all women in this country by the United States Supreme Court is unacceptable.

I urge my colleagues to support this motion and send the amendment back to conference. The Senate needs to send the right message to the Supreme Court and to women across this country—that their inherent right of privacy and their right to make reproductive health care decisions will not be jeopardized. This is another attempt to circumvent the Supreme Court's ruling in the Stenberg v. Carhart case. The authors of this bill tried to get around the law of the land by inserting a section of congressional findings in their unconstitutional bill. These findings dispute the basis for the Supreme Court's decision, and they state that Congress finds the partial-birth abortion ban legislation to be constitutional.

The authors of this legislation claim that congressional findings are all that is necessary to ensure a law is constitutional. That is a bit optimistic on their part, and it ignores past congressional findings that were ignored by the Court.

The Court struck down the Nebraska law for one reason. It did not contain any consideration for the health of the woman as prescribed in the original Roe decision.

Telling the Court that Congress does not find women's health to be important does not meet the constitutional test.

It is somewhat surprising that opponents of this motion would now argue that talking about Roe or the constitution protections provided in Roe is not relevant.

One of the reasons I opposed S. 3, the so-called Partial Birth Abortion Act, was because I know this legislation is unconstitutional. It simply does not meet the constitutional test that requires providing some consideration for the health of the woman.

The Court has been extremely clear on this point.

We are voting to ban a legal, safe medical procedure that is used to save the life and health of women. Proponents of this legislation will argue that S. 3 does not undermine Roe, that it does not jeopardize a woman's life or health, and that it simply bans one procedure. I think we all know the true objective here. It is to overturn Roe piece by piece.

The other side claims they are not seeking to overturn Roe but, rather, to protect women and the unborn. If they really believe this and they are not concerned with a constitutional challenge, they should support the Harkin-Boxer amendment. This amendment should be part of any final legislation.

I think it is important to discuss what Roe did and did not say.

I often hear that Roe allows for abortion on demand at any stage of the pregnancy. That is simply not true. The Justices worked very hard to achieve a balance between the privacy of the woman and the interests of the state. They found this balance by distinguishing between pre- and post-viability. The underlying issue in Roe was privacy.

The Roe case built on the precedent established in Griswold v. Connecticut, which outlawed State laws that criminalized or hindered the use of contraception because they violated the right to privacy.

In the Roe decision, the Supreme Court used this same right of privacy to prohibit laws that banned abortions performed before viability. After viability, the Court did rule that the State does have a prevailing interest to restrict abortion, which is why so few abortions are performed late in pregnancy. Eighty-eight percent of abortions are performed before the end of the first trimester of pregnancy, and 98 percent occur during the first 20 weeks.

What the Court said regarding post-viability is that the State could restrict access, but the law must include a health and life exception. The Supreme Court found that the State's right to restrict or regulate abortion could not—and let me repeat, could not—jeopardize the life or health of the woman.

It is disheartening to me that efforts to overturn or restrict the rights afforded in the Roe decision often exclude any consideration for the life or health of the woman.

I have heard supporters of S. 3 claim that so-called partial-birth abortions jeopardize a woman's health and are never necessary to protect the health of the woman. If anyone doubts that Roe was not important for the life and health of a woman, they should consider the world before Roe.

In 1973, abortion, except to save a woman's life, was banned in nearly two-thirds of our States. An estimated 1.2 million women each year were forced to resort to illegal abortion, despite the risks associated with unsanitary conditions, incompetent treatment, infection, and hemorrhage.

Because the procedure was illegal, there is no exact figure on the number of deaths caused by illegal abortions in the U.S. One estimate that was made before 1973 attributed 5,000 deaths a year to illegal abortions.

According to a 1967 study, induced abortion was the most common single cause of maternal mortality in California. The number of deaths per 100,000 legal abortion procedures declined from 4.1 percent to 0.6 percent between 1973 and 1997. The choices women had prior to 1973 were often the choice between life and death.

