate a pregnancy, for health reasons wanted to terminate a pregnancy, they could get it done because they have connections. Don't you see? We all kind of have these kinds of connections, if you are well connected like a Senator or a Congressman, people with financial resources.

We can do away with *Roe v. Wade*, but if it ever happened to my sister, my daughter, and it was health, and I knew it was going to affect her health for the rest of her life—well, we would find somebody to take care of it, don't you know.

Again, it is back to poor women. Unfortunately, what is lost in this rhetoric is the real significance of the *Roe* decisions. Here is what the Supreme Court said, again, just 3 years ago in *Stenberg v. Carhart*. This was the Nebraska law. Nebraska had passed a law banning abortions except to save the life of the mother.

Here is what the Supreme Court said 3 years ago. The governing standard requires an exception:

... where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

That is what the Court said 23 years prior to that in *Roe v. Wade*. That is exactly what it said. So the Supreme Court in 2000, in the Nebraska case, said here is the governing standard.

Then they said:

Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, imposed significant health risks.

Once again the Supreme Court has said:

Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, impose significant health risks.

That is why this late-term abortion bill before us I am sure will go to the Supreme Court and it is going to strike it down. Why? Because there is no ex-

ception for the health of the mother: Zero, no exception.

The whole concept of late-term abortions obviously is not something anyone relishes. I do not. It is not something that conjures up pretty thoughts. But neither does conjuring up the thought of a woman for whom, in the judgment of medical experts, this is the safest procedure to protect her health, and the woman can't have this procedure done and may lose her ability to ever have a child again.

A few years ago I met from my neighboring State of Illinois a woman who came to Iowa to speak to me when this issue came on the floor. She went public. In other words, she came out in the public. She is happily married. She had this late-term abortion procedure, this D-and-X procedure it is called, performed because she had a serious health problem.

Whether or not it is true, the doctor told her this was the safest procedure for her; that if, in fact, she did not have this procedure, the other two procedures that were left—one of them being a hysterectomy, and I don't remember what the other one was—would obviously leave her incapable of every having children again. She told me what a painful decision this was for her to give up this fetus that she had carried for several months. She spoke to me in heart-wrenching detail about how painful this was for her. But they made that decision. She made that decision with her husband, with her religious counsel, and she had this late-term abortion procedure done by a qualified doctor in a hospital in sanitary conditions with good medical personnel around her. And her and her husband went on to have more children—beautiful children.

Who am I as a Senator to have gone to that woman and said: You can't do that. I don't care what your doctor says. It makes no difference. It makes no difference how your health is going to be affected. It makes no difference whether you can ever have a child again. You cannot have that procedure done.

That is what we are saying here, folks. That is what we are saying to this woman. We don't care what the doctor says. We don't care what the medical judgment is. We don't care how badly your health may be affected. You can't have that done.

As a Senator, I am going to tell a woman that? Some people around here may want to play God. Some people around here may want to play dictator and dictate to women what they can and cannot do. That is not my role. That is why the longer we look at *Roe v. Wade*, and the decision that was made by the Supreme Court—and when we read the Nebraska case—it becomes clearer and clearer that the Supreme Court made a very wise decision in 1973. They set up a trimester system. When they set up the viability, the State does not have an interest. But after viability, States may even prohibit an abortion except to save the life

or the health of the mother. The longer that we have to look at what has happened with *Roe v. Wade* the more clear it becomes to this Senator that that really was a very wise decision.

This decision is profoundly private. As I said, it is life altering. As the Court understood, without the right to make autonomous decisions about a pregnancy, a woman cannot participate freely and equally in society because *Roe v. Wade* not only establishes a woman's reproductive freedom, it was also central to women's continued progress toward full and equal participation in American life.

In the 30 years since *Roe v. Wade*, the variety and level of women's achievements have reached higher levels. Now the Supreme Court in 1992 observed this. They said:

The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

That is why I believe the freedom to choose is no more negotiable or should be no more subject to the whims of the Senate or the House than the freedom to speak or the freedom to worship. It is a matter of trusting women to make the right decision.

