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sponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

AMENDMENT NO. 2394

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of Amendment No. 2394 proposed to H.R. 4602, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 245—RELATING TO LINE ITEM VETO

Mr. SPECTER submitted the following amendment; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas Federal spending and the Federal budget deficit have reached unreasonable and insupportable levels;

Whereas a line-item veto would enable the President to eliminate wasteful pork-barrel spending from the Federal budget and curb the deficit before considering cuts in important programs;

Whereas evidence may suggest that the Framers of the Constitution intended that the President have the authority to exercise the line-item veto;

Whereas scholars who have studied the matter are not unanimous on the question of whether the President currently has the authority to exercise the line-item veto;

Whereas there has never been a definitive judicial ruling that the President does not have the authority to exercise the line-item veto;

Whereas some scholars who have studied the question agree that a definitive judicial determination on the issue of whether the President currently has the authority to exercise the line-item veto may be warranted: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality.

AMENDMENTS SUBMITTED

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

BRADLEY AMENDMENT NO. 2401

Mr. BRADLEY proposed an amendment to the bill (H.R. 4602) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, as follows:

On page 62, line 1, strike out "$436,451,000." and insert in lieu thereof "$426,451,000.".

BYRD AMENDMENT NO. 2402

Mr. BYRD proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place in the bill, insert: ": *Provided further*, That funds provided pursuant to this authority may not exceed $10,000 per employee"

WOFFORD (AND OTHERS) AMENDMENT NO. 2403

Mr. BYRD (for Mr. WOFFORD for himself, Mr. COCHRAN, and Mr. SPECTER) proposed an amendment to the bill H.R. 4602, supra; as follows:

On page 6, line 3, insert the following new paragraph:

The Secretary of Agriculture is authorized to utilize $10,600,000 taken from the fiscal year 1995 appropriated National Forest System account to provide for all costs necessary to prepare, offer and administer completely timber sales other than those funded by the regular fiscal year 1995 timber sales program in regions 2, 3, 8 and 9 with a contract term not to exceed one year: *Provided*, That the Secretary of Agriculture shall execute the contracts funded with this authority so that these funds are offset fully in the same fiscal year by increased receipts net of payments to states, and that an amount not to exceed $10,600,000 is returned by the Secretary to the account from which the funds were drawn: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That transfer of purchaser credits shall not be used in payment for timber sold under this initiative: *Provided further*, That no timber sales authorized under this section shall substitute for timber sales that would otherwise generate receipts contributing to the Congressional Budget Office February 1994 Timber Receipt Baseline for fiscal year 1995: *Provided further*, That funds shall be returned to the account and available for spending as offsetting collections only if and to the extent that total National Forest Fund timber receipts of the Forest Service (excluding amounts for deposit funds) in fiscal year 1995 exceed $420 million: *Provided further*, That funds provided under this authority remain available to the Secretary until expended.

COMMUNICATIONS ACT OF 1994

EXON AMENDMENT NO. 2404

(Ordered referred to the Committee on Commerce.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill (S. 1822) to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; as follows:

On page 104, below line 12, add the following:

TITLE VIII—OBSCENE, HARASSING, AND WRONGFUL UTILIZATION OF TELECOMMUNICATIONS FACILITIES

SEC. 801. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT OF 1934.

(a) EXPANSION OF OFFENSES.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) in subsection (a)(1)—

(A) by striking out "telephone" in the matter above subparagraph (A) and inserting in lieu thereof "telecommunications device";

(B) by striking out "makes any comment, request, suggestion or proposal" in subparagraph (A) and inserting in lieu thereof "makes, transmits, or otherwise makes available any comment, request, suggestion, proposal, image, or other communication;

(C) by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph (B):

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;" and

(D) by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph (D):

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication.";

(2) in subsection (a)(2), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility";

(3) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking out "telephone," and inserting in lieu thereof "telecommunications device,"; and

(ii) by inserting "or initiated the communication" after "placed the call"; and

(B) in subparagraph (B), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility"; and

(4) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking out "by means of telephone, makes" and inserting in lieu thereof "by means of telephone or telecommunications device, makes, transmits, or makes available"; and

(ii) by inserting "or initiated the communication" after "placed the call"; and

(B) in subparagraph (B), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility".

(b) EXPANSION OF PENALTIES.—Such section, as amended by subsection (a), of this section, is further amended—

(1) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000"; and

(2) by striking out "six months" each place it appears and inserting in lieu thereof "2 years".

(c) PROHIBITION ON PROVISION OF ACCESS.—Subsection (c)(1) of such section is amended by striking out "telephone" and inserting in lieu thereof "telecommunications device".