The Roe decision, coupled with the Griswald decision that gave women the right to contraceptives, finally gave women full and just reproductive choice.

But again the Roe decision does not allow for abortion on demand. The decision placed the appropriate restrictions on late-term abortions without forcing women into the back alleys.

Currently, 41 States have laws that restrict or ban post-viability abortions, except to save the life and health of the woman. This is consistent with Roe. Clearly, Roe did not result in abortion on demand at any stage in the pregnancy.

today we are ready to turn back much of what was achieved in Roe by banning a safe medical procedure at any stage of the pregnancy regardless of the threat to the woman. S. 3 removes any consideration of the health of the woman. Personally, I believe the Court will strike down this misguided legislation when it passes. However, we should send the right message to the Court that the U.S. Congress supports the Roe decision and believes that the right of privacy is an important protection for all Americans.

I am fortunate to represent a State that has twice voted to reaffirm Roe and to protect a woman's right to reproductive choice. In fact, in 1998, a similar effort to ban a safe and legal abortion procedure was defeated in Washington State. People in Washington State understand the need to provide for the health and the life of a woman.

In fact, a recent ABC News poll shows a majority of Americans support a health exception for the woman for late-term abortion. The poll—which was just conducted in July—asked, if a late-term abortion would prevent a serious threat to the woman, should it be legal? Twenty percent said it should be legal in all cases, 41 percent said it should be legal if health is threatened—a total of 61 percent. This poll shows what many of us believe, that a woman's health is an important factor and consideration.

This motion will give Members the chance to cast their vote either in support of Roe or in support of overturning this landmark decision. If you believe that women in this country should be afforded full reproductive choice, then you must vote to ensure that the Harkin-Boxer amendment remain part of any final conference agreement on S. 3. If you oppose this amendment, you are saying that you do not believe that the Constitution provides women with the right of privacy and that there should be no consideration for the health and life of the woman.

I hope we don't turn back the clock on the floor of the Senate and place women in this country at risk again.

ROE ROE. V. WADE

Mr. DODD. Mr. President, I express my cooperation, sense of solidarity with my colleague from California, Mrs. BOXER, and others under very unusual procedural circumstances. In my almost 24 years in the Senate, I cannot recall ever rising to speak on a motion to disagree with a House amendment on a Senate bill and request a conference. As all of my colleagues know, these motions are rarely if ever debated. They are routinely adopted. And

while this particular motion may well be adopted today or tomorrow there is nothing routine about it, because what we're discussing is one of the most divisive issues this country has ever faced—the issue of abortion, and specifically, the issue of whether or not the decision reached in Roe v. Wade should be the prevailing law of the land.

When this legislation was initially before the Senate, Senators HARKIN and BOXER introduced a simple sense of the Senate amendment that stated Roe v. Wade was a fair and balanced affirmation of a woman's constitutional right to privacy and self-determination. Of course, as Senator BOXER has pointed out, a woman's right to choose is not unlimited. As Roe v. Wade held, once a fetus becomes viable from a medical point of view, abortions may be regulated, although States must allow abortions when necessary to preserve a woman's life or health. Perhaps that's why a majority of Americans continue to support Roe v. Wade. Most Americans believe that this most difficult of decisions is, as an initial matter, best made in private by a woman and those with whom she chooses to share in the making of her decision—her doctor, her family, and her loved ones.

Most Americans believe that politicians are ill-equipped to understand the unique, complex, and often wrenching factors that so often bear on whether or not a woman decides to terminate a pregnancy. And most Americans believe that abortion should be as it has consistently been for the past 30 years—safe, legal, and rare.

There are those among my colleagues in the House and Senate who do not support the Harkin-Boxer language because they do not support Roe v. Wade. That is certainly their right, and they are entitled to the views they hold. In this Senator's view, however, eroding Roe v. Wade or repealing it outright would be a mistake of historic proportions, with devastating consequences for American women.

