

Senator SANTORUM's very cogent argument and presentation. This entire subject, I believe, is uncomfortable for all of us. But it is so necessary. Senator DOMENICI spoke about the great senior Senator from New York, and I say that because I have great admiration and respect for the senior Senator from New York, who is fearless and courageous in saying that this was infanticide. That is what this is—the killing of a youngster, which is absolutely unnecessary, when the AMA, the American Medical Association, has come out and said there is no reason for this procedure. What are we talking about when we move down this line and say that anyone can do anything, even where we have a life, a new and innocent life?

And so, Mr. President, I, too, say to my colleague and friend from Pennsylvania, we thank you for having the moral certainty and courage of not giving up and fighting to preserve the opportunity for those lives that have really come into being, to be what they can be and what they should be. When we talk about preserving the sanctity of life, there is no greater fight, no greater cause.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to Senator SANTORUM, for all you have gone through and all the courage that it has taken for you to do what you have done, I hope that tonight, by staying here a few minutes with you—and there is nobody else on the floor but us—you understand that we are very appreciative of your leadership and we are with you. We are going to vote with you, and we are going to vote with you again, until it finally prevails. I thank the Senator.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I thank the Senator from New Mexico and the Senator from New York for their overly gracious comments. They have been in this Chamber a lot longer than I and have been fighting many noble causes, including the cause of life. They have served as tremendous models for me in this effort. I thank them for their terrific heartfelt support on this issue and other issues pertaining to life.

MORNING BUSINESS

Mr. SANTORUM. 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

Mr. HUTCHINSON. Mr. President, I rise in support of the ban on the partial-birth abortion procedure and in support of the vote to override the President's veto. It is inexplicable to me why that veto occurred, and I think it is unfortunate and tragic. We have an opportunity tomorrow to right that wrong. I join my distinguished colleagues in praising Senator SANTORUM, the distinguished Senator from Pennsylvania, who has so eloquently put forth the case for banning this procedure and appealing to our consciences as Americans, as human beings, and as civilized people to end the condoning of this procedure in this country.

I think, as I listened to the Senator from Pennsylvania this afternoon, and as I recall the previous debates on this issue, I was moved, as I know millions of Americans were moved, as we listened to not only the logic but the moral persuasiveness of the need to ban this procedure. I think this evening, as I say those laudatory words about my colleague from Pennsylvania, it is appropriate that we say also that there are many in the other Chamber, the House of Representatives, who have fought this battle over and over to ensure that that veto was overridden in the House of Representatives.

I think of my friend from Florida, CHARLES CANADY, who is the chairman of the Constitution Subcommittee in the House of Representatives, who has so eloquently and so forcefully argued for this legislation and carried this crusade across this country.

I think of the distinguished chairman of the House Judiciary Committee, who has come under such unfair and scathing attack in recent days and yet who has been, I think, the most eloquent and passionate voice for the unborn that modern America has seen.

I rise in defense of him and in support of Congressman HYDE this evening and appreciation for all that he has done for the cause of the unborn. On more than one occasion, as I served in the House of Representatives, I saw minds change and hearts change under the persuasiveness of his oratory.

It is my hope that even as we look at this very important vote in the morning, that, yes, there will be those in this body who will look deep within their soul, who evaluate their own conscience, and examine their own hearts, and that we might even yet see those two or three votes necessary to change in order to see this veto overridden.

It is often suggested in this debate that government should stay out of the abortion issue. But if the protection of innocent lives is not government's duty, then I ask, What is government's duty? Thomas Jefferson once wrote, "The care of human life—not its destruction, is the first and only legitimate objective of good government. Legislative efforts to protect the weak and defenseless are right and should be pursued." I can think of none who are

weaker, I can think of none in the human family more defenseless, than those who are but inches from enjoying life.

In fact, in March of last year, my home State of Arkansas joined a number of other States in banning such a procedure when the State legislature passed and the government signed our partial-birth abortion ban in the State of Arkansas.

This procedure is a barbaric, uncivilized procedure, shockingly close to infanticide, as has been so frequently observed on the floor of the Senate today. It is so close to infanticide that, in fact, no civilized country, no compassionate people, should allow it. Any woman knows that the first step of partial-birth abortion—breach delivery—is something to avoid, not something to intentionally cause.