I strongly urge my colleagues to vote to disagree with the House version of the bill but not to do it in some phony sense; that somehow we are going to vote but that is not what I mean. I think votes around here have consequences. They have meaning. That is the language. The sense of the Senate that the decision of the Supreme Court in *Roe v. Wade* is appropriate and secures an important right, and such decisions should not be overturned. That is all it says. The House would not adopt that. The House wouldn't adopt that.

It is my hope that the conferees will preserve the *Roe v. Wade* resolution. But again, it is the Republican leadership that runs the Senate and runs the House. It is the Republican leadership that repeatedly wanted to restrict a woman's right to choose. It is the Republican leadership that says the language of *Roe v. Wade* is extreme, and that every woman in America ought to understand that—especially young women whose lives are ahead of them, who have grown up with more freedom, more avenues open to them to fulfill their choices in life as to who they want to be and what they want to do than was ever available to women in my generation.

I think many young women in America today just take it for granted that if they should ever find themselves in a situation where they might seek an abortion, they will be able to do so.

I talk with young women. I recently came off a political campaign last year. I had many young women talk about this time after time after time—college-age women, young women who say to me: There is no way that they are ever going to take away my right to choose; it just won't happen.

They don't believe it could happen. I hate to disappoint these young women.

The vote here was 52 to 47. It was that close. It could be overturned. This Senate, this House, and this President could overturn that and take it away and turn the clock back. And that is what some want to do.

I have no doubt that the Senator from Pennsylvania is sincere in his beliefs. I don't doubt that for a minute. And he is certainly entitled to his beliefs. He is not entitled to force the women of America to believe as he does. The women of America ought to make their own choices and not have us make them for them.

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

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the issue of banning partial-birth abortion in the United States.

We have a unique opportunity to end this grisly practice of partial-birth abortion in this country. Sadly, some in this Chamber have delayed a vote to send this bill to conference and then to the President. That is what needs to take place. This has passed the body repeatedly. The President is ready to sign it. It is time to move forward on this issue.

This is an important milestone. This will be the first time since the Supreme Court decision of *Roe v. Wade* that the Congress will have curtailed in any way the practice that results in the death of an innocent human being and the emotional wounding of the mother. In this process, both are victims—the child and the mother.

The partial-birth abortion procedure, which former Senator Moynihan called the closest thing that he had seen to infanticide, is something that needs to be banned once and for all. This comes from both sides of the aisle. This comes from the American public. The vast majority of the American public, over 77 percent, support banning this procedure of partial-birth abortion. They see this as it is, as clearly the late-term killing of a child. And it ought to be stopped. It should have no place in a civilized country. It should have no place in a country such as the United States which stands for human rights and the dignity of the individual.

I believe the true mark of a civilized society is not the level of human dignity that it confers on the strong and wealthy. Its true mark is on how much it confers on the vulnerable and on the oppressed. Clearly, an abortion procedure that dismembers and kills a partially born human being has no place in a civilized society.

Aside from partial-birth abortion, it is becoming increasingly clear that the impact abortion has on this society, on the people, and particularly on the women who have had abortions, is itself profound.

I will talk briefly about the impact of having an abortion on a woman. There are an increasing number of studies coming forward about the woundedness that takes place to a woman.

I mention to my colleagues and to those watching a particular Web site titled "Women Deserve Better." I have met with the leadership from this group. A number of the women have had abortions—some of them have not—and deeply regret it, going through years of suffering, emotional suffering, personal suffering, physical suffering, as a result. They have now said: We were not told the story at that time. We were not told the truth of the amount of suffering we would go through. We were told this would take place and it would be quick and easy and it would be over with and that would be it. And it is far from the truth.

I cite one study from their Web site "Women Deserve Better," talking about psychological and emotional complications reported in a 1994 survey of women who had abortions and sought counseling, finding they experienced a range of problems. These are the women who have had abortions, including increased use of drugs and/or alcohol to deaden their pain, recurring insomnia and nightmares, eating disorders that began after they had the abortion, suicidal feelings, and many even attempted suicide. This is a report they have cited.

