

and when the permanent repository was done and certified and licensed, the waste could go in there.

The point is, next year the Government has to take the waste or face liability and the damages associated with the failure to meet its obligation. Mr. President, this is the most important environmental bill before this Congress.

This administration has said, "Leave it where it is." When this issue was brought up at Tuesday's meeting, it is my understanding the Vice President said, "Look, we're going to talk about the things we can agree on. We can't agree on the issue of nuclear waste." Whether that is a fair characterization, I can only depend on the news reports. But the administration's position seems to be to leave the nuclear waste where it is until we have a permanent place to put it.

Let me tell you a little bit about the possibility of a permanent repository at Yucca Mountain. We do not know whether Yucca Mountain may ever be ready. We have spent \$6 billion already. It is estimated that it will cost a total of \$30 billion by the time we are through with it. The Department of Energy says it has a 50-50 chance of actually being licensed.

The theory here is that the scientists have to go through this process to determine whether Yucca can contain nuclear waste for thousands of years.

Mr. President, if I may have another 6 or 7 minutes, I would appreciate it, and I ask unanimous consent.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the difficulty we have here with Yucca Mountain is not knowing whether we will ever get it licensed because it has to withstand a scientific analysis regarding any possible source of exposure—earthquake, volcanic activity, any leeching into the ground—for approximately 10,000 years. We do not know whether science can come up with that kind of certification.

But, in any event, in order to try to make this case we have to proceed with the tunneling, and spend the money. However, we simply do not know whether it will ever be a permanent repository. But the idea of moving this waste from 41 States, 80 sites, to a place where we have had extensively studied certainly seems to make sense. If Yucca Mountain is determined to be permanent, we will have the waste there and ready to put in a permanent repository. If Yucca Mountain is not the permanent repository site, it will be dozens of years before another permanent repository site can be located and studied, and a central interim storage facility will still be needed.

It is my understanding that the Vice President apparently was saying two things. The administration no longer supports any form of centralized interim storage. In the meantime, we can only conclude that their policy is, "Leave it where it is." Leave it where

it is. Ignore the problem. Put off the decision. Act like an ostrich—put your head in the sand. Let nuclear waste build up in 41 States, near the homes, near the schools. This is the administration's irresponsible and dangerous policy on nuclear waste storage.

As I said, the Federal Government has a 1998 deadline. Taxpayers have paid billions of dollars only to have the Vice President say, "Leave it where it is."

I have another chart that I will refer to very briefly. These are the States where ratepayers have paid into the Federal Government's nuclear waste fund to provide for nuclear waste storage. The Federal Government did not hold this money in escrow. They put it in the general fund. They have spent it.

The point is, there is \$12 billion that has been paid in by the ratepayers for the Federal Government to take this waste in 1998. Virtually every State has bought nuclear power and paid into the fund. That is where the Government's contractual commitments really lay.

Why is the administration simply saying no to any form of interim storage when Yucca Mountain has only a 50-50 chance of opening? Some who are on the fringes of the environmental movement think that this sort of foot dragging may help them close down the entire nuclear industry. Those people apparently have no responsibility for replacing that 22 percent of our power that we will lose. Twenty-two percent of our electricity, Mr. President, is generated by nuclear power. Even if all of the reactors shut down, we would be stuck with the utility waste and the defense waste still. We would not have an answer for what to do with it. If they shut down the industry, we still have the waste to dispose of.

Mr. President, we won the cold war with the help of our nuclear deterrent. Now we have an obligation to clean up the mess. We can win the war on nuclear waste. Leaving it where it is is not an option, and 41 States are watching us.

In addition to the nuclear waste of our power generators, we have nuclear waste that resulted from nuclear weapons development. I was at Hanford 2 weeks ago and went through the old plants that developed the plutonium to make the Hiroshima bomb, and those that made advanced nuclear devices. One must seriously consider what those facilities contributed to humanity and the burden they left. It is a responsibility that we must bear. Nuclear weapons brought the Second World War to an early close. There were lives lost; there were lives saved. The same thing is true regarding the collapse of the Soviet Union.

No matter what your opinion regarding these matters, we have a legacy of nuclear waste. We have to address it. The responsible way to address it is to meet head on the obligations we have made. Under a contractual commitment, we have collected \$12 billion from ratepayers and are committed to take that waste by 1998.

The Government is not prepared to take the waste. This case is going to be litigated, and it will become a full employment act for the lawyers beginning in 1998. We have proposed in S. 104 to address it now by providing for the siting of an interim storage site, in the Nevada desert, or somewhere else the President and Congress may choose, until we have a permanent repository.