During the last debate that we had on this subject, I quoted Jean Wright, associate professor of pediatrics and anesthesia at Emory University. It is a quote that I think deserves being said again during this debate. She was testifying against the argument that fetuses who are candidates for partial-birth abortion do not feel pain during the procedure. She testified that the fetus is sensitive to pain, perhaps even more sensitive—more sensitive—than a full-term infant. She added, and this is the part that is especially striking, and I quote her words as she testified: "This procedure, if it was done on an animal in my institution, would not make it through the institutional review process." And then she said, "The animal would be more protected than this child is."

How tragic that we allow that situation to exist where, in an institution of higher learning in this country, animals have greater protections than do unborn children.

So I am glad this evening very briefly to rise in support of the Senator from Pennsylvania, to rise in support of this override of the President's veto. As has been said, this is not about choice nor compulsion, it is about inhumane disposal of unwanted babies.

This legislation does not prevent a woman from receiving medical care or reproductive care. It does not overturn *Roe v. Wade*. It simply ends an unnatural and unhealthy practice that results in the loss of human life. We must help the helpless, we must defend the defenseless, and we must give voice to the voiceless.

I commend the Senator from Pennsylvania and my colleague from Ohio, who will speak soon, for giving voice to the voiceless, for standing up and defending the defenseless, and for helping the most helpless and most innocent in our society, the unborn.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to speak for a couple of minutes. I know the Senator from Ohio, the Presiding Officer, will be coming down and speaking.

I want to point out one thing. Several comments have been made on the other side about the life-of-the-mother exception in the bill. I just want to read it. There is some concern that there is no life-of-the-mother exception in the bill. Let me assure everyone in this Chamber and everyone within the sound of my voice that there is a clear life-of-the-mother exception that gives physicians the right to make those critical medical decisions that unfortunately may occur that would necessitate the killing of a baby in a crisis situation that is in the process of being delivered.

If you do not believe me, let me read from a letter that was written during the debate last year by the American Medical Association that endorsed this bill. I will read the pertinent language with respect to the life-of-the-mother exception.

Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

This is a group of physicians who in the previous paragraph said:

Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated.

So while they have reticence, and had reticence, about supporting any kind of a ban on the procedure, one of the things that made them comfortable about supporting this particular piece of legislation was the language having to do with the life-of-the-mother exception. They felt it gave physicians sufficient room to be able to make that call if in fact someone was in a life-threatening situation and a baby would have to be killed in the process of saving the mother's life, if so determined by the doctor. We have provided that.

I think it is very unfortunate that Members on the other side have raised this red herring that has no basis in fact—no basis in the legal language.

I don't want to go any further. I will come back and read the exact language in the bill for anyone who has a question.

It is a very clear life-of-the-mother exception that gives plenty of leeway for the physician to be able to take whatever action is necessary to save the mother. And to perpetrate that hoax on Members of Congress and those who might be listening who might not have the bill in front of them is really, I should add, another lie to the lies that I enumerated earlier, the six lies. Now I have to add a seventh—that there is somehow no life-of-the-mother exception in the bill when the very organization whose physicians are going to be practicing says there is a legitimate exception, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

I don't know how more clear you can be. I will have more to say.

I will yield the floor so the Senator from Ohio, who is one of the great champions of pro-life in this country, someone who is outspoken not just here on the Senate floor but around the country, and he has lived by example as well as by his speeches. I yield to the Senator from Ohio, Senator DEWINE.

Mr. DEWINE Addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Ohio.

Mr. DEWINE. Mr. President, first, let me congratulate my colleague and friend from Pennsylvania.

Senator DOMENICI said it very, very well: Keep trying and keep trying, and eventually we will succeed, because I believe what we are trying to do is right. The vast majority of the American people agree with us. We will succeed.

I congratulate Senator SANTORUM, my friend from Pennsylvania, who has fought so hard, who has argued so eloquently on this floor.

