[Rollcall Vote No. 44 Ex.]

YEAS—91

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murray
Bingaman	Enzi	Nelson (FL)
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Pryor
Brownback	Frist	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Snowe
Clinton	Inhofe	Specter
Cochran	Inouye	Stabenow
Coleman	Jeffords	Stevens
Collins	Johnson	Sununu
Conrad	Kennedy	Talent
Cornyn	Kohl	Thomas
Craig	Kyl	Voinovich
Crapo	Landrieu	Warner
Daschle	Lautenberg	Wyden
Dayton	Leahy	
DeWine	Levin	

NOT VOTING—9

Biden	Kerry	Murkowski
Corzine	Lieberman	Schumer
Graham (FL)	McConnell	Smith

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

The Senator from Nevada.

Mr. REID. Mr. President, I know the Senator from Ohio is here to make a statement. The Senator from Illinois wishes to make a unanimous consent request prior to the Senator from Ohio speaking.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, returning to Illinois this weekend, as I am sure my colleagues did in their home States, it is clear that we are in dire economic straits in America. It should be our highest priority, next to national defense and security, to put this economy back on track. I believe this is the moment to start the debate for an economic stimulus package that would create jobs and give businesses a chance.

Mr. REID. Mr. President, will the Senator withhold?

Mr. President, what is the parliamentary status of the Senate at this time?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. REID. I am wondering if the Chair is about to announce that we are going to go back to the legislative matter that was before the Senate before the vote.

The PRESIDING OFFICER. There is no order to return to legislative session.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to ask my friend how long he intends to speak tonight? I will not object.

Mr. DEWINE. I had not intended to speak very long. I have about 15 minutes, approximately.

Mrs. BOXER. That is fine. I just wanted to know if we were going to be here for an hour or two. Thank you.

Mr. DEWINE. It might depend on how long my colleague speaks.

Mrs. BOXER. I will speak just as long as my friend speaks.

The PRESIDING OFFICER. Is there objection to the Senator's unanimous consent request?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 414

Mr. DURBIN. Mr. President, this last exchange shows that the Senate is alive and that a good samaritan never goes unpunished.

Having yielded for this exchange, I believe we are at a moment where I can make my unanimous consent request relevant to the economic stimulus.

I ask unanimous consent that the Senate begin consideration of Calendar No. 21, S. 414, a bill to provide for an economic stimulus package.

Mr. DEWINE. Objection.

The PRESIDING OFFICER. Is there objection? Objection is heard.

Mr. DURBIN. I thank the Chair.

PARTIAL-BIRTH ABORTION ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me return now to the debate in regard to the partial-birth abortion ban.

Let me thank my colleague from Pennsylvania, Senator SANTORUM, for his unending and unwavering and tireless efforts to put a permanent end to this horrific partial-birth abortion procedure. In the time we have served together in this body, he has never given up hope that Congress and this country would put an end to this barbaric procedure.

This Senate, this Congress, and this country must ban a procedure that is inhumane, that has absolutely no medical purpose, and that is, quite simply, morally reprehensible.

During the course of the debate on S. 3, the bill to ban partial-birth abortion, we will hear repeated descriptions of the barbaric nature of this procedure. I ask my colleagues, as difficult as it is, to listen to the description. There may be many arguments during this debate, but the description of what this procedure is will not be argued. There is no debate what it is. There is no debate about what takes place during a partial-birth abortion. I submit to my colleagues that the more you know about this procedure, the worse it is. The more you know about it, the easier it will be to vote to ban it.

We will hear repeated descriptions of this barbaric procedure. It is a procedure in which the abortionist pulls a living baby feet first out of the womb and into the birth canal except for the head which the abortionist purposely keeps lodged just inside the cervix. As Senator SANTORUM explained, the abortionist then punctures the base of the baby's skull with a long scissors-like surgical instrument and then inserts a tube into the wound removing the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now dead baby.

Mr. President and Members of the Senate, those are the essential facts. I can think of nothing more inhumane and indifferent to the human condition. Yet every year the tragic effect of this extreme indifference to human life becomes more and more apparent. It troubles me deeply that this is happening across this country and that it is happening in my home State of Ohio. In fact, it happens within 20 miles of my home.

I would like to take a few minutes now to talk about two particular partial-birth abortions that occurred in Ohio. They were two typical abortions—typical except for the way they turned out. These two tragedies that I am going to describe illustrate the gruesome facts and the evils of this procedure and show what can happen when it does not go according to the way the abortionist plans. Let me explain.

On April 6, 1999, in Dayton, OH, a woman entered the Dayton Medical Center to undergo a partial-birth abortion. This facility was and is operated by one Dr. Martin Haskell, one of the main providers of partial-birth abortion in the Nation. Usually the partial-birth abortion procedure takes place behind closed doors where it can be ignored—its morality left outside. In this particular case, the procedure was different. There was light shed upon it. This is what happened. This is why light was shown upon it.

This Dayton abortionist inserted a surgical instrument into the woman to dilate her cervix so the child could eventually be removed and then killed. This whole procedure usually takes 3 days.

The woman went home to Cincinnati expecting to return to Dayton for the completion of the procedure in 2 or 3 days. In this case, her cervix dilated too quickly, and as a result shortly after midnight she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. A medical technician pointed out that the child was alive. But apparently the chances of survival were slim, and after 3 hours and 8 minutes the child died. The baby was named Hope.

Mr. President and Members of the Senate, on the death certificate, of course, is a space for cause of death—''Method of Death.'' There it was written in the case of Baby Hope, ''Method