They went on to also cite who is at high risk for developing serious emotional and psychological problems following an abortion. They list a number of groups. One was women who had abortions after 12-weeks' gestation. That is certainly the case in partial-birth abortions where you have a gestation that would be over 12 weeks.

People should look at this. I ask unanimous consent to have this printed in the RECORD at the end of my comments.

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

(See exhibit No. 1.)

Mr. BROWNBACK. We have two victims here: the child and the woman.

I am also particularly concerned that the widespread acceptance of this brutal practice of partial-birth abortion has already significantly coarsened public attitudes toward human life in general, particularly toward the most vulnerable in our society, whether they are the unborn or old and infirm. This coarsening of public attitude over the past several years has made other assaults against the dignity of human life possible, assaults such as partial-birth abortion, euthanasia, assisted suicide, destructive embryo research, and now even human cloning where we would research on humans, we would

patent a person and then research on them.

Furthermore, new studies in groups are coming forward addressing the horrible impact, as I noted earlier, on women who have had abortions and what this abortion's impact is on the woman.

We all have a duty, an obligation, as citizens of the United States to stand up against the moral outrage of abortion. Human life is sacred. It is a precious gift. Human life is not something to be disposed of by those with more power. Yet one of the most extreme assaults against human dignity is made against some of the most innocent among us. Whether from the first moments of life, to the moments just before birth, a child is a precious and unique gift, a gift never to be given or to be created again.

It seems, therefore, that in some measure this debate is about whether or not that child prior to birth is a child at all. That really is the central question. Is that child, before birth, a child at all? Is this young human a person or is it a piece of property? That is the real debate. One has to conclude this child is a child; it is not property. This harkens back to the slavery debate.

I also point out there is new evidence on this, as well. We try to debate: Is the child in the womb a child or property?

I note a news article that came out Sunday in this country in the Chicago Sun Times—and also in Australia in Sunday's Herald Sun—which reported that Dr. Stuart Campbell, professor and chair of the Department of Obstetrics and Gynecology in the Fetal Medicine Unit at St. George's Hospital in London, a man who pioneered 3-D ultrasound technology in 2001, said he has seen fetuses moving their fingers as early as 15 weeks' gestation, yawning at 18 weeks, and smiling and crying at 26 weeks. We are seeing this done at 3½ months.

Doctors currently believe fetuses cannot feel pain until at least 12 weeks' gestation when the fetus's nervous system is formed, but we are finding more and more, earlier and earlier, that what this child is feeling, seeing, and knowing, moving their fingers at 15 weeks—is that a child that moves those fingers or is it a piece of property? Is it a robot? Is it a blob of tissue or is it a child?

What impact does it have on the mother if that child's life is terminated? At any point in time from that point forward, what impact does it have on the mother when that child's life is terminated? Imagine yourself, what impact does it have on you when your child's life is ended? What impact does that have when you back it up in time? It has a profound impact on the individuals involved. It has a profound impact on society. That is why this process must be ended. That is why we must stop partial-birth abortion. It is hurting everyone. It is hurting the so-

ciety. It is hurting the people involved. It is hurting the child who is killed in this process. And it is hurting everyone.

Elizabeth Cady Stanton, one of the women depicted in the Portrait Monument, foresaw this awful view of human life in a letter she wrote in October to Julia Ward Howe in October of 1873. She said:

When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.

That was in 1873. That quote is applicable today. The Congress must speak against this degradation of human life. These are life issues of enormous consequence and they are issues by which history and eternity will judge us.

Finally, I would like to close with a quote from Mother Teresa, one of my personal heroes. Her concern for the poorest of the poor and her service to them was above reproach. Her work is being carried on today in India and around the world. I am sure it is going to be carried on for years to come.

She once said this:

Many are concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions being killed by the deliberate decision of their own mothers. And this is the greatest destroyer of peace today—abortion which brings people to such blindness.

