

troops into Bosnia. I remember several talks that many of us who had been over there had that contradicted what the administration says was total peace and a calm environment, with no hostilities since the cease-fire went off. I can remember being before the Senate Armed Services Committee reminding General Shalikashvili and Secretary Perry that, in fact, the firing had not stopped, and the bombs were still going off and then only to find out they had never been up there.

Those of us who are opposed to sending the troops over now will give full support to the troops, full support to the effort, hopefully, something in the way that would cause this to be over there and the troops would come home.

I read this morning—regretfully some news accounts, one of them from the Associated Press—after the treaty was signed and while world leaders are still making speeches in Paris, evening explosions and several heavy machine gun bursts echoed around the front lines of a Sarajevo neighborhood. Bosnian police officials say one shell impacted the roof of a building close by while two rifle grenades were fired toward Bosnian Government positions in the area. Machine gun burst pocketed a southern wall of the Holiday Inn hotel. I know the Presiding Officer was over there, as I was. This is the hotel that used to be the Embassy for the United States. It now just has a few windows left and they are still using it as a hotel. They probably will not be now. It sounds as if things are still happening over there, and hopefully with all of our help and support to the troops that we can accomplish the mission that our troops are over there for.

I personally plan to spend some time over there. I have gotten to know several of the troops that have come from my State of Oklahoma who will be stationed over there. I am hoping I will be able to have a better answer for them than I had before when they asked the question: What is the mission? So we will give our full support to the troops over there and to the mission as the President has described and hopefully it will be over very soon and our troops will come home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

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

THE ROLE OF THE JUSTICE DEPARTMENT IN BELL COMPANY ENTRY INTO LONG DISTANCE SERVICE AND ON INTERNET DAY OF PROTEST

Mr. LEAHY. Mr. President, among many critical issues currently facing Congress, one of the most far-reaching is the Telecommunications Competition and Deregulation Act, which is now the subject of a conference with the House of Representatives. In June of this year, during debate on the telecommunications bill, I spoke on the floor about the importance of giving the Justice Department primary responsibility to determine when the Bell operating companies should be permitted to enter into long distance markets.

I also supported an amendment by Senator THURMOND, the distinguished chairman of the Senate Judiciary Subcommittee on Antitrust, Senator DORGAN, and others, that would have ensured a strong role for the Justice Department as the Bell companies expand their business into long distance, as we all hope they will. That amendment received the votes of 43 Senators.

Today, I remain convinced that the Antitrust Division of the Department of Justice should have a meaningful role in telecommunications in the area of their expertise. As the ranking Democrat on the Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I would like briefly to note three basic points on this issue:

First, we all say that we support competition replacing regulation, but the question is how best to make the transition. I firmly believe that we must rely on the bipartisan principles of antitrust law in order to move as quickly as possible toward competition in all segments of the telecommunications industry, and away from regulation. Relying on antitrust principles is vital to ensure that the free market will work to spur competition and reduce government involvement in the industry.

Second, the Bell companies certainly should be allowed to enter long-distance markets under appropriate circumstances, for it is generally desirable to have as many competitors as possible in each market. The issue is how to determine the point at which entry by Bell companies will help rather than harm competition. That question, quite simply, is an antitrust matter which needs the antitrust expertise and specialization of the Antitrust Division of the Justice Department.

Third, as one long interested in competition and the antitrust laws, I do not believe it is possible for checklists fully to take the place of flexible antitrust analysis in any industry or market. If antitrust principles are ignored, competition is likely to suffer and market power may become concentrated in a few companies. This will lead to harm to consumers through higher prices, less innovation, and the

weakening of our country's leadership in telecommunications.

Last May, the Antitrust Subcommittee held a hearing on the antitrust issues implicated in the Senate telecommunications bill, S. 652. This hearing confirmed the importance of competition to achieve lower prices, better services and products, and more innovation for the benefit of consumers and our Nation. If we believe in the antitrust laws—which have protected free enterprise for over 100 years—then we should ensure that the Antitrust Division of the Justice Department plays a meaningful role in telecommunications.

