

day it has doubled. The population of Earth has doubled since 1940. It is now 5.5 billion, and this study shows in the year 2150 it will increase to 694 billion. And where is the most rapid population growth occurring? Desperately poor countries that have to cope with poverty and malnutrition and ill health and lack of education and environmental damage and famine.

These countries simply do not have the resources to effectively solve all of these problems on their own, or maybe any of them, any more than they are able to stabilize their population growth. It continues to compound and exacerbate so many of the other difficulties. Fertility rates, lack of education for women, these things lead to grievous problems.

I am not suggesting the United States bear the sole responsibility for addressing this problem. Nor is the rest of the world suggesting this. In September 1994, I and Senator JOHN KERRY attended the International Conference on Population and Development in Cairo. Mr. President, 179 nations participated in that conference, and the final "programme of action," which was adopted by acclamation, estimated that the nations of the world would have to spend \$17 billion annually by the year 2000 in order to meet the needs of developing countries for basic reproductive health services, including family planning and the prevention of sexually transmitted diseases.

This "programme of action" estimated that up to two-thirds of these costs would be met by developing countries themselves—two-thirds; self-termination—with the other one-third coming from "external sources." To put that in perspective, consider the United States Government's expenditures on international family planning in fiscal year 1995 represented less than 10 percent of what is needed from these external sources by the year 2000. To retreat from this modest commitment would be a grave mistake.

So, as this legislative session continues, I believe we should restore a more appropriate level of funding for international family planning programs. Senator HATFIELD has previously advised the Senate of his desire to rectify this situation, and here is a man who holds a view different than mine on abortion, but a very sensitive, sensible human being. I richly commend my friend MARK HATFIELD for his commitment to this cause, and I stand ready to assist him in any way possible. He does his tasks so very well, and we should not impede him.

It is not too late for us to reverse our course and embrace a more sane, rational and sensible policy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, may I inquire of the chair if we are in morning business?

The PRESIDING OFFICER. The Senate is technically still on a motion to

proceed with the Whitewater investigation, but we have been proceeding, in essence, as if in morning business.

Mr. EXON. I thank the Chair. I ask unanimous consent I be allowed to proceed as in morning business for a brief period of time on another matter.

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

#### THE COMMUNICATIONS DECENCY ACT

Mr. EXON. Mr. President, I have just had one of the most remarkable and rewarding meetings of my career with a 10-year-old girl and her mother from the Washington, DC, area. I will only use her first name. She and her mother called and asked to see me today.

Lea is a sweet girl, 10 years of age, who was preparing for a computer project to earn a Girl Scout merit badge this week. In preparation for that project, Lea and her mother signed on to the Prodigy computer service and logged on to a so-called chat room for children, where kids from around the country can play checkers and do other such things that kids do with each other. It was Lea's very first time on the Internet.

Within minutes—I emphasize, Mr. President—within minutes, someone was attempting to engage young Lea, a 10-year-old, in conversations of a sexual nature. Needless to say, she was shocked and screamed. Lea and her mother were upset and very angry.

If I can be allowed a personal comment, this really brought this problem that I and others have been trying to do something about home, because my wife and I have been blessed with two 10-year-old granddaughters of our own. When Lea came in to see me, it was life as it exists and life as I know it.

At the time of this most unfortunate event, Prodigy did not provide the supposedly child-safe space with an alert button, which notifies the system operator that children's checkers room was being misused. A similar service was available for adults, in the adult chat room, but not for children, as strange as that might seem.

Together, the mother and the daughter contacted Prodigy and the news media. Within hours, Prodigy agreed to make the alert button available and the alarm available to those on these children's areas.

I heard this story on the news this morning, on the radio, and met with the mother and the daughter at their request this afternoon. I bring this story to the attention of the U.S. Senate because, since the passage of the Communications Decency Act as part of the Telecommunications Act of 1996, there has been a great deal of attention placed on this new law. With that attention, some have also continued their campaign of misinformation about the new law in the press and now in the courts.

