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 Majority 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

MCCAIN will be introducing this legislation today as well.

It is our joint intention to combine our respective work product as two titles of the same bill, S. 1720, in a way that will clearly delineate the work product of each committee, but combine them into the seamless whole necessary to make the licenses work for consumers and the affected industries.

In conclusion, let me again thank the Majority Leader for his interest in and leadership with respect to these issues, and I thank the chairman of the Commerce Committee for his collegiality and cooperation in this process. I look forward to working with them and with our other colleagues on these important issues.

I ask unanimous consent that the text of the Chairman's mark substitute for S. 1720 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The material was not available for printing. It will appear in a future edition of the RECORD.]

BILL TO PREVENT CUTOFFS OF SATELLITE TV SERVICE

Mr. LEAHY. Mr. President, I have heard from scores of Vermonters lately who are steaming mad after being told by their home satellite signal providers that they are about to lose some of their network satellite channels. They have every right to be upset. It is within Congress's ability to un-muddle this mess, and the public has every reason to expect Congress to get its act together to do that, and to do that promptly.

While the hills and mountains of Vermont are a natural wonder, they can also be barriers to reception of clear TV signals over-the-air with rooftop antennas. At my home in Middlesex, Vermont, we can only get one channel clearly, and lots of ghosts on the other channel we receive. We get so many ghosts on our family set that it looks like Mark McGwire and Sammy Sosa are hitting four homeruns at a time.

That is why Vermonters have chosen satellite reception: They cannot get a clear picture without it.

I am gratified tonight that we are finally in a position to announce an understanding that I hope will keep satellite TV viewers from having to lose station signals this year. I am joining with both the Chairman of the Judiciary Committee and the Chairman of the Commerce Committee on two separate bills designed fix these problems. I am certain that most Senators will be pleased with this breakthrough, and I hope we can pass this bill without objection in the Senate.

Under a court order, thousands of viewers—many of them living in my home state of Vermont—will be cut off from receiving satellite TV stations that they are paying to receive. We have 65,000 home satellite dishes in Vermont. the court order directly affects only those subscribers who signed up for service after March 11, 1997, but most subscribers are being warned nonetheless by their signal providers that they will soon lose several network channels they now receive.

This huge policy glitch is intruding right now into hundreds of thousands of homes. It is a royal mess, and Congress and the FCC need to fix it.

I introduced a bill in March of this year with Chairman HATCH so that we could try to resolve this issue before it became a major problem. We have tried in the many months since then to push Congress toward a solution. Many viewers have lost signals already. We are trying to get these bills passed in the next couple of weeks to restore service and to keep other households for losing their satellite TV signals—not just in Vermont but throughout the nation.

I am pleased that Chairman HATCH and I have worked out arrangements with the Chairman of the Commerce Committee and other Senators active on this issue, including Senators DEWINE and KOHL, that significantly raise the prospects that Congress can soon pass a bill to prevent the cutoff of thousands of viewers this month and in October. We hope and we believe that all Senators can support this approach.

This legislation would keep signals available to Vermonters and subscribers in other states until the FCC has a chance to address these issues by the end of next February.

Our legislation will direct the FCC to address this problem for the future, and our proposal ultimately will mean—as technology advances—that Vermonters will be able to receive satellite TV for all Vermont full-power TV stations. Viewers in all states would be similarly protected. This effort eventually will promote head-to-head competition between cable and satellite TV providers.

The goal is to provide satellite home viewers in Vermont and across the nation with more choices and more channel selections, and at lower rates. The evidence is clear that in areas of the country where there is full competition between cable providers, rates to customers are considerably lower. The same will be true when there is greater effective competition between cable providers and satellite signal providers.

Over time, this effort will permit satellite TV providers to offer a full selection of local TV channels to viewers—even to those living in or near Burlington, Vermont, where local signals are now blocked.

Under current law, those families must get their local TV signals over an antenna which often does not provide a clear picture. These bills eventually will remove that legal limitation that prohibits satellite carriers from offering local TV signals to viewers.

Over time, satellite carriers will have to follow the rules that cable providers have to follow which will mean that they must carry all local Vermont TV stations. In addition, Vermont stations will be available over satellite to many areas of Vermont that today are unserved by satellite or by cable.

Vermonters now receive network satellite signals with programming from stations in other states. In other words, they may get a CBS station from another state but not WCAX, the Burlington CBS affiliate.

By allowing satellite providers to offer a wider variety of programming, including local stations, the satellite industry would be able to compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a highly effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

The second major improvement offered through our legislation is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout our state. The system will be based on regions called Designated Market Areas, or DMAs. Vermont has one large DMA covering most of the state—the Burlington-Plattsburg DMA, and two smaller ones in southeastern Vermont—the Albany-Schenectady-Troy DMA includes Bennington County—and in southwestern Vermont, where the Boston DMA includes Windham County.

Using current technology, signals would be provided by spot-beam satellites using some 150 regional uplink sites throughout the nation to beam local signals up to two satellites. Those satellites would use 60 or so spotbeams to send those local signals, received from the regional uplinks, back to satellite dish owners. High-definition TV would be offered under this system at a later date. This system is likely to take two to three years to be put into full operation. In the meantime, another company called EchoStar may provide some local-into-local service in some parts of the country.

Under the bill that Senator HATCH and I introduced in March, this spotbeam technology would mean that home owners with satellite dishes in downtown Burlington, and in every county in Vermont except Windham and Bennington, would receive all the full-power TV stations in the Burlington-Plattsburg DMA, including PBS stations. Bennington residents would receive the stations in the Schnectady-Albany-Troy DMA, and Windham County residents would receive Boston signals, since they are in the Boston DMA. Over time these counties could be blended into the Burlington-Plattsburg DMA.

Since technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide similar service but using different technology. And existing systems would be accommodated