I would also like to associate myself with the Senator from New York, the Senator from New Mexico, and the Senator from Arkansas, who just in the last few minutes so eloquently argued in favor of our override of this veto tomorrow morning.

Mr. President, I think it is truly regrettable that we still have to debate this after so many years.

We are talking about a procedure that is morally wrong. The facts are really not at issue. No one denies this procedure is designed to kill, to kill a living, partially delivered baby, a baby that is usually 5 to 6 months old, 5 to 6 months in gestation.

No one denies that only a few inches separate this barbaric practice from outright murder. Partial-birth abortion is perhaps the only legal procedure where live birth and death become virtually simultaneous.

The vote we will cast tomorrow morning will be a clear moral decision about life and about death. It is a decision really about who we are as a people, our moral identity as a people. Banning this procedure represents the moral consensus of the American people by an overwhelming margin.

Dr. LeRoy Sprang and Mark Neerhof stated in the Journal of the American Medical Association:

Partial-birth abortion should not be performed because it is needlessly risky, inhumane and ethically unacceptable.

Mr. President, I strongly agree with this characterization, as do the American people. It is no secret that America has been experiencing a moral crisis, and we have reached a crossroads. The questions which I asked on this floor just about a year ago, I guess, about partial-birth abortion really remain unanswered. These questions are more profound than ever. What does our toleration for this immoral practice say for us as a country? What does it say about us as a people? I believe

one judges a country by what it is for but also you judge a country by what it is against. We judge a country by what it tolerates. We tolerate too much in this country. We tolerate a lot in this Nation. But at some point we simply have to draw the line. We have to stop hiding behind the phrase, "Oh, I really don't like this but it's someone else's private matter and I don't want to interfere. We will put up with it. It's not my business."

We have to stop hiding behind that. In a country that is based on respect for freedom, this is, of course, a very important principle. But it does have limits, limits that are based on the same respect for human rights that is the very foundation for freedom itself. Why, after all, is the argument based on personal freedom so powerful in our political debates? It is because we all have in our hearts the immortal words of Thomas Jefferson, the words that we hold these truths to be self-evident, that we have the inalienable right to life, liberty and the pursuit of happiness. This is our profound moral conviction.

But what does it say about our moral convictions when we continue to allow in this country this barbaric practice? What does it say about us as a people? Does allowing this practice bespeak a commitment to the sanctity of human life, of a human person? No, if we do not say at some point that our tolerance draws the line on a practice so brutal and so inhumane, we run the severe risk of eroding this moral foundation that really lies at the base of all our other freedoms. A country that allows this barbaric procedure to be inflicted on innocent human lives is a country that cannot be trusted when it proclaims a respect for other freedoms. What freedom will such a country not discard in the name of mere convenience?

For me, the decision is clear. This is where we draw the line. Now is the time that we draw it. We must ban this uncivilized, this barbaric, this immoral procedure, and we must do it tomorrow morning.

Many people agree that this procedure is closer to infanticide than it is to abortion. One of the reasons banning this procedure has been supported by doctors, including the American Medical Association, the Physicians' Ad Hoc Coalition for Truth, and even by otherwise pro-choice individuals, including even some abortionists, is because it is a procedure that is never a medical necessity. It is never a medical necessity. The evidence is overwhelming. It is done for sheer convenience.

The American College of Obstetricians and Gynecologists, while it does not support this bill, could nevertheless not identify any circumstances in which this procedure would be the only option to save the life or preserve the health of a mother.

Most people in America oppose this procedure. And they oppose it for the simple reason they know what it is.

For those who do not or who need to be reminded of what it is, let me again describe it. And I know this is a procedure that has been described on this floor many, many times, but it goes to the heart of this debate.

Partial-birth abortion involves the partial delivery of a baby by its feet. The head is left inside the mother's womb. The head remains in the uterus while the abortionist kills the baby by stabbing scissors into the base of the child's head, suctioning out the baby's brain with a small tube, then completing the delivery of a now dead child. In this barbaric procedure, Mr. President, the abortionist does not even administer an anesthesia to the fetus.