(d) CONFORMING AMENDMENT.—The section head of such section is amended to read as follows:

"OBSCENE OR HARASSING UTILIZATION OF TELECOMMUNICATIONS DEVICES AND FACILITIES IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS".

SEC. 802. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 of the Communications Act of 1943 (47 U.S.C. 559) is amended by striking out "$10,000" and inserting in lieu thereof "$100,000".

SEC. 803. BROADCASTING OBSCENE OR LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$100,000".

SEC. 804. INTERCEPTION AND DISCLOSURE OF ELECTRONIC COMMUNICATIONS.

Section 2511 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "wire, oral, or electronic communication" each place it appears and inserting in lieu thereof "wire, oral, electronic, or digital communication"; and

(B) in the matter designated as item (b), by striking out "oral communication" in the

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matter above clause (i) and inserting in lieu thereof "communication"; and

(2) in paragraph (2)(a), by striking out "wire or electronic communication service" each place it appears (other than in the second sentence) and inserting in lieu thereof "wire, electronic, or digital communication service".

SEC. 805. ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

Section 228(c)(6) of the Communications Act of 1934 (47 U.S.C. 228(c)(6)) is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(E) the calling party being assessed, by virtue of being asked to connect or otherwise transfer to a pay-per-call service, a charge for the call.".

SEC. 806. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 551 et seq.,) is amended by adding at the end the following:

"SEC. 640. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

"(a) REQUIREMENT.—In providing video programming unsuitable for children to any subscriber through a cable system, a cable operator shall fully scramble the video and audio portion of each channel such programming that the subscriber does not subscribe it.

"(b) DEFINITION.—In this section the term 'to scramble', in the case of any video programming, means to rearrange the content of the signal of the programming so that the programming cannot be apprehended by persons unauthorized to apprehend the programming.".

Mr. EXON. Mr. President, I rise to file an amendment to S. 1822, the Communications Act of 1994. I expect the Senate Commerce Committee to take this legislation up next week. I intend to offer this amendment at that time.

Simply put, this Communications Decency amendment modernizes the anti-harassment, decency, and anti-obscenity provisions of the Communications Act of 1934. When these provisions were originally drafted, they were couched in the context of telephone technology. These critical public protections must be updated for the digital world of the future.

Before too long a host of new telecommunications devices will be used by citizens to communicate with each other. Telephones may one day be relegated to museums next to telegraphs. Conversation is being replaced with communication and electrical transmissions are being replaced with digital transmissions. As the Congress rewrites the Communications Act, it is necessary and appropriate to update these important public protections.

Anticipating this exciting future of communications, the Communications Decency amendment I introduce today will keep pace with the coming change.

References to telephones in the current law are replaced with references to telecommunications device. The amendment also increases the maximum penalties connected with the decency provisions of the Communications Act to $100,000 and 2 years imprisonment. The provision requires cable providers of adult pay-per-view programming to fully scramble the audio and video portions of the programming to homes which do not subscribe to the particular program. Unsuspecting families should not be assaulted with audio of indecent programming or partially scrambled video. The amendment also prevents individuals and companies engaged in the pay-per-call services from by-passing number blocking by connecting individuals to pay-per-call services via a toll-free number.

These measures will help assure that the information superhighway does not turn into a red light district. It will help protect children from being exposed to obscene, lewd, or indecent messages.

This legislation also protects against harassment. Recent reports of electronic stalking by individuals who use computer communications to leave threatening and harassing messages sent chills through the users of new technologies. Recent stories about the misuse of the Internet and 800 numbers also demand action. I ask that two stories related to the misuse of the information technologies be included at the end of my remarks as illustrations of the type of activities this amendment attempts to address.

Mr. President, I ask unanimous consent that an article be printed in the RECORD.

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

[From the Los Angeles Times, July 12, 1994]

INFO SUPERHIGHWAY VEERS INTO PORNOGRAPHIC DITCH

Dramatically illustrating the security problems posed by the rapid growth of the Internet computer network, one of the nation's three nuclear-weapons labs has confirmed that computer hackers were using its computers to store and distribute hard-core pornography.

Officials at Lawrence Livermore National Laboratory in Livermore, Calif., which has highly sophisticated security procedures, said Monday that the incident was among the most serious breaches of computer security ever at the lab, which lies east of San Francisco.

The offending computer was shut down after lab officials were alerted by a reporter who was investigating Internet hacking.

The computer contained more than 1,000 pornographic images. It was believed to be the largest cache of illegal hard-core pornography ever found on a computer network.

While hackers once devoted their efforts to disrupting computer systems at large organizations or stealing electronic information, they have now developed ways of seizing control of Internet-linked computers and using them to store and distribute pornography, stolen computer software and other illicit information.

