

available for expansion and investment or whether it is going to have to be saved for payments on those things.

We have the workforce investment reauthorization. This will improve job training by focusing on core skills and encouraging effective cooperation among job training partners so people will be better prepared to take on the jobs that are available. Certainly what is happening in this economy is it is a more high-tech economy and more training is needed.

We have the Foreign Competitiveness Act, which we are dealing with now in the Finance Committee, where the tax situation we have now has caused a WTO objection. But we can change that so it does fit into our foreign trade operation and at the same time continue to create more jobs and to have businesses do better.

The Small Business Administration bill is there. That would help ensure that SBA programs will continue to provide products and services essential for small businesses. That is where most of our jobs are, particularly in a State such as mine, Wyoming. Almost all of our jobs are small businesses. So the SBA bill is certainly extremely important.

The Homeland Investment Act is pending, too. That allows the Internal Revenue Code to change with the objective of encouraging reinvestment of foreign earnings in this country. You would be surprised at the amount of money that is involved, if we allowed companies that do some of their work overseas to take some of their profits home with a reasonable tax payment, and we would have more money for investment.

So we have a lot of things to do. We have some great opportunities. Jobs certainly has to be the priority for all of us. The stock market is great. We love to see that grow up. But the fact is, jobs are the key to our success. We want to continue to improve there.

Finally, let me say quickly that I certainly hope we can come out of the committee and finish our work on the supplemental to supply funding for our Armed Forces overseas and to do something in Iraq so we can move ahead.

I had the occasion to be in Iraq and Afghanistan a week ago for a week. Certainly it was an interesting situation. There is a little different view there than what you hear from here. Certainly our troops have done an outstanding job, and continue to do an outstanding job not only on the war, not only on terrorism, but also helping to rebuild. We, obviously, have some continuing problems there with terrorism and that has to be handled, but we are moving toward having the Iraqis and their own police force moving into that.

But my point is, I hope we can get over there and put Iraq more quickly in a position to take care of themselves so we can bring our troops home. In terms of overall expenditure, that of course would be our greatest saving.

I yield the floor and yield back the remaining time we have in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany S. 3. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The Conference Report was printed in the House proceedings of September 30, 2003.)

The PRESIDING OFFICER. Under the previous order, there will be up to 4 hours for debate equally divided between the majority leader or his designee and the Senator from California or her designee.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I would like to enter into a time agreement for the first portion of the time allotted in this debate. I ask unanimous consent I be given the first 20 minutes until 11 o'clock; following that, the Senator from California be recognized for 20 minutes; following the Senator from California, the Senator from Alabama, Mr. SESSIONS, be recognized for 10 minutes; following the Senator from Alabama, the Senator from Kansas, Mr. BROWNBACK, be recognized for 20 minutes; following Senator BROWNBACK, the Senator from California would then be recognized for 30 minutes. We will stop there and go from that point.

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

Mrs. BOXER. I have a question. That would take Senator BROWNBACK until 11:40 or 11:45?

Mr. SANTORUM. To 11:50, and the Senator from California would have until 12:20.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, we are here today on the verge of something the United States has done on two previous occasions; that is, pass a conference report to ban a partial-birth abortion procedure to be done in the United States of America. The only difference this time is we have a Presi-

dent who has said he is willing to sign this legislation. This is a very important day for this country and for those babies who would be the object of this brutal procedure. Having it banned in the United States of America is a historic event and a step forward in human rights for this country.

We have overcome two Presidential vetoes but now have a President who will sign this legislation.

The other thing that stopped this legislation from moving forward and becoming law was the United States Supreme Court decision in the Nebraska partial-birth abortion case. We have addressed those issues. There were two issues the court cited as its reason—in a 5-to-4 decision—for finding the Nebraska partial-birth abortion statute unconstitutional.

Those two reasons were, No. 1, that the statute was vague. We have amended the language of this statute to make sure that the description of a partial-birth abortion is clear to include only those types of abortions and not other late-term abortion procedures, which was the concern of the court. We did so by a couple of things, but the most essential part was that the court found that the prior description could have included other forms of abortion because during other types of late-term abortion procedures there may be a portion of the baby's body that at some point during the abortion procedure may come outside of the mother.

As a result of that, this could have been broadly construed to abolish those procedures, also.

In our language we are very clear. We say that the term "partial-birth abortion" means an abortion which the person performing the abortion:

(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, [all new language] the entire fetal head is outside of the body of the mother, or, in the case of breech presentation, [that is, feet first] any part of the fetal trunk past the navel is outside of the body of the mother . . .

Now, that specificity of talking about the way in which the child is delivered and then killed is fundamentally different than anything we had before. All we said before was that some portion of a living, intact fetus must be outside of the mother. That, the court found, was a little too vague for them. It could have included other types of abortions. So we are being very clear. There is no other abortion procedure which the entire fetal head would be presented with the child still being alive out of the mother, or the child would be delivered all but the head at this point and then be killed. There can be no confusion as to what procedure we are talking about in this case.

We believe with the language we have put in this bill we have now solved the constitutional problem of vagueness.

The second issue is the issue of women's health. We have a substantial section of findings in this legislation.