Mr. President, we have to have a temporary central storage facility in this country. There is absolutely no question about it. But this administration chooses to ignore it. They want this problem to go away. They do not want to address it on their watch. I suggest, Mr. President, that this is irresponsible. I thank the President and wish him a good day and yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized to speak for up to 20 minutes.

Mr. GRAMS. Thank you very much, Mr. President. I appreciate that.

(The remarks of Mr. GRAMS, Mr. KOHL, and Mr. FEINGOLD pertaining to the introduction of S. 322 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 323 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized to speak for up to 10 minutes.

COMPUTER PORNOGRAPHY

Mr. COATS. Mr. President, I come before my colleagues today to discuss an issue which is not pleasant. It is tragically controversial, and it is an unsavory topic. The issue is computer pornography.

I have a copy of the February 10, 1997 U.S. News & World Report magazine. The cover story indicates, America is by far the world's leading producer of porn, churning out hard core videos at the astonishing rate of about 150 new titles per week. The magazine provides an inside look at the industry.

Within this U.S. News & World Report edition is a lengthy article discussing the porn industry in the United States, shamefully pronouncing the United States as the world's leading producer of pornography. There is much in this article to shock, to disappoint, and to be ashamed of. But I am going to limit my remarks specifically to the issue of computer pornography.

As a backdrop, let me quote from the article just to give us an idea of the scope of the problem. "Last year," the article states, "Americans spent more

than \$8 billion on hard-core videos, peep shows, live sex acts, adult cable programming, sexual devices, computer porn, and sex magazines—an amount larger than Hollywood's domestic box office receipts and larger than all of the revenues generated by rock and country music recordings. Americans now spend more money at strip clubs than at Broadway, off-Broadway, regional, and nonprofit theaters; at the opera, the ballet, and jazz and classical music performances . . . combined."

That is the scope of the problem. It is a staggering statistic, one that ought to shock us all.

The article also discusses the role of the Internet and the role of computer pornography in driving the technology that we have all become so aware of in just the last year or so. Let me again quote from the magazine:

In much the same way that hard-core films on videocassette were largely responsible for the rapid introduction of the VCR, porn CD-ROM and on the Internet has hastened the acceptance of these new technologies. Interactive adult CD-ROMs, such as Virtual Valerie and the Penthouse Photo Shoot, create interest in multimedia equipment among male computer buyers.

According to the article. It goes on to say, and I quote:

The availability of sexually explicit material through computer bulletin board systems has drawn many users to the Internet. Porn companies have established elaborate web sites to lure customers.

For instance, "Playboy's web site, which offers free glimpses of its Playmates, now averages about 5 million hits a day." Five million times someone is logging into the Playboy web site every day.

The article then goes on to quote a seeming cult figure of the anything goes set in America, Larry Flynt:

Larry Flynt imagines a future in which the TV and the personal computer have merged. Americans will lie in bed, cruising the Internet with their remote controls and ordering hard-core films at the punch of a button. The Internet promises to combine the video store's diversity of choices with the secrecy of purchases through the mail.

Why do I bring this up, Mr. President? Because in the last Congress, the 104th Congress, this Senate adopted the Exon-Coats amendment, known as the Communications Decency Act, as part of the telecommunications reform legislation. I bring this up not to point out what Americans should or should not do in the privacy of their bedroom. I bring this up to ask the question as to whether or not we have a responsibility to protect our children from the negative impact of pornography. The Communications Decency Act simply extends the same protections that are currently in place, for children from pornography, that exists in every other means of communication but has not caught up with computer communication. The Internet has exploded on the scene and, yet, the same restrictions and protections for children, regarding the distribution of pornography that

we have built into telephone technology, television technology, VCR technology, and others, has not been extended to computer technology, until the Communications Decency Act.

As U.S. News reports, "The Nation's obscenity laws and the Communications Decency Act are the greatest impediments to Flynt's brave new world of porn." The article said that, "Even he [Larry Flynt] is shocked by some of the material he has obtained through the Internet."

Let me quote him. "Some of the stuff on there, I mean, I wouldn't even publish it."

Anybody familiar with Mr. Flynt's record in terms of extending the boundaries of publication of pornographic material have to be stunned by this statement. Basically what he is saying is that some of the material that is available on the Internet without any protections for children, is so shocking even he wouldn't publish it in his magazines, which are only sold to adults, or are only supposed to be sold to adults.

Opponents of the Communications Decency Act, companies like America On-Line, the ACLU, the American Library Association, have argued that there should be no role for government in protecting children, that the Internet can regulate itself. The primary solution that they have offered is a system called PICs, Platform for Internet Content Selection. It is a type of self-rating system. This would allow the publisher of the material, the pornographer, to rate his own home page on the Web, and browsers, the tools that are used to search the Internet, would then respond to these ratings.

