

the real income for all of these workers declined.

Just finally, what we are saying is we want the competition but not the depressed wages. That I think is a basic difference.

Mr. WARNER. Mr. President, the Senator can certainly bring up all the studies he wishes. But the practical dollar and cents is, take the State of Virginia. We anticipate we get \$150 million. Part of it is allocation. All of that has to go into highway construction or matters related to transportation. So it is not as if this money is going to be lost. It is going to the States, and simply this amendment translates those dollars into more road construction, bridges, whatever it may be—safety, more construction. And the same workers eventually get the same amount of money.

So I do not wish to conclude this debate today on the theory that this amendment reaches in and robs the people of the opportunity to work, or of their wages, or that the people in the States are deprived of the benefits that they are entitled to with the payment of their gas taxes.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The leader will subsequently inform the Senate, but I expect the Senate to reconvene about 12 noon on Monday, with morning business until 1 o'clock. And there is currently set a cloture vote for 3 p.m. Monday afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object—of course, I shall not—I know the distinguished Senator from New Hampshire is on the floor and wishes to speak. He has already mentioned that. I know our side has been speaking for some time.

I wonder if we might know the order of the 10-minute order. Will the distinguished senior Senator from Virginia be willing to amend that to ask that the Senator from New Hampshire be recognized first in the order of those speaking as in morning business, and then the Senator from Vermont be recognized following that?

Mr. WARNER. Mr. President, I am perfectly willing to do that. I think the Chair should be addressed by the Senator from New Hampshire first.

Mr. SMITH. Reserving the right to object, I would like to have 20 minutes, if that would be agreeable to the Senator from Vermont.

Mr. LEAHY. And the Senator from Vermont be recognized, say, at 1:22.

Mr. WARNER. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is it the Senator's request that we proceed to morning business with a limitation of

10 minutes, except that the Senator from New Hampshire have the opportunity to speak for 20 minutes; and what about the Senator from Vermont? Mr. LEAHY. Also 20 minutes.

The PRESIDING OFFICER. Also 20 minutes. Is that the request?

Mr. WARNER. Mr. President, that is the request.

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

The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Chair.

#### MEASURE READ FOR THE FIRST TIME—S. 939

Mr. SMITH. I send a bill to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill by title.

The bill clerk read as follows:

A bill (S. 939) to amend title 18, United States Code, to ban partial-birth abortions.

Mr. SMITH. Mr. President, I ask the bill be read for a second time.

Mr. LEAHY. Mr. President, I will have to object.

The PRESIDING OFFICER. Did the Senator make an objection?

Mr. LEAHY. The Senator from Vermont objects to the second reading—obviously not to the first reading, but I object to the second reading.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, on behalf of myself and the Senator from Texas [Mr. GRAMM], I rise today to introduce the Partial-Birth Abortion Ban Act of 1995. This bill is the companion legislation to a measure that was recently introduced in the House of Representatives by Congressman CHARLES CANADY of Florida. Congressman CANADY is the chairman of the House Judiciary Committee's Subcommittee on the Constitution which held a hearing on the bill yesterday.

Mr. President, partial-birth abortions are first performed at 19 to 20 weeks of gestation—and often much later. To give my colleagues a clear understanding of how well developed an unborn child is that late in pregnancy, I have here an anatomically correct medical model of an unborn child at 20 weeks' gestation. It is unlikely that the cameras will pick it all up, but this is the actual size of a 20-week child, and the bodily features are there—nose, eyes, lips, fingers, toes—almost perfectly formed so that anyone could see that this is a child.

I want to point out to my colleagues that this is the smallest that this child could be under this procedure, which begins at 5 months or 20 weeks. So that this child is aborted in this procedure minimally at this size and much larger as the child grows in the womb.

Now, I have brought some photographs to the floor that show perhaps a

little more clearly premature babies of the very same age of many of those babies who are the victims of these partial-birth abortions.

This photograph here—this is an AP photograph, by the way—is of tiny Miss Faith Materowski. Little Faith Materowski was born at 23 weeks of gestation, approximately this size, weighing in at 1 pound and 3 ounces. This photograph was taken about a month after she was born. The good news is that little Faith Materowski survived, and she survived because her mother chose to have her receive medical attention. She did not choose to have an abortion.

In photograph No. 2, we see a little lady named Melissa Mauer. She was born at 24 weeks of gestation, weighing only 14 ounces, Mr. President—14 ounces—less than a pound. She is shown in the picture about 8 days after her birth, at which point she was breathing on her own in an incubator.

Unfortunately, Melissa died after briefly struggling for life after 3 months.