A moment ago, the Senator from Arkansas pointed out that dogs are treated better than this. The dogs that are used in medical research are required to be given pain management therapy under Federal standards. The treatment of these human fetuses that we are talking about would not even meet the bare minimum Federal standards for dogs used in medical research. Knowing that, why then have we not banned this procedure? Why are we still here debating again what should be self-evident, that this practice is a crime against our common humanity?

The answer, I am afraid, is very simple. My friend from Pennsylvania spent a good amount of time in this Chamber outlining the reason. The case supporting this procedure is built on misinformation. It is built on lies, and they are intended to poison the public debate and obscure the truth. That is the fact.

In the beginning of the partial-birth abortion controversy, many people were misled to believe that this procedure was rare. We were told it was rare. Now, today, we know that simply is not true. Almost everyone is aware by now that Ron Fitzsimmons, executive director of the National Coalition of Providers, admitted that he lied. He said, "I lied through my teeth"—when he said partial-birth abortions were performed rarely and only in extreme medical circumstances. He admitted later after the debate that that was a lie.

In the interest of medical accuracy, let me emphasize and be specific about how Mr. Fitzsimmons lied. He lied plainly and, in his own words, he "lied through his teeth." We were misled again when we were told that this procedure was the only late-term abortion procedure that could be used in certain instances to save the life of the mother. Again, that is not true. It is simply not true. This procedure is not medically necessary. It is not medically indicated ever, nor is it the only option available. That is not based on what MIKE DEWINE says or what RICK SANTORUM says. That is based on the American Medical Association.

Mr. President, we were told yet another falsehood—lie. We were told that this procedure was to preserve the health of the mother. We were misled

about that as well. This is simply not true. Dr. Martin Haskell, the man who invented this procedure, said that 80 percent of the abortions he performs are elective—80 percent. This is the abortionist. This is the man who invented this procedure. He said 80 percent of the ones he performed are elective.

A survey which asks women who had late-term abortions why they waited found that 71 percent did not know they were pregnant or misjudged the age of the baby. This procedure is being performed for convenience, pure and simple.

We have also been told the procedure is appropriate because the baby is not viable anyway. But even this is certainly not always true. Many times it is not true. Research in a recent article in the *New England Journal of Medicine* found 56 percent of babies are viable outside their mother's womb at 24 weeks. At 25 weeks, 79 percent of them are viable.

I am sure many of my colleagues have had the same experience that I have when we have gone home to our home States, visited neonatal intensive care units at children's hospitals or other hospitals, and we have seen 22-week-old children, 23-week-old children that have been born prematurely who are fighting for life. Many of them do, in fact, make it. We have seen that with our own eyes. We have all talked with doctors who are frantically trying, working so hard every day to save them, and many can be saved.

Unfortunately, the President of the United States, in vetoing this legislation, as in his veto of the previous legislation, has justified his position precisely on these types of falsehoods. In fact, if you look at his veto message last time, what you find is all these facts that are outlined there, that he says are facts, are simply not true. The President, tragically, is wrong. While it is true that everyone is entitled to his or her own opinion, none of us is entitled to our own facts. And the facts clearly indicate that what the President put down in his veto message is wrong.

The falsehoods spread by defenders of partial-birth abortion are, frankly, offensive. But even more offensive than some of these lies is when the proponents of partial-birth abortion tell the truth. For example, when they say the partial-birth abortion procedure is needed in order to get rid of "defective" infants. The late Dr. James McMahan, who had performed thousands of these partial-birth abortions, said he performed some of these abortions because the baby had a cleft lip. That is right, a cleft lip. Maybe it is time to rewrite our sacred documents to say, "We hold these truths to be self-evident, that most of us are endowed with inalienable rights, the right to life, liberty and the pursuit of happiness, but people with cleft lips or other problems, other "defectives," are to be the victims of a painful and barbaric murder."

No, that is not the moral attitude of the America that I want to believe in or that I do believe in. That is the moral attitude of another civilization, one that arose in this vicious century only to vanish from the face of the planet by the force of American arms and, more important, American values. It is in our power to say no to this throwback to the days of the Nazis, to say no to the selection of the fittest, to say no to infanticide. That is what we are about today on the floor of the Senate. That is what we will be about tomorrow morning when we cast our vote.