Mr. President, Lea's story demonstrates and illustrates better than

anything else that I know of that there are, indeed, real dangers on the Internet, especially for children and especially with the interactive computer services that are available. But more important, the very quick response from Prodigy to this problem illustrates that the new law is starting to work.

Opponents of the new law use harsh language like "censorship" to describe the Communications Decency Act that was jointly sponsored by myself and Senator COATS from Indiana and overwhelmingly passed in the U.S. Senate and in the House of Representatives and made part of the telecommunications bill. Those who cry censorship hide behind the first amendment to make defense of those who would give pornography to children and engage children in sexual conversations. What a travesty.

I hope more adults, whether they have children or grandchildren or not, will come to realize and recognize and see that the law is operational.

In respect to the first amendment, Mr. President, it is almost a sacred text with this Senator.

That is why I worked so closely—even with the new law's opponents—to assure that our legislation was constitutional. The final legislation was the produce of nearly 3 years of investigation, research, negotiation, and compromise.

The Communications Decency Act makes it a crime to send indecent communications to children by means of a computer service or telecommunications device, to make indecent communications available to children on an open electronic bulletin board, to use a computer to make the equivalent of an obscene phone call to another computer user, and to use a computer or facility of interstate commerce to lure a child into illegal sexual activities.

The law makes computer services responsible for what is on their system. To comply with the new law, a computer service must take reasonable, effective and appropriate measures to restrict child access to indecent communications.

While it is fair to wonder why the alert button service has not been made available earlier, Prodigy is to be recognized for their quick response when this problem was brought to their attention. This is the type of response, that the Communications Decency Act sought to encourage and help prevent in the first place.

What the ACLU and their fellow travelers and the computer service companies have difficulty dealing with is that it is wrong—desperately wrong—for an adult to electronically molest or corrupt a child.

And thinking people en masse want to do something about it.

The Communications Decency Act is not a cure-all. But, at a minimum, children and families deserve to have a law on their side notwithstanding the

protests from the profiteers of child pornography that are rampant on the Internet today.

The heart and soul of the new law is its protections for children. It is not censorship. It is not prudishness. The new law does not prohibit consenting adults from engaging in constitutionally protected speech.

Published reports indicate that Penthouse and Hustler have removed indecent material from their publicly available bulletinboards in response to the new law and their material are now only available only to adults through credit card access.

That is another step in the right direction.

I count this action as a success for the new law. In these two cases, free samples of pornography are no longer given to children. We are making progress.

If the Internet and other computer services are to be a place of commerce, community, and communication, then it must be a place which is friendly to families. Indeed, the technology necessary to comply with the Communications Decency Act is the same technology which can tell a computer service whether a user is old enough to enter into a binding contract or not.

Before the passage of the Communications Decency Act, the Internet had been described as the Wild West. At last, there is now some degree of law and order. In effect, the new law is a zoning measure. Adults are free to engage in otherwise legal indecent activities and communications, just not with, or in the knowing presence, of children.

Mr. President, later this month, a three-judge panel will hear arguments on the constitutionality of the Communications Decency Act. An initial review by a Federal judge in Philadelphia protected the heart and soul of the new law from a temporary restraining order as had been requested by the ACLU. Only a small portion of the act was enjoined pending further court review. Ultimately, as we all know, Mr. President, this matter will come before a majority of the Supreme Court. And I hope that they will find—and believe that they will—the Communications Decency Act fully constitutional.

Although the U.S. Department of Justice has agreed not to file cases under the new law until the three-judge panel has an opportunity to review the statute, the action by Prodigy, and others indicates that the Communications Decency Act can and is working.

I thank all of my colleagues in the Senate and all of my colleagues in the House who have been up front in the support of this measure.

I now thank President Clinton and his Justice Department for entering into the fray on the side of the kids to begin to make further advances in correcting this terrible wrong.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, let me commend my colleague from Nebraska for his diligence in bringing to our attention a very, very important matter that affects the youth of our Nation. I commend him.

Mr. EXON. I thank my friend and colleague from Alaska, very much.

