

law without the President's signature. These actions changed the current level of budget authority and outlays. In addition, the revenue aggregates have been revised to reflect the recommended level in House Concurrent Resolution 67. My last report had revised the revenue aggregates pursuant to section 205(b)(2) of House Concurrent Resolution 67 for purposes of consideration of H.R. 2491.

The report follows:

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, December 7, 1995.

Hon. PETE V. DOMENICI,  
Chairman, Committee on the Budget, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through December 6, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated November 16, 1995, the President signed the Treasury, Postal Service and General Government Appropriations Act (P.L. 104-52), the Legislative Branch Appropriations Act (P.L. 104-53), and the Alaska Power Administration Sale Act (P.L. 104-58). Congress also cleared, and the President signed, the second (P.L. 104-54) and third (P.L. 104-56) continuing resolutions. Congress also cleared the Defense Appropriation Act (P.L. 104-61); pursuant to Article I, Section 7 of the Constitution, this act became law without the President's signature. These actions changed the current level of budget authority and outlays. In addition, at the request of the Senate Committee on the Budget, the revenue estimates shown for the concurrent resolution have been changed pursuant to Section 205(b)(2) of H. Con. Res. 67.

Sincerely,

JUNE E. O'NEILL.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS DEC. 6, 1995

(In billions of dollars)

|                             | Budget Resolution (H. Con. Res. 67) | Current Level <sup>1</sup> | Current Level Over/Under Resolution |
|-----------------------------|-------------------------------------|----------------------------|-------------------------------------|
| <b>ON-BUDGET</b>            |                                     |                            |                                     |
| Budget Authority .....      | 1,285.5                             | 1,299.0                    | 13.5                                |
| Outlays .....               | 1,288.1                             | 1,305.4                    | 17.3                                |
| Revenues:                   |                                     |                            |                                     |
| 1996 .....                  | 1,042.5                             | 1,042.5                    | 2 - 0                               |
| 1996-2000 .....             | 5,691.5                             | 5,690.8                    | -0.7                                |
| Deficit .....               | 245.6                               | 262.9                      | 17.3                                |
| Debt Subject to Limit ..... | 5,210.7                             | 4,900.0                    | -310.7                              |
| <b>OFF-BUDGET</b>           |                                     |                            |                                     |
| Social Security Outlays:    |                                     |                            |                                     |
| 1996 .....                  | 299.4                               | 299.4                      | 0                                   |
| 1996-2000 .....             | 1,626.5                             | 1,626.5                    | 0                                   |
| Social Security Revenues:   |                                     |                            |                                     |
| 1996 .....                  | 374.7                               | 374.7                      | 0                                   |
| 1996-2000 .....             | 2,061.0                             | 2,061.0                    | 0                                   |

<sup>1</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

<sup>2</sup> Less than \$50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS DEC. 6, 1995

(In millions of dollars)

|  | Budget authority | Outlays   | Revenues  |
|--|------------------|-----------|-----------|
| <b>ENACTED IN PREVIOUS SESSIONS</b>  |                  |           |           |
| Revenues .....   | —                | —         | 1,042,557 |
| Permanents and other spending legislation .....  | 830,272          | 798,924   | —         |
| Appropriation legislation .....  | —                | 242,052   | —         |
| Offsetting receipts .....  | (200,017)        | (200,017) | —         |
| Total previously enacted .....   | 630,254          | 840,958   | 1,042,557 |
| <b>ENACTED THIS SESSION</b>  |                  |           |           |
| <b>Appropriation bills:</b>  |                  |           |           |
| 1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104-6) .....                            | (100)            | (885)     | —         |
| 1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104-19) .....                         | 22               | (3,149)   | —         |
| Agriculture (P.L. 104-37) .....  | 62,602           | 45,620    | —         |
| Defense (P.L. 104-6) .....   | 243,301          | 163,223   | —         |
| Energy and Water (P.L. 104-46) ..  | 19,336           | 11,502    | —         |
| Legislative Branch (P.L. 105-53) ..  | 2,125            | 1,977     | —         |
| Military Construction (P.L. 104-32) .....  | 11,177           | 3,110     | —         |
| Transportation (P.L. 104-50) .....   | 12,682           | 11,899    | —         |
| Treasury, Postal Service (P.L. 104-52) .....   | 15,080           | 12,584    | —         |
| <b>Authorization bills:</b>  |                  |           |           |
| Self-Employed Health Insurance Act (P.L. 104-7) .....  | (18)             | (18)      | (101)     |
| Alaska Native Claims Settlement Act (P.L. 104-42) .....  | 1                | 1         | —         |
| Fishermen's Protective Act Amendments of 1995 (P.L. 104-43) ..   | —                | (*)       | —         |
| Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104-48) .....                                       | 1                | (*)       | 1         |
| Alaska Power Administration Sale Act (P.L. 104-58) .....   | (20)             | (20)      | —         |
| Total enacted this session ...   | 366,191          | 245,845   | (100)     |
| <b>CONTINUING RESOLUTION AUTHORITY</b>   |                  |           |           |
| Further Continuing Appropriations (P.L. 104-56) <sup>1</sup> .....   | 167,467          | 86,812    | —         |
| <b>ENTITLEMENTS AND MANDATORIES</b>  |                  |           |           |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted ..... | 135,049          | 131,736   | —         |
| Total Current Level <sup>2</sup> .....   | 1,298,961        | 1,305,352 | 1,042,457 |
| Total Budget Resolution .....  | 1,258,500        | 1,288,100 | 1,042,500 |
| <b>Amount remaining:</b>   |                  |           |           |
| Under Budget Resolution .....  | —                | —         | 43        |
| Over Budget Resolution .....   | 13,461           | 17,252    | —         |