The history of our Nation is one of securing and protecting freedoms and inalienable rights that we are all entitled to as American citizens. Eviscerating the rights annunciated by Roe v. Wade would run counter to this historic trend in our Nation's life. I look back on history and think about other times when attempts were made to repeal civil and privacy rights our citizens possessed. Obviously, prohibition comes to mind. We all know it was a social failure that resulted in the unregulated production of distilled spirits and other alcoholic substances that jeopardized the health of countless Americans. I think of the internment of Japanese-Americans during World War II, when tens of thousands of citizens were taken forcibly from their homes and livelihoods, and stripped of nearly all their possessions simply because of their ethnicity. And, of course, I think of our country in the aftermath of the Civil War, when the thirteenth, fourteenth, and fifteenth amendments to the Constitution—promising the full blessings of equality to all Americans regardless of race—were followed by a century of Jim Crow laws designed to deny those blessings to tens of millions of Americans.

Surely, eroding or repealing Roe v. Wade would be considered a step of equal gravity and error because it would deprive half our population of a right that, while not unlimited, is fundamental to being an American.

What would the implications of denying this right be? One need not look further than when abortions were deemed illegal in this country—before Roe v. Wade was decided in 1973. Women were forced to seek abortions in back alleys and basements. Women were forced to seek abortion by many people wholly unqualified to perform the procedure. And we all know the results were disastrous to women in this country—untold numbers of whom suffered sickness, permanent disability, and death.

Surely, this not the kind of America we want for the women of our country, nor is it the kind of America we want for men who have wives, daughters, sisters, and nieces. Therefore, as this bill moves forward, I hope a majority of our colleagues will continue to support the constitutional protections given to women under Roe v. Wade.

Mr. FEINGOLD. Mr. President, earlier this year, the Senate passed S. 3, the Partial Birth Abortion Ban Act. I opposed that bill and instead supported a constitutionally sound alternative offered by my colleague, Senator DURBIN. The Durbin alternative would ban post-viability abortions unless the woman's life is a risk or the procedure is necessary to protect the woman from grievous injury to her physical health.

I understand that people on all sides of this issue hold sincere and strongly held views. I respect the deeply held views of those who oppose abortion under any circumstances. Like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies. I have always believed that decisions in this area are best handled by the individuals involved, in consultation with their doctors and guided by their own beliefs and unique circumstances, rather than by Government mandates.

I support Roe v. Wade, which means that I agree that the Government can restrict abortions only when there is a compelling State interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court. That is why I supported the inclusion of language in S. 3 reaffirming the Senate's commitment to Roe and its belief that Roe should not be overturned. The Senate had a straight up-or-down vote on the Harkin amendment, and a majority of the Senate agreed to support the Harking amendment.

The House was wrong to remove this language during its consideration of the bill. I sincerely hope that the final version of this bill that goes to the President's desk for his signature contains this important reaffirmation of Roe v. Wade.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the bill before us, S. 3. I voted against this bill and I do not intend to support the House position.

When the Senate passed this bill, we added an important amendment offered by our colleague Senator HARKIN. The amendment reaffirmed support for the Supreme Court's decision in Roe v. Wade. The only difference between S. 3 as the Senate passed it and then as the House passed it is Senator HARKIN's amendment. The House stripped Senator HARKIN's amendment from the bill.

Since the Harkin amendment was a sense of the Senate and does not have the force of law, I must ask, why did the House remove this language? It does nothing to fix the harmful policy the underlying bill would establish.

The Republican leadership and their anti-choice friends would like you to believe that removing the Harkin language is just a procedural motion. Don't be fooled. Stripping S. 3 of the Harkin amendment reaffirming Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade; S. 3 puts them on that path.

A woman's right to choose is in greater danger now than it has been at any other time since the Supreme Court issued Roe v. Wade 30 years ago. The House's action neatly comports with an overtly anti-choice administration striving to undermine reproductive freedom.

I thank Senator BOXER for offering the motion to disagree to the House action so that, at a minimum, we have an opportunity to talk about what is really going on.

