by the order of April 11, 1986; to the Committee on Appropriations and the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 1005. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, purchasing, and acquiring public buildings, and for other purposes (Rept. No. 104–232).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 604. A bill to amend title 49, United States Code, to relieve farmers and retail farm suppliers from limitations on maximum driving and on-duty time in the transportation of agricultural commodities or farm supplies if such transportation occurs within 100-air mile radius of the source of the commodities or the distribution point for the farm supplies (Rept. No. 104–233).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 772. A bill to provide for an assessment of the violence broadcast on television, and for other purposes (Rept. No. 104–234).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1567. A bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. SIMPSON, and Mr. D'AMATO):

S. 1568. A bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM (for herself, Mr. DODD, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MACK, Mr. D'AMATO, Mrs. FEINSTEIN, Mr. SARBANES, Mr. SIMON, Mr. GLENN, Mr. COHEN, Mr. SPECTER, Mr. PELL, Mr. COCHRAN, Ms. SNOWE, Mr. LEVIN, Mr. KOHL, Mr. JEFFORDS, Mr. HELMS, Mr. SIMPSON, Mr. KENNEDY, Mr. INOUYE, Mr. STEVENS, Mr. CRAIG, Mr. HOLLINGS, Mr. CHAFEE, and Mr. GRASSLEY):

S. Con. Res. 42. A concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1567. A bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATION LEGISLATION

Mr. LEAHY. Mr. President, last week, the Congress passed telecommunications legislation. The President signed it into law this week. For a number of reasons, and I stated them in the Chamber at the time, I voted against the legislation. There were a number of things in that legislation I liked and I am glad to see them in law. There were, however, some parts I did not like, one of them especially. Today I am introducing a bill to repeal parts of the new law, parts I feel would have far-reaching implications and would impose far-reaching new Federal crimes on Americans for exercising their free speech rights on-line and on the Internet.

The parts of the telecommunications bill called the Communications Decency Act are fatally flawed and unconstitutional. Indeed, such serious questions about the constitutionality of this legislation have been raised that a new section was added to speed up judicial review to see if the legislation would pass constitutional muster. The legislation is not going to pass that test.

The first amendment to our Constitution expressly states that ''Congress shall make no law abridging the freedom of speech.'' The new law flouts that prohibition for the sake of political posturing. We should not wait to let the courts fix this mistake. Even on an expedited basis, the judicial review of the new law would take months and possibly years of litigation. During those years of litigation unsuspecting Americans who are using the Internet in unprecedented numbers and more every day, are going to risk criminal liability every time they go on-line.

Let us be emphatically clear that the people at risk of committing a felony under this new law are not child pornographers, purveyors of obscene materials, or child sex molesters. These people can already be prosecuted and should be prosecuted under longstanding Federal criminal laws that prevent the distribution over computer networks of obscene and other pornographic materials harmful to minors, under 18 U.S.C. sections 1465, 2252 and 2423(a); that prohibit the illegal solicitation of a minor by way of a computer network, under 18 U.S.C. section 2252; and that bar the illegal luring of a minor into sexual activity through computer conversations, under 18 U.S.C. section 2423(b). In fact, just last year, we passed unanimously a new law that sharply increases penalties for people who commit these crimes.

There is absolutely no disagreement in the Senate, no disagreement certainly among the 100 Senators about wanting to protect children from harm. All 100 Senators, no matter where they are from, would agree that obscenity and child pornography should be kept out of the hands of children. All Senators agree that we should punish those who sexually exploit children or abuse children. I am a former prosecutor. I have prosecuted people for abusing children. This is something where there are no political or ideological differences among us.

I believe there was a terribly misguided effort to protect children from what some prosecutors somewhere in this country might consider offensive or indecent online material, and in doing that, the Communications Decency Act tramples on the free speech rights of all Americans who want to enjoy this medium.

This legislation sweeps more broadly than just stopping obscenity from being sent to children. It will impose felony penalties for using indecent four-letter words, or discussing material deemed to be indecent, on electronic bulletin boards or Internet chat areas and news groups accessible to children.

Let me give a couple of examples: You send e-mail back and forth, and you want to annoy somebody whom you talked with many times before—it may be your best buddy—and you use a four-letter word. Well, you could be prosecuted for that, although you could pick up the phone, say the same thing to him, and you commit no crime; or send a letter and say the same word and commit no crime; or talk to him walking down the street and commit no crime.

To avoid liability under this legislation, users of e-mail will have to ban curse words and other expressions that might be characterized as indecent from their online vocabulary.

The new law will punish with 2-year jail terms someone using one of the seven dirty words in a message to a minor or for sharing with a minor material containing indecent passages. In some areas of the country, a copy of Seventeen magazine would be considered indecent, even though kids buy it. The magazine is among the 10 most frequently challenged school library materials in the country. Somebody sends an excerpt from it, and bang, they could be prosecuted.

The new law will make it a crime ''to display in a manner available to'' a child any message or material ''that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs* * *'' That covers any of the over 13,000 Usenet discussion groups, as well as electronic bulletin boards, online service provider chat rooms, and Web sites, that are all accessible to children.