<sup>1</sup> This is an estimate of discretionary funding based on a full year calculation of the continuing resolution that expires December 15, 1995. Included in this estimate are the following appropriation bills: Commerce, Justice, State; District of Columbia; Foreign Operations; Interior; Labor, HHS, Education; and Veterans, HUD.

<sup>2</sup> In accordance with the Budget Enforcement Act, the total does not include \$3,400 million in budget authority and \$1,590 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

\* Less than \$500,000.

Notes: Detail may not add due to rounding. Numbers in parentheses are negative.

CONFEREES MOVING IN WRONG DIRECTION ON THE INTERNET

• Mr. FEINGOLD. Mr. President, I rise to share with my colleagues my great concern about the actions of the House telecommunications conferees.

Despite what appeared to be some movement away from the regulation of constitutionally protected speech, I understand that the conferees adopted an amendment yesterday which would subject adult Internet users to criminal penalties for so-called indecent speech. Rather than focusing on materials that are truly harmful to minors, the language agreed to yesterday would prohibit great works of literature from being made available on line. It would make subject to criminal

penalties frank discussions between adults about the prevention of AIDS. This amendment will extinguish many on-line support groups dealing with issues such as child abuse and sexual assault. It will likely place severe limitations on the materials discussed on many online scientific forums. In the ultimate irony, the amendment does virtually nothing to address the problem of the already illegal victimization of children over computer networks. Rather than focus on real issues and real concerns, this amendment focuses on indecency. It places blame on a technology rather than on the perpetrators of crimes against children.

Mr. President, despite the fact that the materials and communications on the Internet that are of the greatest concern to many parents, such as obscenity, child solicitation, and child pornography, are already subject to criminal penalties, and despite the fact that technologies already exist to allow parents to control what their children have access to on the Internet including indecent materials, the House conferees chose to take this unwise step towards censorship.

Mr. President, there is still time to reverse this action and for the conferees to direct their efforts towards providing parents with even greater ability to protect their children using tools offered in the market place. I urge my colleagues to recognize just what this amendment will mean if it remains in the telecommunications bill. I urge them to recognize that indecency is not the same as obscenity or pornography. The distribution of obscene materials on the Internet is already illegal and those crimes are already being aggressively prosecuted.

Indecent speech, on the other hand, is far different than obscenity and is protected by the constitution. Indecency includes four letter words that many adults use routinely in their everyday speech. Indecent words include those that are among the first words many children speak, not because they learned them from the Internet, but because they heard them in the school yard, in child care settings, and in some cases, in their own homes. While it is unfortunate that children are exposed to such speech at young ages, it is not a reason to censor constitutionally protected speech between adults on the Internet. Creating criminal penalties for indecency as stringent as those imposed on traffickers of obscenity is extreme, unwarranted, and unnecessary.

As I said earlier this week in this Chamber, this type of law will have a tremendous chilling effect on speech over the Internet. What two adults can say over the phone to one another, they will not be able to say over the Internet for fear a minor might read their words. The fact that America Online censored the word "breast" on their service, albeit temporarily, should forewarn members of things to come. Screening by online service providers will be necessary if they wish to

protect themselves from criminal liability. It is quite conceivable that discussions involving scientific terms for other bodily parts will no longer be allowed for fear they might offend a user and land the service in court.

Guaranteeing the Internet is free of speech restrictions, other than the statutory restrictions on obscenity and pornography which already exist, should be of concern to all Americans who want to be able to freely discuss issues of importance to them regardless of whether others might view those statements as offensive or distasteful.