I would like to note briefly that a number of State statutes have sought to ban these partial-birth abortions. Some States have had success and others have not. Many of those statutes which have been struck down, however, are very distinguishable from this legislation. I would like to talk about this constitutional aspect of this bill, because the issue has been raised time and time again on the floor of the Senate. So let me turn to an examination of the bill, based on our Constitution, based on *Roe v. Wade* and *Casey* and the other Supreme Court decisions.

First, let me say of the cases, of the statutes that have been struck down, the proposed statute that is before us is clearly distinguishable. For example, the first law to ban the partial-birth abortion procedure was enacted in my home State of Ohio. Unfortunately, this law was recently struck down as vague, as overbroad, particularly as it banned more than just partial-birth abortion. But the bill we are voting on today has, frankly, none of these problems.

Partial-birth abortion bans are fully in effect in seven States of the Union. Several State and district courts have enjoined State statutes attempting to ban partial-birth abortion. However, no appellate court has ruled on the constitutionality of any of these laws.

Unfortunately, in the decisions that I have reviewed, none squarely confront the constitutional issue that this Federal bill presents; namely, the constitutionality of forbidding the killing of a partially born child. Because that is what this legislation is truly about, what the issue is, is the constitutionality of forbidding the killing of a partially born child.

Roe v. Wade explicitly avoided deciding that issue, so it cannot be cited and should not be cited as an argument against this piece of legislation. *Roe v. Wade* explicitly avoided deciding that issue, which was actually part of the Texas law in question in that case, a law that prohibited "killing a child in the process of delivery." In fact, Texas case law is consistent with both Louisiana and California law. An early California court aptly said:

It should equally be held that a viable child in the process of being born is a human being within the meaning of the homicide statutes, whether or not the process has been fully completed.

While many of the State court decisions have relied on *Planned Parenthood v. Casey*, that case does not reach the question of the constitutionality of forbidding the killing of a partially delivered baby either. However, under the *Casey* analysis, an abortion restriction is unconstitutional only, only if it creates an "undue burden," on the legal right to abortion. Banning a single dangerous procedure such as we are doing in this case, when there are other alternatives available—which is true—should not constitute a burden under this *Casey* analysis.

Doctors, those who are for, as well as those, some of whom are against this legislation—agree that partial-birth abortion is never medically necessary to protect a mother's health or future fertility, and is never the only option. Over 30 legal scholars who have looked at this question agree that the United States Supreme Court is unlikely to interpret a postviability health exception to require the Government to allow a procedure that gives zero weight to the life of a partially born child and is itself a dangerous procedure.

The bottom line is that there is no substantive difference between a child in the process of being born and that same child if she is born. No difference, really, between a child that is in the process of being born and a child that is born. A current illustration, I think, is very helpful. This is a true story, one that occurred in our minority leader's home State, South Dakota.

On January 5 of this year, Sarah Bartels was pregnant with twins. She was 23 weeks into her pregnancy. Doctors were unable to delay the birth of one of the twins, Sandra, who was born at 23 weeks old. Sandra weighed 1 pound, 2 ounces—23 weeks.

Mr. President, 88 days later Sandra's sister Stephanie was born. Both children are alive and well today. Yet Stephanie was not a "legal person," and could have been the victim of a partial-birth abortion any time after that 23-week period.

Stephanie's life had zero worth until she was completely born, though Sandra was alive and well outside the same womb that held her sister.

Mr. President, the delivery of 80 percent of a child—the child is almost all the way out—a living baby certainly should have some value, some rights, some respect under our law. There is no moral justification for killing a live, partially delivered baby using a procedure that is neither medically necessary nor safer than childbirth. I believe we must make it the national policy to prohibit the partial-birth abortion procedure.

My friend, HENRY HYDE, who you quoted and cited a few moments ago, Mr. President, is one of the most eloquent—the most eloquent really—defenders of human rights in this country today, one of the most eloquent defenders of human rights, frankly, who has ever been in this country. Henry Hyde

likes to say in defending these powerless humans, we are "loving those who can't love us back." I think he is absolutely right.