In photograph No. 3—this photograph was in the Miami Herald—we see a healthy little Miss Kenya King, who was born about 22 weeks into gestation, so is approximately the size of this model that I am holding. She weighed only 18 ounces at birth. She is shown here 4 months later, home at last with her parents.

Now, with a series of illustrations, in a moment I am going to try to demonstrate to you what is done to children like these and like this. This procedure is done to children—not fetuses or some inanimate object—children, Mr. President.

Now, as we put the pictures up, keep in mind that Dr. Martin Haskell, who by his own admission performed over 700 of these procedures—they are called partial-birth abortions—as of 1993, he told the American Medical News he had performed 700 of these. That is the official newspaper of the AMA. So the illustrations and descriptions that I am about to present are technical and from a technical point of view would be found or could be found in one of those journals.

In the first illustration, the doctor—excuse me, the abortionist—it is interesting that I made a slip there, saying doctor, because were this to be some type of a miscarriage or premature birth, the doctor would be assisting the birth of this child, because the mother wanted the child. But in this case, another decision has been made without the child's consent, of course, and the abortionist reaches in with forceps, using the ultrasound aid, and grabs the child with the forceps by the foot or leg, and then in the next picture he turns that child with the forceps so that he can pull the child out through the birth canal by the feet.

So you can see this being the birth canal, the child—this is a child, like this, and like those three children that we saw in those photographs.

With this child now, the forceps are around the legs and the child now is being pulled from the birth canal. In the next illustration, the abortionist delivers the entire body except for the head of the child. So we now have the abortionist pulling the child all the way out from the uterus with the exception of the head which the doctors tell me is approximately 85 to 90 percent of the child.

Now, the fourth illustration—this is pretty rough, Mr. President. I have seen a lot in my life. I am 54 years old, and I have seen some pretty rough things. But I cannot imagine, in a country as great as this why anyone could sanction—whether you be pro-choice or pro-life—how anyone could sanction what I am about to show you happens.

If the head of this child comes through the uterus, they must try to keep it alive. So the abortionist has to be certain that the head does not come through the uterus. So he stops the baby from coming through the uterus at the head, and takes a pair of scissors, as you can see—I am going to try to demonstrate it here with this little model, which would be just like this, superimposed upon that picture—he takes the scissors and places them into the back of the head, into the cranium, and opens those scissors, once he sticks them in like that, to open a gap in the child's head. After that procedure is done, they insert a catheter into the back of the neck, the back of the cranium, and literally suck the brains out of that child, and as you can see there, the baby is hanging limp, now dead.

That is called partial-birth abortion.

We are really talking about inches here, are we not? What is a birth? Ninety percent out of the uterus, is that a birth? One hundred percent out of the uterus? Is that what we are going to say is a birth?

So a couple of inches and this child can live, but because it is prevented from fully coming out of the uterus by the abortionist and he then places the scissors to the back of the head, opens up an incision and inserts the catheter into the brain to suck the brains out, because that decision is made by someone other than the child, that child is denied life.

Mr. President, by the 19th or 20th week of gestation, when this unspeakably brutal method of abortion is used, the child is clearly capable and able to feel what is happening. This is a living human being.

According to neurologists, premature babies born at this stage may be more sensitive to painful stimulation than others. We had testimony yesterday at a press conference that I attended with a neurologist who indicated that. He does surgery on babies all the time, and he indicated point blank that that child would suffer pain in that procedure.

I think that most of my colleagues, and certainly most if not all Americans, would be absolutely appalled,

sickened, and angered at such a brutal act committed against another human being. I know I had that feeling. I did not know that this procedure existed, Mr. President, until a couple of weeks ago, and I have been for 11 years an advocate of the pro-life cause, but I never knew this. I never knew this happened, and doctors who are gynecologists have told me that they did not know it either.

I just ask my colleagues a very simple question: If you had a dog or a cat or a pet that you needed to put to sleep, would you do it that way? Would you do it that way? Would you insert a pair of scissors into the back of the head of your family pet and suck the brains out to put it to sleep, Mr. President? Would anybody do that? This is the United States of America, the greatest country in the world, that says under the Constitution that we have an obligation to protect life. This is happening in America, probably right now as I am speaking. We would not do it to an animal, not a pet, and we do it to our children.

Under the Supreme Court Roe versus Wade decision, this partial-birth abortion procedure that I just described is legal in all 50 States. So anyone listening out there who says, "That doesn't happen in my State," it does. Somewhere in your State it is happening probably right now. Indeed, addressing the controversy over the partial-birth abortion method, the National Abortion Federation has written to its membership stating—and here is the document, here is what they say: "Don't apologize: This is a legal abortion procedure." And they are right, it is legal.