The underlying bill makes a pretense of protecting women but really, what we have here is a bill that takes away rights while doing nothing to help anyone. There is no such medical term as ''partial-birth'' abortion, and that is intentional. The anti-choice zealots who drafted that term want the bill to be ambiguous so it will have a chilling effect on physicians.

If S. 3 is ultimately passed and President Bush signs it into law—he will become the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective of S. 3 to chip away at a woman's right to choose, to criminalize legal and safe abortion procedures.

This bill isn't even constitutional. There is no exception for the health of the mother. When we debated this bill back in March those of us who are pro-choice said we will accept this bill if

you make an exception for the life and health of the mother. Yet sponsors have repeatedly resisted pro-choice lawmakers' attempts to include a health exception such as the Feinstein substitute, which was defeated.

Five members of the current Supreme Court have invoked Roe to invalidate a State ban on so-called partial-birth abortions.

During last night's debate, the junior Senator from Pennsylvania characterized the Harkin amendment—a reaffirmation of current law—as extreme. That is absurd. Not being will to protect a woman's health is extreme. It is extreme and it is wrong.

Taking away the freedom of women to make choices about their own reproductive health—that sounds like one of the reasons why we kicked the Taliban out of Afghanistan.

I urge my colleagues to defeat this ill-disguised attempt to overturn Roe v. Wade.

Ms. MIKULSKI. Mr. President, I rise today in support of the Harkin/Boxer motion and the Roe v. Wade decision that was made by the Supreme Court over 30 years ago.

The Supreme Court's acknowledgment of the fundamental ''right to privacy'' in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women all across the country and the world have had improved access to reproductive health care and services.

In March, the Senate passed a resolution supporting Roe v. Wade during the debate of the partial birth abortion bill. The resolution should be retained in the bill during conference. The Roe v. Wade decision is important to women's rights, women's health and public health.

Because efforts have been made over the years to educate and inform women about their choices, unwanted pregnancies are at their lowest levels since 1974. Teenage pregnancies have declined almost 50 percent since 1987.

While Roe v. Wade is still the law of the land today, it has been systematically challenged and weakened. What stands today is a hollowed version of one of our Nation's most important accomplishments for women. What keeps Roe from vanishing altogether is our unwavering commitment to protect a women's right to choice.

I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have served in Congress. Whether it is establishing offices of women's health, fighting for coverage of contraceptives, or requiring Federal quality standards for mammography, I will continue the fight to improve women's health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. Congress must protect a woman's freedom of choice that was handed down by the Supreme Court over 30 years ago.

This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to retain the resolution in support of Roe v. Wade in the final bill.

Mr. VOINOVICH. Mr. President, I rise in strong support of the motion to proceed to conference on the Partial Birth Abortion Ban Act. We passed the legislation to ban this barbaric procedure on March 13, 2003, by a vote of 64 to 33, and I am shocked that we are back on the Senate floor in September, still debating whether to send this bill to conference. Just imagine the number of lives we could have saved if we had sent this bill to the President 6 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through the 104th and 105th Congresses, only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both Chambers, but never made it to conference. We cannot let this happen again. Now is the time to get this done.

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. We can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary. If a mother really needs an abortion, she has alternatives available to her that are not as torturous as partial birth abortion.

The victims of the partial birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called babies or fetuses, no one seems to dispute the fact that they are living. In fact, they are human babies and they can feel pain. When partial birth abortions are performed, these babies are just 3 inches away from life and, for that matter, seconds away.

I strongly urge all of my colleagues to vote to send this bill to conference and stand up against what I refer to as human infanticide. This is not a vote on Roe v. Wade. This is a vote to eliminate a horrible procedure that should be outlawed in this country. In his State of the Union Address this year, President Bush again pledged to support the legislation and said, ''We must not overlook the weakest among us. I ask you to protect infants at the very hour of their birth and end the practice of partial birth abortion.''

I urge my colleagues to vote in favor of this motion so we can send a bill to the President that will finally ban partial birth abortions in the United States of America.