I will add the phrase, "those who can't love back" includes not just fetuses in the womb, but also the future generations who will live in this country and the moral climate we are choosing to build for them.

The vote we cast tomorrow morning will help determine, Mr. President, that moral climate. Banning partial-birth abortion is the just, it is the right thing to do, and we should do it now.

Mr. President, I thank the Chair and yield the floor.

Mr. SANTORUM addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first, again, I thank the Senator from Ohio for his excellent comments and particularly his latter focus on the legal issues that were not brought up earlier. I had not had the opportunity, and neither did anybody else, to focus attention on why this particular legislation is, in fact, constitutional and that should not be a reason to not vote for this legislation. An excellent job done.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 16, 1998, the federal debt stood at \$5,510,133,012,971.17 (Five trillion, five hundred ten billion, one hundred thirty-three million, twelve thousand, nine hundred seventy-one dollars and seventeen cents).

One year ago, September 16, 1997, the federal debt stood at \$5,391,866,000,000 (Five trillion, three hundred ninety-one billion, eight hundred sixty-six million).

Five years ago, September 16, 1993, the federal debt stood at \$4,388,882,000,000 (Four trillion, three hundred eighty-eight billion, eight hundred eighty-two million).

Ten years ago, September 16, 1988, the federal debt stood at \$2,597,622,000,000 (Two trillion, five hundred ninety-seven billion, six hundred twenty-two million).

Fifteen years ago, September 16, 1983, the federal debt stood at \$1,354,702,000,000 (One trillion, three hundred fifty-four billion, seven hundred two million) which reflects a debt increase of more than \$4 trillion—\$4,155,431,012,971.17 (Four trillion, one hundred fifty-five billion, four hundred thirty-one million, twelve thousand, nine hundred seventy-one dollars and seventeen cents) during the past 15 years.

SATELLITE COMPULSORY LICENSE REFORM PROCESS AND S. 1720 CHAIRMAN'S MARK

Mr. HATCH. Mr. President, I am glad to stand with the distinguished Major-

ity Leader and the distinguished chairman of the Commerce Committee to explain how we plan to proceed with respect to reform of the copyright compulsory license governing the retransmission of broadcast television signals by satellite carriers. Let me thank them for their interest in these important issues and their cooperation in this process. The Majority Leader has been particularly helpful in facilitating a process allowing for a joint reform package from our two committees.

Mr. President, the Judiciary Committee has been working on these issues for more than 2 years. We have always recognized that some of the reforms we need to undertake in relation to the compulsory copyright license would require reforms in the communications law which has traditionally been dealt with in the Commerce Committee. I am glad that we have been able to work out a process whereby we can move a bill to the floor that will be the joint work product, and thus using the joint expertise, of both the Judiciary and Commerce Committees.

We will proceed in the Judiciary Committee by working on a bill on the subject that has already been referred to the Judiciary Committee, S. 1720, which Senator LEAHY and I introduced earlier in this Congress. We will mark up a Chairman's mark substitute amendment of that bill which will cover the copyright amendments, including the granting and extension of the local and distant signal licenses, respectively, as well as the copyright rates for each of those licenses. Other important reforms include eliminating the current waiting period for cable subscribers before getting satellite service, and postponing the date of the enforcement of the so-called white area rules for a brief period. As of today, a large number of satellite subscribers who have been found to be ineligible for distant network signals will be turned off in early October. Our bill will delay any such terminations to allow subscribers and satellite carriers to adopt other service packages, including local service packages where available, to work with local affiliates to work out a coverage compromise, and to allow the FCC to review the rules governing the eligibility for the reception of distant network signals. The text of this Chairman's mark will be printed in the RECORD at the conclusion of my remarks and is supported and cosponsored by the chairman of the Commerce Committee, Senator MCCAIN, as well as Senators LEAHY, DEWINE, and KOHL.

While the Judiciary Committee works on these copyright reforms, our colleagues in the Commerce Committee will be working on related communications amendments regarding such important areas such as the must-carry and retransmission consent requirements for satellite carriers upon which the copyright licenses will be conditioned, and the FCC's distant signal eligibility process. Chairman