Mr. President, I suggest that it is a ludicrous proposition to allow the pornographer to rate their own material. There is no incentive for compliance.

PC Week magazine, a prominent voice in the computer industry recently published an editorial entitled "Web Site Ratings—Shame on Most of Us." The column discusses the lack of voluntary compliance by content providers. The article states,

We and many others in the computer industry and press have decried the Communications Decency Act and other government attempts to regulate the content of the Web. Instead, we've all argued, the government should let the Web rate and regulate its own content. Page ratings and browsers that respond to those ratings, not legislation, are the answers we've offered.

But then the article goes on to say:

The argument has been effective. With the CDA still wrapped up in the Courts, the general feeling seems to be that we, the good guys, carried the day on this one.

"Too bad we left the field before the game was over," the article says. "We who work around the Web have done little to rate our content." The article goes on to say that, in search of the Web, they found "few rated sites." And even those rated sites were an "exception to the rule." In other words, the PICs don't work. Of course they don't work. They don't work because you are

asking the producer who is trying to sell the material to rate the material in a way that it will not be accessed as many people as it otherwise would. There is no incentive for pornographers to comply.

So what are the ramifications to our children? A member of my staff went on Lexis/Nexis and searched for articles containing the words: Computer and pornography and Internet and looked for articles dated after the first of the year. And we came up with 139 separate stories. "Internet pornography at library concerns parents", "Parents want BPL (Boston Public Library) to block porn on Internet", articles entitled, "Kids see porn via the Internet." "Mother sues America On-Line over cyber porn," and on and on.

At a time when the President and the Vice President are calling for every classroom in America to be wired to the Internet, when Larry Flynt is shocked by some of the material he finds there, the ACLU and congressional opponents of the Communications Decency Act claim that the Government has no right to protect our children from this pornographic material. Fortunately, the Senate spoke on a vote of 84 to 16, and the Congress as a whole spoke overwhelmingly in favor of the CDA.

Mr. President, the Supreme Court will soon hear arguments on the constitutionality of the CDA. I have a copy of the amicus brief, filed on behalf of Members of Congress, which reaffirms the voice of Congress on this important issue. I thank my colleagues who took a stand with me in this brief and ask unanimous consent that the content of the cover of the brief be printed and referenced in the RECORD.

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

[In the Supreme Court of the United States, October Term, 1996]
JANET RENO, ATTORNEY GENERAL OF THE UNITED STATES, ET AL., APPELLANTS v. AMERICAN CIVIL LIBERTIES UNION, ET AL., APPELLEES
On Appeal from the United States District Court for the Eastern District of Pennsylvania

BRIEF OF MEMBERS OF CONGRESS
Senators DAN COATS, JAMES EXON, JESSE HELMS, CHARLES GRASSLEY, CHRISTOPHER BOND, JAMES INHOFE, RICK SANTORUM, ROD GRAMS; and

Representatives HENRY J. HYDE, BOB GOODLATTE, F. JAMES SENSENBRENNER, JR., STEVEN SCHIFF, WILLIAM L. JENKINS, ASA HUTCHINSON, CHRIS SMITH, DUNCAN HUNTER, ROSCOE BARTLETT, WALTER B. JONES, JR., SHERWOOD BOEHLERT, MARK SOUDER, STEVE LARGENT, JIM RYUN, TONY HALL, DAVE WELDON, FRANK R. WOLF as amici curiae in support of appellants.

Mr. COATS. Mr. President, I know my time is up, I intend to take additional time later to talk about the constitutionality of the Communications Decency Act, and to restate the case for why I believe it will pass constitutional muster.

Mr. President, this is something that we have to be vigilant on because

clearly we have an interest, and a responsibility to protect our children from this kind of material.

Mr. President, I thank you for the time.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 324 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL addressed the Chair.

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

Mr. KOHL. I thank the Chair.

DEADBEAT PARENTS PUNISHMENT ACT AND SUNSHINE IN LITIGATION ACT

Mr. KOHL. Mr. President, 2 weeks ago, I introduced two bills, the Deadbeat Parents Punishment Act of 1997, and the Sunshine in Litigation Act of 1997. Both address issues that are of enormous importance to our communities and country.

First, Senator DEWINE and I introduced a measure to toughen the original Child Support Recovery Act of 1992 to ensure that more serious crimes receive more serious punishment. Our new proposal sends a clear message to deadbeat parents: Pay up or go to jail.