But I am going to tell you something, Mr. President, if I have anything to do with it, it is not going to be legal very much longer. This is a sickening, disgusting act that should never be tolerated, not 1 day longer, not 1 minute longer.

My good friend—and he is a good friend—the Speaker of the House of Representatives, NEWT GINGRICH, has told audiences all over America for the past couple of months that America cannot survive with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS and 18-year-olds receiving diplomas that they cannot read, and he is right. And I am going to add one more to it. America cannot survive when some of its doctors turn from being healers to stabbing innocent babies to death when they enter the birth canal. America is not going to survive doing that either.

Dr. Martin Haskell has claimed responsibility, proudly, for 700 of these partial-birth procedures as of 1993. Pro-choice, pro-life, I do not care what your position is. How can you tolerate this? How could you possibly condone this act? James McMahon, who was profiled in the January 1990 article in the L.A. Times makes late-term abortions his speciality—late-term abortions his speciality.

In that article, Dr. McMahon coldly claims credit for having developed the partial-birth method which he calls "intrauterine cranial decompression." Nice way of saying murdering a child that is three-quarters of the way out of a birth canal. "I want to deal with the head last," Dr. McMahon comments icily, "because that's the biggest problem."

In the United States of America, a doctor who took an oath to save lives is killing a child. That is not killing a child? Somebody stand up and tell me on the floor of the U.S. Senate that that is not killing a child. Have the guts to come down here and stand up—I will yield to you—and tell me that is not killing a child.

According to the American Medical News, Dr. McMahon does abortions through all 40 weeks of pregnancy, but he says he will not do an elective procedure after 26 weeks—26 weeks. At 26 weeks, many babies are capable of living independent of the mother; 40 weeks is a full-term pregnancy. That is nice of him.

Mr. President, this grotesque and brutal partial-birth abortion procedure that I have described on the floor of the Senate can be and must be—must be—outlawed. Simply stated, the legislation that Senator GRAMM and I have introduced today will do just that, it will amend title 8 of the United States Code and provide that "Whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both."

Not the woman—the abortionist. Our bill defines "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Thus, the bill would ban not only the brain-suction, partial-birth abortion that I described, but any other abortion that involves the partial delivery of the child before he or she is killed.

The bill specifically prohibits the prosecution of a woman upon whom a partial-birth abortion is performed. The bill is aimed at the abortionist. It is aimed at the brutality of this act. In addition, the bill provides a life-of-the-mother exception.

Mr. President, I am confident that no matter how one feels about this very controversial issue of abortion, that reasonable people, caring people in this country are going to step up and say, "This is wrong, this is wrong, and we are going to stop it."

I am going to fight to the last day that this Congress is in session to get this bill voted on in the U.S. Senate, and I am going to stand up here again and again. I welcome my colleagues who want to come forth and defend this. I cannot wait to engage in the debate. Today I am introducing the bill, but there will be a day tomorrow or the

next day when I am looking forward to debating them. I want to hear what their rationale is for this procedure. I just want to hear their defense of it. Ultimately, I think, if we can get the bill through, the Supreme Court will find the bill to be constitutional. I think it stands the test of constitutionality. Even in *Roe versus Wade*, that decision recognized that a newborn child is a person. Is that a newborn child—90 percent birth?

I am confident that the court will find that the Congress has the power to protect unborn children, who have started their journey through the birth canal, before being brutally killed, before they travel those last few inches. That is all we are talking about, Mr. President—a few inches. That is the margin between life and death. Inches. Inches.

Do you know that in this procedure if an abortionist was distracted and that child came through the birth canal, the child would have to survive. They could not do this procedure because it is out of the birth canal. That is the tragic irony of all this. That is why they do it. That is why they do it, Mr. President, because there is nothing more embarrassing to the abortionist than having the aborted baby live. That has happened. I talked to a woman who is 18 years old who survived it, so I know it happens. A beautiful young lady she is, and she is contributing to America.

Of these 700 that Dr. Haskell killed, how many Presidents are in that number? How many doctors who might find a cure for cancer? How many inventors? Who knows. We will never know, will we? They are gone—to the scissors.

Sticking scissors. Take a pair of scissors when you go home tonight, and stick them into your hands a little bit, until you can just feel the nip of it. Or perhaps why do you not try doing it in the back of the neck and see how it feels, see if it hurts.

I am going to see that this bill gets on the desk of President Clinton if it is the last thing I do before we leave this Congress. I hope, Mr. President, if you are out there listening, that you will sign this bill and you will stop this. I know how you feel about abortion, but I want to know how you feel about this. I hope you will sign this bill, because this is an outrage. It is unbecoming of this country to even think about it, and to even have to be here on the floor of the U.S. Senate and admit that this is happening in this country.