And that is why this practice must be ended.

Mr. President, I say to my colleagues, this practice is going to be ended. It is going to end this year. When this body passes this bill, when the conference finally meets, when the conference report comes back and the conference report is passed, when the President signs this into law, this practice is going to stop.

It is going to be the point in time when we as a country start waking up and looking at the huge cost of taking these young lives, of what it has done to us, what it has done to the children, what it has done to the mothers involved, and what it has done to us as a society.

But, thankfully, this procedure is going to end this year. I think then we as a country—and we are now—will start waking up, saying: It just isn't right to take this child's life. You end up with two victims, one dead and one wounded, in the process.

Mr. President, I yield the floor.

#### EXHIBIT 1

##### ABORTION HURTS WOMEN—MEDICAL AND PSYCHOLOGICAL TALKING POINTS

1. 43% of American women will have at least one abortion by age 45.
2. In the U.S., over 140,000 women a year have immediate medical complications from abortion.
3. This includes problems such as: infection, uterine perforation, hemorrhaging, cervical trauma, and failed abortion/ongoing pregnancy.

4. Abortion increases a woman's risk of breast cancer by 30%.

5. Childbirth actually protects against cancer of the reproductive system.

6. After an abortion there is a higher risk of developing cervical, and ovarian cancer.

7. Abortion can lead to infertility, a serious long-term complication that often goes undetected for many years.

8. Abortion can lead to complications in future pregnancies including: premature birth, placenta previa, and ectopic pregnancy.

9. In the 2 years following an abortion women have a death rate twice as high as women who continue with their pregnancies.

10. A woman who undergoes an abortion has a suicide risk six times higher than women who have given birth to a child.

11. It is minorities who suffer from the greatest number of serious complications and death after abortion.

12. Psychological and emotional complications reported in a 1994 survey of women who had abortions and sought counseling found that they experienced a range of problems including: increased use of drugs and/or alcohol to deaden their pain, reoccurring insomnia and nightmares, eating disorders that began after the abortion, suicidal feelings, and many even attempted suicide.

13. Who is at high risk for developing serious emotional and psychological problems following and abortion? Teenagers; Women who already have children; Women who have abortions after 12 weeks gestation; Women who feel pressured into the abortion; Women struggling with value conflicts.

This information is important for every woman to know, but it is especially relevant for parents of teens because of the impact abortion can have on a minor's emotional health, physical health, fertility, and future pregnancies.

#### REFERENCES

1. Alan Guttmacher Institute 1994 study entitled: "Unintended Pregnancy in the United States."
  2. This is based on a complication rate of 11% and assuming the yearly abortion rate is 1.3 million U.S. women a year. Most abortion advocates claim the complication rate is only 1%, but this is inaccurate when the data is analyzed. According to the Royal College of Obstetricians and Gynecologists in the UK, the immediate physical complication rate from abortions is at least 11%, primarily infections that can lead to a host of other problems including pain and infertility. The UK statistics have been recently published in January of 2001. See: Royal College of Obstetricians and Gynecologists (UK). The care of women requesting induced abortion: 4. Information for women. 2000.
  3. For an extended list of research studies documenting these health risks and many others, please see *Detrimental Effects of Abortion: An Annotated Bibliography With Commentary* Ed. Thomas W. Strahan, published by Acorn Books, Springfield IL, © 2001.
  4. Brind J, Chinchilli VM, Severs WB, Summy-Long J. Induced abortion as an independent risk factor for breast cancer: a comprehensive review and meta-analysis. *Journal of Epidemiology and Community Health* 1996 Oct. 50(5):481-496.
- It is important to note that abortion advocates completely deny these findings, this includes many researchers in the U.S. medical community. But a careful study of international literature indicates a strong correlation between abortion and breast cancer. Much like tobacco companies in the past have simply denied that cigarettes endanger the health of their customers, abortion advocates simply deny any research that indicates that abortion is harmful to women's

health and increases their risk for breast cancer.