Ms. CANTWELL. Mr. President, I rise today to speak to the issue of protecting a woman's right to choose. I am here to reiterate what the majority of us in the Senate clearly expressed this spring on behalf of women when we voted on an amendment to S. 3, sponsored by the good Senator from Iowa, my colleague Senator HARKIN.

That amendment—in no uncertain terms—reaffirmed the sense of the Senate that No. 1, abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade; and No. 2, the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right and that the decision should not be overturned.

Let me repeat that. A majority of my colleagues voted for the Senator HARKIN amendment. That the House remove the amendment from S. 3 is a travesty and I must vehemently disagree with that action. It is incumbent upon the majority of those of us in this chamber who affirm the constitutional right to choose to send a clear message to the House as the bill goes to conference that Roe is still—and will continue to be—the supreme law of the land. My colleague from the State of California, Senator Boxer, has been a true champion on this issue. She is an unwavering and tireless advocate for women, the country—and the world over. On Monday, she revisited how we found ourselves in the position we are now. As Senator Boxer explained, the House returned S. 3 to the Senate without the Harkin amendment affirming Roe.

Because S. 3 is at the heart of this issue, I would like to spend some of my time speaking to this underlying bill, which is undoubtedly and unfortunately going to end up on the President's desk and which the President will most assuredly sign.

If the President signs S. 3, he will be signing an unconstitutional measure into law. As I have said before, and at the risk of sounding like a broken record, Roe v. Wade held that women have a constitutional right to choose. However, after the point of viability—the point at which a baby can live outside its mother's body—States may ban abortion as long as they allow exceptions when a woman's life or health is in danger. Yet the legislation that comes before us and will go to the President lacks that important health exception and, therefore, fails to provide for a woman when her health or her life is in danger.

In June 2000, the U.S. Supreme Court reinforced the importance of this health exception in Stanberg v. Carhart, which determined that a Nebraska law banning the performance of

so-called ''partial birth'' abortions violated the Roe ruling by the Supreme Court.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called ''partial birth abortion,'' must contain a health exception. The Court emphasized that, by failing to provide a health exception, the Nebraska law would place a woman's life in danger.

That is exactly what the legislation before us today does as well: It places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

Moreover, this legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

I fundamentally believe that private medical decision should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here on the Senate floor? Congressional findings cannot possibly make up for medical consultation between a patient and her doctor, but this will would undermine a physician's ability to determine the best course of treatment for a patient.

Physicians must be free to make clinical determinations, in accordance with medical standards of care, that best safeguard a woman's life and health. Women and their families, along with their doctors, are simply better than politicians at making decisions about their medical care. And I don't want to make those decisions for other women.

Three States, including my home State of Washington, have considered similar bans by referendum. All three failed. We considered this debate in my home State in 1998. The referendum failed decisively—by a vote of 57 to 43 percent.

These so-called ''partial birth'' abortion bans—whether the proposals that have been before the Senate in the past or the one before us today—are deliberately designed to erode the protections of Roe v. Wade, at the expense of women's health and at the expense of a woman's right to privacy.

The Supreme Court, during the 30 years since it recognized the right to choose, has consistently required that when a State restricts access to abortion, a woman's health must be the absolute consideration. This legislation does not only disavow the Supreme Court's explicit directive, but the advice of the medical community, and the will of the American people. We must continue to ensure that the woman of America have the right to privacy and receive the best medical attention available.

I urge my colleagues to disagree with the actions of the House and demand that the amendment expressing the Sense of the Senate that Roe v. Wade was rightly decided be included in S. 3.

Mrs. FEINSTEIN. Mr. President, I rise today to support the motion to disagree with the House message accompanying S. 3, the late-term abortion bill, and to speak today about a very important Supreme Court decision: Roe vs. Wade.

A provision was included in the late-term abortion bill that passed the Senate in March recognizing the importance of Roe v. Wade in securing the constitutional right to choose and stating that this decision should not be overturned.