Shifting political views about what types of speech are unsuitable should not be allowed to determine what is or is not an appropriate use of electronic communications. While the current target of our political climate is indecent speech—the so-called seven dirty words—a weakening of First Amendment protections could lead to the censorship of other crucial types of speech, including religious expression and political dissent.

I believe the censorship of the Internet is a perilous road for the Congress to walk down. It sets a dangerous precedent for First Amendment protections and it is unclear where that road will end.

I urge the conferees to reject restrictions on constitutionally protected speech when the full conference committee votes on this legislation.●

#### NOMINATIONS RE-REFERRED TO THE COMMITTEE ON ARMED SERVICES

Mr. HELMS. Madam President, as in executive session, I ask unanimous consent that the navy nominations beginning with Brian G. Buck (Reference PN715), which was favorably reported by the Committee on Armed Services and placed on the executive calendar on December 5, 1995, be re-referred to the Committee on Armed Services.

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

#### ICC TERMINATION ACT

Mr. HELMS. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2539, a bill to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House disagree to the amendment of the Senate to the bill (H.R. 2539) entitled "An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Shuster, Mr. Clinger, Mr. Petri, Mr. Coble, Ms. Molinari, Mr. Oberstar, Mr. Rahall, and Mr. Lipinski.

From the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Hyde, Mr. Moorhead, and Mr. Conyers.

Mr. HELMS. Madam President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. PRESSLER, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, Mr. ASHCROFT, Mr. HOLLINGS, Mr. INOUE, Mr. EXON, Mr. ROCKEFELLER, and Mr. BREAUX conferees on the part of the Senate.

#### MAKING TECHNICAL CHANGES TO SENATE RESOLUTION 158

Mr. HELMS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 198 submitted earlier today by Senators LOTT and MCCAIN.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 198) to make certain technical changes to S. Res. 158.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Under current Senate rules, a Member, officer, or employee may accept travel reimbursement from a foreign government or foreign educational or charitable organization. Will a Member, officer, or employee be permitted to continue participating in such programs under the new gift rule?

Mr. LEVIN. Yes. The new gift rule, effective January 1, 1996, will, however, change the current approval process. Now, a Member, officer, or employee must receive prior approval of the Ethics Committee in order to participate in such travel. After January 1, the Member, officer, or employee will no longer be required to seek authorization from the Ethics Committee. An employee, however, must obtain authorization from the Member or officer for whom he or she works.

Mr. MCCONNELL. So the absence of a separate section in the new gift rule addressing foreign-sponsored travel does not mean foreign-sponsored travel has been prohibited?

Mr. LEVIN. To the contrary, foreign-sponsored travel is treated like any

other travel: so long as it is in connection with the duties of the Member, officer, or employee; it is not substantially recreational in nature; it is not provided by a registered lobbyist or foreign agent; and it is properly disclosed, and authorized, in the case of an employee, reimbursement for expenses connected with such travel may be accepted.

Mr. MCCONNELL. I appreciate the clarification.

Section 1(c)(9) of the new gift rule creates an exception from the gift limitation for informational material sent to a Senate office. The current practice in the Senate also permits the receipt of informational material with some limitations. First, the material must be provided by the person or entity which produces, publishes, or creates the informational material. Second, current practice also permits those who produce, publish, or create the material to provide a set of books, tapes, or discs. For example, several years ago PBS provided each Senator with a set of video tapes of its series, "The Civil War." However, the Senate does not permit a Senator to accept a collection of materials, such as a specialized reporting service or other collections issues periodically. For example, a Member could not receive a set of encyclopedias, or the U.S. Code Annotated. Is it the intent to incorporate these limitations within the new gift rule?

Mr. LEVIN. Yes, the exception for informational materials is intended to foster communication with the Senate. Items such as books, tapes, and magazine subscriptions may continue to be received in the office, so long as they were provided by the author, publisher, or producer and so long as the informational materials did not constitute a specialized reporting service or other collection of the type you have described.

Mr. MCCONNELL. I thank the Senator for the clarification. The new gift rule contains an exception for employment benefits, such as a pension plan. It permits a Member, officer, or employee to participate in an employee welfare and benefits plan maintained by a former employer. Current Senate rules and practice also permit such continued participation, with one limitation. To the extent a Member, officer, or employee participates in such a plan of a former employer, the participant may not accept continued contributions from that former employer. Is it intended that the new gift rule incorporate this current Senate practice?

Mr. LEVIN. Yes, I say to the Senator. It is our intent that a Member, officer, or employee be permitted to maintain his or her participation in a plan, but not to receive continued contributions from a former employer.

Mr. MCCONNELL. I appreciate the clarification.

Mr. LEVIN. Madam President, I rise to clarify that the resolution we are about to pass contains only technical