

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

clarifications of the Senate gift rule and would not in any way alter the substance or the intent of that rule.

This technical corrections measure would correct an erroneous cross reference in the text of the gift rule and make three minor corrections to the text of the Brown amendment on reporting of income and assets.

It would also clarify that the personal friendship exception, which by its terms applies to "anything" accepted on the basis of personal friendship under the circumstances described, would cover personal hospitality provided by a friend. This clarification is being made because of confusion over the relationship between the personal friendship exception and the personal hospitality exception. In my view, the exception for "anything" provided on the basis of personal friendship already covers personal hospitality, so this clarification would not change either the substance or the intent of the rule.

Mr. WELLSTONE. Mr. President, I appreciate all of the work of the Ethics Committee staff and others to ensure that the tough new gift restrictions scheduled to go into effect January 1, 1996, will not have any technical problems associated with their implementation. The Ethics Committee has provided very useful technical guidance, and I believe that its effort to clarify questions now will generally improve the effective implementation of the new rule.

I do, however, have a concern about one interpretation described by Senator MCCONNELL and LEVIN, and wanted to outline that concern for the record. In one of the several colloquies between Senator LEVIN and Senator MCCONNELL designed to provide interpretive guidance to the Ethics Committee, a question is raised about the exception regarding informational materials provided to Senators and staff. This exchange is designed to ensure that acceptance of sets of books, such as encyclopedias or the annotated U.S. Code, would continue under the new rule to be prohibited—as is true under current Senate practice. This exchange is an effort to apply a tough, narrow interpretative standard to this provision, and I support its intent.

However, it might be inferred from the statements in the colloquy that the provision of all videotape—or even CD or audiotape—sets should be exempted from the new rule. An example is offered by Senator MCCONNELL of a series of videotapes produced by the Public Broadcasting Service—its much-acclaimed series on the Civil War—which years ago was permitted, under current rules, to be given to Members of Congress. One can imagine other examples of such videotape sets being offered to Senators, such as the recent PBS series on baseball, which might be treated similarly under current rules.

It is true current Senate rules would not prohibit members from receiving such taped sets. However, I have always understood the intent of the in-

formational materials exception in the new rule to be to foster free and unfettered communication with Members of the Senate and staff, allowing them to accept information that is generally designed to inform their legislative or other policy work.

In my judgment, a television entertainment series on the Civil War, or on the history of baseball, or on a similar topic, should generally be considered in a different light than other informational material that might, for example, help legislators form judgments about OSHA reform, the EPA, or some other topic. Thus such sets of videotapes should be considered gifts subject to the limits contained in the new rule. I believe the Ethics Committee should make judgments about how to interpret and apply this provision on a case-by-case basis, considering a number of factors in its interpretation, including most importantly the public policy nature of the informational material and its usefulness in informing legislators on appropriate issues.

While the technical amendments do not address this issue, this question has been raised now and I thought it would be useful to offer my own views for the further guidance of the Committee. I urge the Committee to consider carefully its interpretation of this provision. I will monitor closely the implementation of the rule in this area to ensure that it does not allow a loophole to develop that may be subject to abuse. If such abuse were to take place, I intend to move quickly to stop it.

Mr. HELMS. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 198) was agreed to, as follows:

S. RES. 198

Resolved, That (a) paragraph 1(c) of rule XXXV of the Standing Rules of the Senate (as added by section 1 of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in clause (3) by striking "section 107(2) of title I the Ethics in Government Act of 1978 (Public Law 95-521)" and inserting "section 109(16) of title I of the Ethics Reform Act of 1989 (5 U.S.C. App. 6)"; and

(2) in clause (4)(A) by inserting "including personal hospitality," after "Anything".

(b) Paragraph 3 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(a) of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in the matter before clause (a) by striking "paragraph 2" and inserting "paragraph 1"; and

(2) in clause (b) by striking "income" and inserting "value".

(c) Paragraph 4 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(b)(1) of S. Res. 158, agreed to July 28, 1995) is amended by striking "paragraph 2" and inserting "paragraph 1".

MAKING CERTAIN TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS

Mr. HELMS. Madam President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 1431 and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

A bill (S. 1431) to make certain technical corrections in laws relating to Native Americans, and for other purposes.

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

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

Mr. MCCAIN. Madam President, I rise to urge the Senate to pass S. 1431, a noncontroversial, no-cost bill whose sole purpose is to extend statutory deadlines for completing two Indian water rights settlements previously enacted and funded by the Congress. The authorizations for the Yavapai-Prescott and San Carlos Apache Water Rights settlements are set to expire on December 31, 1995.

This bill's two sections are identical to two of the 22 provisions in S. 325, which the Senate passed by unanimous consent on October 31, 1995. Because it appeared doubtful that the House and Senate could complete action on S. 325 by the end of the year, I introduced this separate bill on November 28, 1995, when it was referred to the Committee on Indian Affairs. I believe it is necessary to pass these two time-sensitive provisions as separate legislation so that the House can act before the end of this session.

Section 1 of S. 1431 would extend by 6 months the deadline for completing the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994. Under the original Act, the Secretary of the Interior is required to publish in the Federal Register by December 31, 1995, a statement of findings that includes a finding that contracts for the assignment of Central Arizona Project water have been executed. Due to several unforeseen developments, the Department of the Interior, the Yavapai-Prescott Tribe, the City of Prescott and the City of Scottsdale have concluded that additional time is necessary to finalize agreements and publish the Secretary's findings in the Federal Register. Accordingly, the amendment extends the deadline for completion of the settlement to June 30, 1996.

Section 2 of the bill amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend by one year the deadline for the settlement parties to complete all actions needed to effect the settlement, in particular to conclude agreements between the San Carlos Apache Tribe and the Phelps-Dodge Corporation, and between the Tribe and the Town of Globe. This amendment would extend the deadline for settlement to December