

certain Members of Congress or their designees—designees that could include anybody from staff members to private contractors—to request the tax returns of any United States citizen without having to give any reason for requesting the returns and without having any limitations on how to use those returns. Simply put, it is an unprecedented abuse of congressional power and a frontal assault on our civil liberties.

I am told that the fact remains that this legislation contains a provision that strikes at the heart of our nation's civil liberties. Moreover, that this provision will be repealed by the House and Senate before becoming law. While I am comforted by this move, I remain deeply troubled that other damaging provisions such as the one above might remain in this bill.

A second issue over which I hold deep concerns is that this conference report essentially allows health care providers to "gag" medical professionals and deny women from obtaining medically necessary information and services concerning reproductive health. This so-called Federal refusal clause would exempt health care providers from any existing federal, state, or municipal law that ensures that women have legal access to abortion services and reproductive health information. It would also bar states and municipalities from enforcing their own access laws without jeopardizing all of their federal funding for health and educational initiatives. While supporters of this provision claim that it solely serves as a "conscience clause" that protects the religious beliefs of certain health care providers, it is clear to me that this provision is yet another veiled attempt to undermine a woman's constitutional right to choose.

I am encouraged that Senator BOXER has reached an agreement with the Senate leadership to introduce and consider a bill next year that will strip this provision. As legislators, I believe that we should not work to uphold the rights and freedoms proscribed by the Constitution. We should not work to stifle or remove them. Therefore, I urge my colleagues to support the constitutional rights of women as enshrined by *Roe v. Wade*. I urge them to support initiatives that properly and effectively make a woman's life and well-being a top priority.

Furthermore, I am concerned that this conference report fails to contain several important measures that were previously approved by the House and Senate. One such measure prevents the Labor Department to, in effect, deny overtime pay to as many as 8 million workers across our country. While both the House and the Senate opposed this policy by bipartisan majorities, that opposition was ignored by Republican conferees. Many workers who now qualify for overtime pay would find their jobs reclassified as a managerial or professional position, thus making them ineligible for overtime pay if they work in excess of 40 hours.

This change is significant because overtime pay can provide as much as 25 percent of a worker's annual income. Instead of working toward creating new jobs and helping working families and individuals, the legislation creates yet another obstacle for millions of Americans to provide for themselves and their families.

Second, this conference report fails to stop the outsourcing of American jobs. The conference report that was before us tonight fails to reverse a Bush administration policy of allowing government functions to be outsourced to other countries—thereby causing thousands of job losses at home.

Finally, the conference report wholly underfunds important domestic initiatives such as education and health. It shows once again the current Administration's failure in guaranteeing the well-being of all Americans.

I regretted voting against this bill tonight because it does provide several million dollars for important initiatives in my home state of Connecticut and across the Nation. However, in my view, it carries too many negative provisions for me to support. I will continue to work with my colleagues in rectifying the bill's shortcomings in the coming months and new session of Congress.

Mr. STEVENS. I ask for passage of the bill, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back and all time has been used.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I am strongly opposed to a provision included in this omnibus bill that has never been debated or considered by the Senate. It denies millions of women basic information about their constitutional rights and endangers women who are in desperate situations in pregnancies caused by rape or incest or pregnancies that threaten their health or their life. Again, this provision has never been considered or debated by the Senate, yet it is included in this appropriations bill.

Given the rules of the Senate, there is no way I can strike this provision of the bill at this point. I could delay the passage of the bill, but I cannot strike this outrageous provision.

When the Senate returns to session in January, I will be introducing legislation to repeal this so-called Weldon provision. I feel strongly the Senate must debate, consider, and vote on this issue. It is too important to millions of American women to be slipped into an Omnibus appropriations bill. There-

fore, I ask the majority and soon-to-be minority leaders to commit to bring before the Senate by April 30, 2005, my bill to repeal the so-called Weldon amendment, with a minimum of 4 hours of debate and an up-or-down vote on my bill without amendment. I ask the majority leader if he will comment on this?

Mr. FRIST. Mr. President, I thank Senator BOXER for allowing us to move toward completion of the Omnibus appropriations bill today. I commit to her that no later than April 30, 2005, the Senate will consider her bill to repeal the so-called Weldon amendment regarding abortion conscience clauses that is included in the Omnibus appropriations bill. When we consider that bill, we will have no less than 4 hours of debate equally divided on the bill, with Senator BOXER controlling half the time. There will be no amendment or other motions in order to the bill, and at the conclusion or yielding back of time the Senate will conduct an up-or-down vote on the Boxer bill.

I further commit to the Senator from California that this debate and vote will not occur on a Monday or a Friday and that it will not occur during the evening or a late night session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I thank the majority leader for making this agreement and allowing the Senate to complete its work this year. I commit to the Senator from California that I will ensure the agreement that is reached today will be upheld.

Mrs. BOXER. I thank the two leaders and I urge the vote.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Colorado (Mr. CAMPBELL), the Senator from New Hampshire (Mr. GREGG), and the Senator from Indiana, (Mr. LUGAR).

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "no."

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

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—65

Alexander	Bingaman	Burns
Allard	Bond	Cantwell
Allen	Breaux	Chafee
Baucus	Brownback	Chambliss
Bennett	Bunning	Clinton