This provision was a simple Sense of the Senate resolution. Let me read its exact language:

(1) the decision of the Supreme Court in Roe v. Wade (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and

(2) such decision should not be overturned.

I am pleased that this amendment was added on a strong bipartisan vote of 52 to 46.

Unfortunately, though, the similar House-passed late-term abortion bill lacks this language. Indeed, the House refused to agree to it.

While I oppose both the House and Senate late-birth abortion bills because I believe that they are too broadly written, lack an exception for women's health, and are flagrantly unconstitutional, I strongly support the Roe v. Wade language we added to the Senate-passed bill. That is why I plan to vote for the motion to disagree today.

The past 30 years, since the Supreme Court upheld a woman's right to choose, have brought a great deal of change for women in America. Some of that has been good, while some has not been so good.

But now, in 2003, the right to choose is under attack—and more so, I believe, than any other time during the last 30 years. It's easy to take the right to choose for granted. For many women, it is all they have ever known. The option has always been available. I lived during a time, however, when an estimated 1.2 million women each year resorted to illegal, back-alley abortions despite the possibility of infection and death. I remember that time very vividly. In college during the 1950s, I knew young women who found themselves pregnant with no options. I even knew a woman who committed suicide because she was pregnant and abortion was illegal in the U.S. I also remember the passing of a collection plate in my college dormitory so that another friend could go to Mexico for an abortion.

Later, in the 1960s, I spent 8 days a year for 5 years sentencing women to California prisons. I even sentenced individuals who performed abortions because, at that time, abortion was still illegal in my State.

I remember these cases particularly well. I remember the crude instruments used. I remember women who were horribly damaged by illegal abortions. In fact, the only way a case really came to the attention of the authorities was if the woman getting the abortion died or was severely injured.

I will never forget one woman whom I sentenced to 10 years—the maximum sentence because she had been in and out of State institutions several times. I asked her why she continued to perform abortions. She said,

Because women are in such trouble and they have no other place to go, so they came to me because they know I would take care of them.

Not a year has gone by since I became U.S. Senator that some legislator hasn't proposed legislation that would compromise this right—that would return us to the days of the 50s, 60s, and early 70s. But, fortunately, we have been able to beat back many of these attempts, either in Congress or in the courts.

What concerns me the most about the debate we are having today about Roe v. Wade is that it is the beginning of a long march to take women back 35 years, back to the passing of the plate at Stanford, back to the back-alley abortions and trips to Mexico, and back to the time when women could not control their own bodies.

What we are hearing today is that some Senators are so uncomfortable with the right to choose that they want to strip out language that recognizes the importance of Roe v. Wade and that States, consistent with current Supreme Court jurisprudence and settled caselaw, that the decision should not be overturned.

But it is because of Roe—and only because of Roe—that women have been able to decide over the past 30 years, in consultation with their doctors, about whether to terminate a pregnancy in the first trimester without interference from the state or federal government.

Let me talk a little about this landmark opinion.

In 1973, in Roe v. Wade, the Supreme Court decided that a woman's constitutional right to privacy includes her qualified right to terminate her pregnancy.

The Court also established a trimester system to govern abortions. In that system, in the first 12 to 15 weeks of a pregnancy—when 95.5 percent of all abortions occur and the procedure is medically the safest—the abortion decision and its effectuation must be left to the woman and her doctor.

In the second trimester, when the procedure in some situations poses a greater health risk, States may regulate abortion, but only to protect the health of the mother. This might mean, for example, requiring that an abortion be performed in a hospital or performed by a licensed physician.

In the later stages of pregnancy, at the point the fetus becomes viable and is able to live independently from the mother, the state has a strong interest in protecting potential human life. States may, if they choose, regulate and even prohibit abortion except where necessary to preserve the life or health of the woman.

In 1992, in Planned Parenthood v. Casey, the Supreme Court specifically reaffirmed Roe's standard for evaluating restrictions on abortion after viability but eliminated Roe's trimester framework by explicitly extending the state's interest in protecting potential life and maternal health to apply throughout the pregnancy.