So I am looking forward to the debate, as I say. I hope my colleagues who support this will be down on the floor and debating it here in front of all America—this cruel, horrible act against another human being, a precious little baby that is defenseless. We had a doctor yesterday, a gynecologist, who explained all of this, how it all works and how you turn the baby so carefully to remove it from the uterus as it is being born, and you are so careful with it, you take care of it and pro-

tect it. But not in this case. It is just a baby, an innocent baby. Surely, we have more important things to do in the United States of America than this. How could any doctor who took an oath ever perform those, and then brag about it?

Mr. President, I think I have made my point. It has, frankly, been a very difficult speech to get through. It is quite emotional for me, and I know how the occupant of the chair, the Senator from Minnesota, feels about this issue. It is difficult to get through these remarks. I do not do it to offend people or to be overly graphic. But it is important that we understand that this is happening, and we must use every public access that we have to stop it.

So there will be another time, Mr. President, sooner rather than later, when we are going to debate this again right here. I will be here. Thank you.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. How much time is reserved under the previous order for the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont has 20 minutes.

Mr. LEAHY. I thank the Chair. (The remarks of Mr. LEAHY pertaining to the introduction of S. 940 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### NORMALIZING RELATIONS WITH VIETNAM

Mr. LEAHY. Mr. President, there are press reports that the administration is considering finally normalizing relations with Vietnam. I know that even after a quarter century this is an emotional and difficult issue, especially for the families of our POW/MIA's. But I believe strongly that it is time to take this step. The record is clear that closer relations will contribute to resolving the remaining discrepancy cases, and we have many other interests in Southeast Asia that will be furthered by closer relations with our former enemy.

The Vietnam war was a tragedy for both the United States and for Vietnam. More than 58,000 American soldiers and at least 2 million Vietnamese lost their lives. Countless others were injured. At least 60,000 Vietnamese are missing a leg or an arm, mostly from landmines. The war produced bitterness on both sides that poisoned relations between our countries for years.

But it is time to put that period behind us. Vietnam is slowly moving away from its Communist past. It has taken aggressive steps to promote private investment and permit a market economy to develop. It has invited representatives of human rights groups to discuss their concerns. The Vietnamese Government is even requiring its senior officials to study English as a way of accelerating its adoption of American-style practices.

There is no question that Vietnam still has a long way to go. We need to continue to challenge Vietnamese officials about reports of torture, arrests of dissidents, arbitrary detentions, political trials, and abuse of prisoners in forced labor camps. We need to press them to eliminate Vietnam's black-market trade in endangered species. And there are other issues.

But we need to recognize that the situation has changed. The United States shut the door to Vietnam after the war because its Government was engaging in practices abhorrent to Americans. There are still problems, but 25 years later almost half of Vietnam's citizens had not even been born by the war's end. The best way to encourage the Vietnamese Government to maintain progress toward openness and free markets is to expand dialog and contact, not refuse it.

Obtaining the fullest possible accounting of our POW's/MIA's is essential. I have provided funding in the foreign operations appropriations bill to help locate the remains of our POW/MIA's. But there is no longer any question that the Vietnamese Government is cooperating fully in this effort. They are working closely with our liaison office to continue the search for remains. Maintaining obstacles to full cooperation between our two Governments at this point will hinder, not reinforce progress, toward completion of this effort.

Mr. President, the cold war is over. We have no Soviet Union to hold in check any longer, and the largest remaining Communist power, China, which has a worse human rights record than Vietnam, has been granted MFN status.

It is time we recognized that times have changed in Vietnam, and in our own country, and we should move forward together. I urge the President to delay no longer in resuming full diplomatic relations with Vietnam.

The PRESIDING OFFICER. The Senator from Utah is recognized.

#### SALT LAKE CITY 2002 WINTER OLYMPICS

Mr. BENNETT. Mr. President, the Members of this body have had experience in Utah with our winter sports facilities, as my predecessor, Jake Garn, invited Senators to come to Utah and enjoy the Senators' Ski Cup.

It is now my happy duty and privilege to announce to all of the Members of the Senate that the winter sports facilities of Utah have now attracted more than even the U.S. Senate. Just a few minutes ago, the International Olympic Committee announced that Salt Lake City, UT, will be the site of the Winter Olympics in the year 2002. This is a demonstration of the superior facilities that are available in Utah. We think it is well deserved.

I want to pay tribute here on the floor to the thousands, if not tens of