I understand that members of the telecommunications bill conference have not yet resolved the issue of what role, if any, the Justice Department will have in allowing Bell company entry into long-distance. I urge the conferees to make sure the bill gives the Justice Department a meaningful role, and does not merely suggest to the FCC that it consult with the antitrust experts.

I also take this occasion to urge the conferees to reconsider the manner in which they have chosen to regulate constitutionally protected speech on the Internet and other computer networks. Since I spoke last week on this issue, the House conferees have agreed, as I feared that they might, to a provision that would effectively ban from the Internet constitutionally protected speech deemed by some prosecutor in some jurisdiction in this country to be indecent. This ban will reach far beyond obscenity, mind you, to some vague standard of what is proper and decent to speak about both in terms of content and manner of expression. They are heading in the wrong direction. We should affirm freedom and privacy, not Government intervention, when it comes to personal communications.

Supporters of these restrictions contend that regulating speech on the Internet is necessary because self-appointed spokesmen for decency say that parents should be concerned about what their children might access on the Internet. But many people, including many parents, young families and members of the generations that include our children and grandchildren, are also very concerned. They ought to be concerned about letting the Government step in to censor what they can say online, and to tell them what they might or might not see.

The Congress is venturing where it need not and should not go. We should not be seeking to control communications among adults, whether old fogeys like ourselves or the vibrant young people who make up the vast bulk of the communities in cyberspace. We should not be acting to reduce all discourse over the Internet to third-grade readers.

There are alternatives to overreaching Government regulation. Instead of passing a new law—a new law that tells

us what we can say, or think—we should use the laws that are on the books to protect children, and assume that maybe somewhere, somehow, someplace parents ought to take responsibility instead of us always automatically passing a law to say what parents should or should not do.

Let me tell you what happens. When you start having all of this sudden censorship, well-meaning though it might be, it reaches too far.

We have left technological advancements, software barriers, access codes, increased enforcement of laws already on the books, and vigilant parenting unexplored as alternatives to overreaching Government regulation.

After a majority of my Senate colleagues rejected my position in June and incorporated a so-called Communications Decency Act in the telecommunications bill without hearings, without examination and without much thought, I still held out hope that they would proceed to learn something about the Internet, how it works, and its potential benefits for those who will be using it in the coming century. I was encouraged when the Speaker of the House agreed with me and remarked that the Senate's action was "clearly a violation of free speech" and "very badly thought out." I, again, urge him to rejoin in the debate before it is too late.

We have already seen the chilling effect that even the prospect of this legislation has had on online service providers. Last week, America Online deleted the profile of a Vermonter who communicated with fellow breast cancer survivors online. Why?

They found in checking that this Vermonter had used the word "breast." Nobody bothered to ask why. She is a survivor of breast cancer. She was using the Internet to have correspondence with other survivors of breast cancer to talk about concerns they might have—medical advances—a basic support group. But the censors looked in and so, because the word "breast" had been used, she was being stopped.

This is what we are opening ourselves up to. We should use the current laws already on the books, and we should ask parents to be a little more vigilant. Will some things get on the Internet that you, I, and other Members of the Senate might find objectionable? Of course, it will. But this objectionable material would be a tiny fraction of the vast materials available on the Internet. What we should protect is one of the greatest experiments we have seen in our age of the Internet where you have everything from the things you find most valuable to things you might find boring or repulsive.

We do not close down our telephone companies because somebody picks up the phone and calls somebody else and tells them a dirty joke, or reams them out in four-letter words. The behavior between the two may be reprehensible, and maybe they should discuss their personal relationship, but we do not close down the telephone company because that might happen.

Last June, I brought to the floor petitions from over 25,000 people who supported my proposal to study technological, voluntary and other ways to restrict access to objectionable online messages, before we lay the heavy hand of Government censorship onto the Internet.