5. Albrektsen G, Heuch I, Tretli S, Kvale G. Is the risk of cancer of the corpus uteri reduced by a recent pregnancy? A prospective study of 765,756 Norwegian women. *International Journal of Cancer* 1995 May 16;61(4):485-90, p. 485.

6. La Vecchia C, Negri E, Franceschi S, Parazzini F. Long-term impact of reproductive factors on cancer risk. *International Journal of Cancer* 1993 January 21;53(2):215-9, p. 217.

Albrektsen G, Heuch I, Tretli S, Kvale G. Is the risk of cancer of the corpus uteri reduced by a recent pregnancy? A prospective study of 765,756 Norwegian women. *International Journal of Cancer* 1995 May 16;61(4):485-90, p. 485.

Kvale G, Heuch I. Is the incidence of colorectal cancer related to reproduction? A prospective study of 63,000 women. *International Journal of Cancer* 1991 February 1;47(3):390-5, p. 392.

7. Frank P, McNamee R, Hannaford PC, Kay Cr, Hirsch S. The effect of induced abortion on subsequent fertility. *British Journal of Obstetrics and Gynaecology* 1993 June;100(6):575-80.

Heisterberg L, Kringelbach M. Early complications after induced first-trimester abortion. *Acta Obstetrica et Gynecologica Scandinavica* 1987;66(3):201-4, p. 204.

8. Barrett JM, Boehm FH, Killam AP. Induced abortion: a risk factor for placenta previa. *American Journal of Obstetrics and Gynecology* 1981 December 1;141(7):769-72.

Rose GL, Chapman MG. Aetiological factors in placenta praevia—a case controlled study. *British Journal of Obstetrics and Gynecology* 1986 June;93(6):586-8.

Taylor VM, Kramer MD, Vaughan TL, Peacock S. Placenta previa in relation to induced and spontaneous abortion: a population-based study. *Obstetrics and Gynecology* 1993 July;82(10):88-91; p. 91.

Michalas S, Minaretzis D, Tsiouou C, Maos G, Kioses E, Aravantinos D. Pelvic surgery, reproductive factors and risk of ectopic pregnancy: A case controlled study. *International Journal of Gynecology and Obstetrics* 1992 June;38(2):101-5, pp. 101, 103.

Luke B. *Every Pregnant Woman's Guide to Preventing Premature Birth*. 1995 [foreword by Emile Papiernik], New York: Times Books; p. 32.

9. Reardon, David C., Philip G. Ney, Fritz Scheuren, Jesse Cogle, Priscilla K. Coleman, and Thomas W. Strahan. Deaths Associated With Pregnancy Outcome: A Record Linkage Study of Low Income Women. *Southern Medical Journal*. Vol. 95. No. 8. Aug 2002.

This statistic is important to note because many of these deaths are due to complications from the abortion and are documented as such. Thus, the presenting cause of death will be the complication, not the abortion that caused it.

10. Gissler M, Kauppila R, Merlainen J, Toukoma H, Hemminki E. Pregnancy-associated deaths in Finland 1987-1994: register linkage study. *British medical Journal* 1996 December 7, 313(7070):1431-4.

11. Goldner TE, Lawson HW, Xia Z, Atrash Hk. Surveillance for ectopic pregnancy—United States, 1970-1989. *Morbidity and Mortality Weekly Report, Centers for Disease Control Surveillance Summary* 1993 December; 42(SS-6):73-85.

Council on Scientific Affairs AMA. Induced termination of pregnancy before and after Roe v Wade. Trends in the mortality and morbidity of women. *Journal of the American Medical Association* 1992 December 9;268(22):3231-9.

12. *The Post Abortion Review*, 2, (3): 4-8, Fall 1994, published by the Elliott Institute,

PO Box 7348, Springfield, IL 62791-7348. It is important to note that many in the psychiatric community deny any serious emotional trauma after an abortion, but this has happened under similar circumstances before. It took years for the medical community to recognize Post Traumatic Stress in Vietnam veterans; ironically women who have undergone abortion often fit the profile of someone suffering from Post-Traumatic Stress according to the *Diagnostic and Statistical Manual IV* (standard for diagnosis of psychiatric illness in the United States).