Thus, under Casey, regulations that affect a woman's abortion decision that further these state interests are valid unless they have the ''purpose or effect'' of ''imposing a substantial obstacle'' in the woman's path.

However, the bottom line is that in Casey the Court retained the ''central holding'' of Roe v. Wade. As a result, women in all 50 States still enjoy the constitutional right to choose.

The challenge for American men and women who support a pro-choice agenda will be to continue to make their voices heard in an environment that appears focused on nullifying all reproductive rights and trying to overturn Roe after 30 years.

Roe v. Wade secured an important constitutional right—a right I strongly support.

I am deeply concerned about passing a late-term birth abortion bill that doesn't include language recognizing the importance of Roe. That is why I believe that we should disagree with the House message accompanying S. 3.

I urge my colleagues to vote to support the language in the Senate-passed version of S. 3 regarding the importance of Roe v. Wade. We cannot—we must not—go back to a time without choice.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2754

AMENDMENT NO. 1723

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 2754, the energy and water appropriations bill, it be in order to consider and agree to the amendment that is at the desk. I have cleared this with the Republican manager of the bill, Senator DOMENICI.

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

The amendment (No. 1723) was agreed to, as follows:

On page 16, end of line 12, before the ''.'' insert the following:

: *Provided further*, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1724

Mr. BURNS. Mr. President, I call up a substitute amendment which is at the desk. This amendment is the text of S. 1391.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 1724.

Mr. BURNS. Mr. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the Interior and related agencies appropriations bill for fiscal year 2004. In dollar terms, this is a modest bill compared to many of the appropriations bills we tackle in this body. It totals about $19.6 billion in discretionary budget authority. But in terms of its direct impact on the lives and livelihoods of the people and communities throughout this country, it is a critical bill, and it is of particular importance to the Western States, such as my State of Montana, where the Department of the Interior and the Forest Service either own or manage in trust vast acres of land.

These are lands where my constituents live. This is where they graze livestock, where they mine, where they hike, hunt, fish, and timber. What we do in this bill affects all of those activities.

It is not just a public lands bill. It is also a bill that provides education, health care, and other core services for the Native Americans of America.

It supports energy research and development that fosters economic growth, strengthens our national security posture, and improves the quality of our environment. And it supports the treasured cultural institutions, such as the Smithsonian and the National Endowment for the Humanities—institutions that help tell the story of America and that remind us who we are as a people.

As I suspect is the case with many of my colleagues who have chaired appropriations subcommittees, the more I learn about the agencies funded in this bill, the harder it gets to make tough choices that have to be made, particularly in the current fiscal climate.

The President's fiscal year 2004 budget request for the Interior bill was $19.56 billion in discretionary budget authority, a modest increase over the comparable level for fiscal year 2003.

While the budget request included increases for several activities that have considerable merit, it also proposed severe reductions in a number of critical programs that have broad support within the Senate. With an allocation that is effectively the same as the President's request, we had to make some tough choices.

That said, with the help of Senator DORGAN, my good friend and neighbor from North Dakota, we have been able to fashion a responsible bill that does a number of very positive things.

The bill provides increases for the core operating programs of the land management agencies, including $72 million for our National Park System and $31 million for the Fish and Wildlife Service. The funds provided for the park system include $20 million over the budget request to increase the base operating budgets of individual parks.

The bill also increases funding for Bureau of Land Management operations by $27 million and adds $34 million to the President's request for Forest Service activities.

From the Land and Water Conservation Fund, the bill appropriates $511 million. This includes $222 million for Federal land acquisition, an increase of $35 million over the budget request and more than double the House total of $100 million. As is always the case, there was great interest in increasing funding for the land, water, and conservation programs, but I think the amount provided is reasonable given the constraints of the subcommittee allocation and the many other demands on this bill.

The Interior bill also supports several grant programs. I won't go through all the numbers, but among