This week, a number of organizations, including the Center for Democracy and Technology and Voters Telecommunications Watch, sponsored a National Internet Day of Protest over the telecommunications bill conference's proposal to censor the Internet. In just one day—Tuesday—over 18,000 people contacted the offices of conferees. This country will never accept the new temperance demagoguery that is leading us down the road to Government censorship of computer communications.

We have software parents can easily use to pull up on the computer and find out where their children have been going—what discussion, and what chat lines they have been on. If they find things in there they do not want, maybe the parents ought to take the responsibility to speak to their children. If you have books or magazines that you do not want your children to read, then maybe parents might just say, do not read it.

Somewhere there ought to be some responsibility left for mothers and fathers in raising their children, and not have this idea that we have to turn everything over to the heavy hand of Government.

In my years here I have seen rare instances where Senators and House Members in both parties have rushed pell-mell into having the Government step in to take over for parents. At a time when we hear that we have a new thrust in the Congress where we want to get Government off your backs, we want to get Government out of your life, we want to turn things back to people, we have a massive effort underway in the telecommunications conference to say we are going to tell you what to think; we are going to tell you what to do, when you go online.

Do you know why? I am willing to bet that three-quarters of the Congress do not have the foggiest idea how to get on Internet; do not have the foggiest idea how to use the Internet; have never corresponded back and forth on the Internet. They can say: "We do not use it. It does not involve us. So let us screw it up for everybody else who might use it." But, "everybody else" are millions and millions of Americans.

I urge the full telecommunications bill conference to consider the threat its proposals to regulate online speech poses to the future growth of the Internet.

The interests of the young children are not in the stifling of speech or Government overreaching. They will be served by the growth of the Internet, the development of the World Wide Web and the creative, economic, and social opportunities that they can provide. And for those who want to abuse it, those who want to be involved in

child pornography, we have laws on the books. We can go after those people. We can prosecute them. But let us not close down 99.9 percent of the Internet because of a few child pornographers. Go after them, but protect the Internet for the rest of the people.

Maybe those who are on the Internet ought to ask their Members of the House or the Senate, Do they use it? Do they understand it? Do they understand the computer? I do not want to ask them if they know how to do really technical things, like programming a VCR. Ask them if they can turn on the Internet? Can they actually talk with each other? And if they cannot, maybe Internet users ought to tell their Members, "Then leave us alone. Leave us alone."

LIHEAP

Mr. LEAHY. Mr. President, the distinguished Presiding Officer and I both come from States where we know what winter weather is. I daresay the distinguished Presiding Officer has probably heard a weather report in his State—one of the most beautiful in this country—probably heard a weather report similar to one I heard in Vermont last weekend. In the news they said, "By the way, we expect a dusting of snow tonight, accumulations of no more than 3 to 4 inches." And nobody thinks anything of it. If we have 10 inches of snow overnight, schools still open, people still go to work.

I contrast that with the situation we face in the Washington area. How many times have we turned on the TV in the morning and see we have remote locations and you have all the people out there bundled up, and the poor camera person has the bright lights on, trying to find one snowflake coming down. They say, "Oh, and the latest report is the snow appears to be gathering and we switch now to the head meteorologist," who, in a state of panic, is saying, "And we may get accumulations of up to an inch." An inch? My 86-year-old mother goes out with a broom and sweeps anything up to 2 or 3 inches off the walk. Schools will open, but here, if they open at all, it is 5 hours late. "Two inches were spotted somewhere in the continental United States and it might be moving this way."

Last night I drove home around midnight and I saw cars spinning off the road for two reasons. One, they did not know how to drive; and second, notwithstanding the fact that everybody knew an ice storm was coming, apparently nobody thought to send out the sand trucks and sand the road. This morning, at about 5:45 or so, when I drove with my wife to work—she was going to the hospital, she is on the morning shift—again, we saw cars spinning out all over the place. They come roaring down to an intersection, slamming on the brakes—of course they had