Current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than \$5,000. However, current law provides for a maximum of just 6 months in prison for a first offense and a maximum of 2 years for a second offense. A first offense, however, no matter how egregious, is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not adequately deal with more serious cases, those cases in which parents move from State to State to intentionally evade child support penalties or fail to pay child support obligations for more than 2 years—serious cases that deserve serious felony punishment.

In response to these concerns, President Clinton drafted legislation that would address this problem, and we dropped it in last month.

This new effort builds on past successes. In the 4 years since the original deadbeat parents legislation was signed into law by President Bush, collections have increased by nearly 50 percent, from \$8 billion to \$11.8 billion, and we should be proud of that increase. Moreover, a new national database has helped identify 60,000 delinquent fathers, over half of whom owed money to women on welfare.

Nevertheless, there is much more that we can do. It is estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. So our new legislation cracks down on the worst violators and makes clear that intentional or long-term evasion of child support responsibilities will not receive a slap on the wrist. In so doing, it will help us continue to fight to ensure that every child receives the parental support they deserve.

With this bill, we have a chance to make a difference in the lives of families across our entire country. I look forward to working with my colleagues to give police and prosecutors the tools they need to effectively pursue individuals who seek to avoid their family obligations.

The second bill I introduced 2 weeks ago was the Sunshine in Litigation Act of 1997, a measure that addresses the growing abuse of secrecy orders issued by Federal courts. All too often, our Federal courts will allow vital information that is discovered in litigation and which directly bears on public health and safety to be covered up, to be shielded from people whose lives are potentially at stake and from the public officials we have asked to protect our health and safety.

All of this happens because of the so-called protective orders, which are really gag orders issued by courts—and designed to keep information discovered in the course of litigation secret and undisclosed. Typically, injured victims agree to a defendant's request to keep lawsuit information secret. They agree because defendants threaten that, without secrecy, they will refuse to pay a settlement. Victims cannot afford to take such chances. And while courts in these situations actually have the legal authority to deny requests for secrecy, typically they do not because both sides have agreed and judges have other matters they prefer to attend to. So judges are regularly and frequently entering these protective orders using the power of the Federal Government to keep people in the dark about the dangers they face.

This measure will bring crucial information out of the darkness and into the light. The measure amends rule 26 of the Federal Rules of Civil Procedure to require that judges weigh the impact on public health and safety before approving these secrecy orders. It is simple, effective, and straightforward. It essentially codifies what is already the best practices of the best judges. In cases that do not affect the public health and safety, existing practice would continue, and courts can still use protective orders as they do today. But in cases affecting public health and safety, courts would apply a balancing test. They could permit secrecy only if the need for privacy outweighs the public's need to know about potential public health and safety hazards. Moreover, courts could not, under this

measure, issue protective orders that would prevent disclosures to regulatory agencies.

I do want to mention that identical legislation was reported out of the Judiciary Committee last year by a bipartisan, 11-to-7 majority. I do want to remind people that this issue is not going away: A number of States are currently considering antisecrecy measures; the Justice Department itself has drafted its own antisecrecy proposal—one that in many ways goes further than my own. The grassroots support for antisecrecy legislation will continue and grow, as long as information remains held under lock and key.

So, Mr. President, I look forward to working with my colleagues on a bipartisan basis to do more to combat deadbeat parents and limit court secrecy.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized to speak for up to 10 minutes.

SCHOOL CONSTRUCTION, TRANSPORTATION, AND ENVIRONMENTAL INITIATIVE

Mr. GRAHAM. Mr. President, I speak to my colleagues and to the American public today about a quiet crisis that is occurring in our Nation. This is the crisis that has resulted from our failure to adequately invest in the basic services that will render our Nation economically productive, with a strong national security, and prepare the next generation of our citizens to meet their responsibilities. All over our Nation, from the largest cities to the smallest rural communities, we are seeing a deterioration of our basic public support system. Our schools, our bridges, our highways, our water and sewer systems are deteriorating.

In areas of growth, we do not have enough resources to meet the needs of an expanding population. Too many children are learning in overcrowded and unsafe classrooms. Too many motorists are driving on inadequate roads and highways. Too many communities are being forced to make do with inadequate water, sewer, and environmental systems.

Our ability to compete in the economy of the future, and to maintain and enhance the quality of life of our citizens, will, in large part, hinge on whether and how we correct those problems.

As we enter the 21st century, we must build and rebuild the foundations which will serve our people and their needs for years to come. In the near future, I intend to continue the efforts that are underway with my Republican and Democratic colleagues who have expressed similar concerns. Out of this will come legislation which will assist States and local communities to build the schools, roads, and water systems that they need now and in the future.

The numbers tell the story. A recent General Accounting Office report says