#### REGULATORY ENFORCEMENT FAIRNESS ACT

Mr. MURKOWSKI. Mr. President, an extraordinary thing happened today in the forum in the sense of the effort to try to bring the Small Business Regulatory Enforcement Fairness Act before this body as Senate bill 942.

The fact is that here we are 6 o'clock, Thursday, and the information of the Senator from Alaska is that the Democratic minority has refused to allow this vital piece of legislation to come before this body for a vote. The realization, as evidenced by my good friend, Senator BUMPERS from Arkansas, is that, if it came up, it would pass 100 to nothing.

We are talking about trying to assist the small business community relative to employment, encourage those that are willing to take a risk in the highest area of fallout of any activity, and that is the small business community. We are talking about trying to get some regulatory reform that will assist them.

This has been a top priority of this Congress. It has been a top priority of the Senate. We cannot even get it up for a vote.

What are we trying to do with this? Some people would say we are trying to unwind the environmental laws, or the labor oversight responsibilities that we have. What we are trying to do is bring some logic into the equation, some cost-benefit, and risk analysis. What does it mean?

Mr. President, I live in Alaska. It snows in Alaska. When the snow comes down, either leave it or move it. In the case of the city of Fairbanks, where I live, the snow falls on the area where they park the buses. So what do they do? They move the snow back to the back lot. But that is classified as a wetlands. You cannot put snow in a wetland.

Is that a rational reality? You cannot dump the excess snow in the river. Why cannot you dump it in the river? Because it may have picked up something along the way that somehow would be inappropriate to dump in the river. But when it snows in Washington, DC, where do you dump the snow? You dump it wherever. Nobody gets too excited because snow here is a calamity. The city is tied up. It cannot move. You dump it in the Potomac River.

Anchorage, AK, the State's largest city, probably has the cleanest water in the world. When it rains it drops

down in the street, and goes down the gutter. The gutters go out into Cook Inlet. There is a 30-foot tide twice a day. The water goes out. This is not sewage. This is water that goes into your drain from the rain. It goes out.

They did not have any problem until the Environmental Protection Agency came down with a mandate that said you have to remove 30 percent of the organic matter from the water before you can dump it without treatment. And the EPA said to the city of Anchorage, you are in violation of the law.

Well, the assembly met. Somebody came up with the idea. "Let us put a few fish guts in the drains so we would have something to recover and remove the organic matter and, therefore, comply."

When they appealed to the highest level of the Environmental Protection Agency, they said we are not going to make exceptions. This is uniform throughout the United States.

What we are trying to do here, Mr. President, is get some balance, some logic into a situation that has run amok with bureaucracy and the inability of our administrators to address clear decisions that should be made relative to the areas of responsibility the administrators have. You cannot mandate uniformity on things like this. You have to bring in common sense. You bring in the analysis of cost-benefit. You bring in what the risk to the public is. You give the administrators the authority, and you hold them accountable.

Many Senators on both sides of the aisle today have worked hard to try to pass regulatory reform legislation. My good friend from Louisiana, Senator JOHNSTON, has labored in the vineyards for an extraordinary amount of time. But for reasons unknown, today the other side of the aisle said, we are not going to bring it up; we are going to object. I do not know whether this is connected with an election year. We have a lot of political issues around here.

Everybody is committed to assisting small business by reducing redundant regulatory oversight, and here is a chance to do it. Politics is not an overarching excuse, in my opinion, and getting the American public energized so that we can address the relief needed from some of the ill-founded, erroneous, duplicative regulations is a bipartisan responsibility. We seem to agree on it, but we cannot move. We are stuck. No explanation.

Today a constituent of mine came in. He brought me a chart. He is in the business of transporting oil. He has to have five permits. He has to have a Coast Guard operating regulation permit. He has to have a Coast Guard OPA 90 regulatory permit. He has to have an Environmental Protection Agency OPA 90 regulatory permit. He has to have an Environmental Protection Agency spill prevention regulatory permit, and he has to have a State permit, plus the local permits.