13. *The Post Abortion Review*, 2, (3): 4-8, Fall 1994, published by the Elliott Institute, Springfield, IL. See also *Forbidden Grief: The Unspoken Pain of Abortion* by Theresa Burke, Ph.D. Acorn Books, Springfield, IL, © 2002 for more information on the emotional and physical pain women go through after an abortion.

Statistics and citations taken from a compilation of studies in: *Women's Health after Abortion: the Medical and Psychological Evidence* by Elizabeth Ring-Cassidy and Ian Gentles. Published by the Toronto based De Veber Institute for Bioethics and Social Research 2002. Page 52 makes a very important note on this highly politicized issue: "There is a marked tendency in the North-American literature on abortion for researchers to minimize their own findings. Those interested in the subject are well advised to read the numerical data and compare them carefully with the abstract or conclusions, rather than relying on either the abstract or conclusions alone. Comparisons are also recommended with literature from European countries, particularly Great Britain and the Scandinavian countries, where population size and sophisticated medical linkage data bases make data collection more accurate and comprehensive."

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

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

#### MORNING BUSINESS

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

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

#### VICE PRESIDENT CHENEY'S TIES TO HALLIBURTON

Mr. LAUTENBERG. Mr. President, I rise to discuss a disturbing development that has just come to light. This development questions Vice President CHENEY's continuing financial ties to Halliburton, the oil services company he once headed.

This past Sunday, the Vice President made the following statement to Tim Russert on "Meet the Press." I quote from that statement. The Vice President said:

Since I left Halliburton to become George Bush's Vice President, I've severed all of my ties with the company, gotten rid of all of

my financial interest. I have no financial interest in Halliburton of any kind and haven't had, now, for over three years.

After he made that statement, my curiosity led me to take a look at the Vice President's financial disclosure records. What I saw in those reports was completely at odds with what he said on television Sunday morning. Vice President CHENEY's official financial disclosure filings with the Office of Government Ethics reveals that not only does the Vice President continue to have financial ties to Halliburton but also that Halliburton is continuing to provide personal financial benefits to the Vice President.

In the years 2001 and 2002, the Vice President received large "deferred salary" payments from Halliburton. In 2001, Halliburton paid Vice President CHENEY \$205,298 in salary, and in 2002 Halliburton paid Vice President CHENEY \$162,392 in salary. He is scheduled to receive similar payments this year, 2003, and in 2004 and 2005. That is a pretty strong "financial tie," in my view. If you ask every-day Americans if someone has a financial interest in a company that pays them annual compensation, I am certain the answer would be universally "yes."

Deferred salary is not a retirement benefit or a payment from a third-party escrow account but, rather, an ongoing corporate obligation that is paid from company funds. If a company were to go under, the beneficiary could lose the deferred salary.

In an attempt to mitigate the Vice President's continuing financial interest in Halliburton, his financial statement disclosure form says he "acquired" an insurance policy "to ensure that he will receive the equivalence of his remaining deferred compensation account with Halliburton." The terms of this insurance policy, its costs, and who paid for it are still unclear.

In addition, Vice President CHENEY continues to hold 433,333 unexercised Halliburton stock options. At the end of 2002, Vice President CHENEY's financial disclosure form stated he continued to hold these options, although the exercise prices are above the company's current stock market price. Even though these exercise prices are above current values, these options could in the future bring a substantial windfall, if Halliburton's earnings in stock value continue to grow as it benefits from large government contracts.

This morning, I looked at a chart that showed Halliburton's stock value and its growth from October of last year until the current time. It has grown by about 75 percent while the rest of the industry has remained flat over the years.

These options could bring, as I said, a substantial windfall if earnings in stock values continue to grow—I repeat—because of the value I find people have placed on Halliburton stock resulting in some pretty good contracts they have gotten in dealing with issues in Iraq.