The Internet, a "network of networks" originally designed to connect computers at universities and government research labs, has grown dramatically in size and technical sophistication in recent years.

It is now used by many businesses and individual computer users and is often viewed as the prototype for the "information superhighway" of the future.

But the Internet has an underside, where so-called pirates with code names such as "Mr. Smut," "Acidflux" and "The Cowboy" traffic in illegal or illegally-obtained electronic information. The structure of the Internet means that such pirates can carry out their crimes from almost anywhere in the world. Tracing them is nearly impossible.

The FBI late last week confirmed that it was investigating software piracy on the Internet. A reporter discovered a number of sites at prominent institutions that were being used to distribute stolen software, including one in the office of the president of the University of California, Berkeley, and another at Lawrence Berkeley National laboratory.

Pirates also have their own "chat" lines, a series of channels within a service called the Internet Relay Chat. An elaborate pecking order determines who will be allowed to take part in these conversations—newcomers can often wangle their way in if they have a particularly hot piece of software to offer.

Sandy Merola, deputy director of information and computing at the Berkeley lab, said the pirate site was shut down last week after the Times investigation revealed its existence. Merola said the Department of Energy, which oversees lab operations, as well as the FBI, had been notified of the incident.

At Lawrence Livermore, officials said Monday that they believed at least one lab employee was involved in the pornography ring, along with an undetermined number of outside collaborators.

Chuck Cole, deputy associate director of computing at the lab, said that unauthorized graphical images had been found on a Livermore computer. He confirmed that they were pornographic.

The employee has been placed on "investigatory leave" and his security badge confiscated while an investigation is undertaken, the lab said.

It was unclear whether the pornographic images were being sold or how many people had gained access to them. The pictures were sufficiently graphic that they would probably be considered obscene by the courts, and therefore transmitting them over the Internet would be illegal.

The massive amount of storage capacity used in the Livermore scheme shows how Internet hacking could be quite profitable. Seizing control of large and sophisticated computer systems at universities or government laboratories can save unscrupulous entrepreneurs large sums of money.

One computer expert said there might be more to the incident than meet the eye. The expert suggested that the hardcore pornography may be a cover for an ultra-sophisticated espionage program, in which a "sniffer" program combs through other Livermore computers, encodes the passwords and accounts it finds, and then hides them within the pornographic images, perhaps to be down-loaded later by foreign agents.

But Cole said there was no possibility of a computer intruder gaining access to classified data at Livermore Labs.

800-NUMBER MANEUVER EVADES PHONE-SEX RULES

(By Henry J. Cordes)

LINCOLN.—Scanning his Ralston church's phone bill recently, the Rev. Michael Thomas found $160 in calls to a phone-sex service.

Thomas said he was appalled that someone would make such calls from Messiah Lutheran Church. None were authorized.

He said he was more appalled that the calls were possible. Calls to a phone-sex service had troubled Messiah Lutheran before, prompting the church to block all calls to

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900 toll numbers—the once typical avenue to phone-sex services.

Now it appeared someone had skirted the block, Thomas said, by calling a toll-free 800 number and then asking to be transferred to a phone-sex line with a big per-minute charge.

"I'm outraged that there is this loophole in the system," Thomas said.

Thomas isn't the only one. The Nebraska Public Service Commission has received dozens of similar complaints in recent months.

Dwight Wininger, the commission's executive secretary, said many "purveyors of adult entertainment" that provide phone sex, psychic predictions and conversation have started using 800 numbers with reversible charges to peddle their services.

Wininger said the companies may see 800 numbers as a way to get around phone blocks and the regulations that the federal government and some states have put on 900 toll calling.

"We beat back the first wave, and now they're coming back with 800 numbers," Wininger said.

"Here's how the Public Service Commission says the new tactic works:

A caller dials a toll-free 800 number and reaches an operator, who gives the caller an "identification number." The caller may be asked to punch in the number then, or to hang up and dial the 800 number again. Either way, the phone-sex service uses the identification number as permission to reverse charges.

If people want to dial 800 numbers on their phones and use the services, that's their business, Wininger said. The problem is that many who call are using phones they're not authorized to use.

Boys town has been billed for $92 worth of calls and the Omaha School District for $68, even though both block 900 calls. One Omaha woman reported to the commission that her son had rung up calls to 808 numbers costing $1,384.

Hotels are especially vulnerable, PSC officials said. Guests can gain access to phone-sex lines by calling 800 numbers from their rooms and be gone long before the bill arrives.

A guest at the American Family Inn in Bellevue recently rang up three calls to an 800 phone-sex service. The bills totaled $156.

"It's very, very scary," said John Hobbs, the hotel's manager. "It makes you think of not allowing 800 calls to leave the hotel."

The Ben Franklin Motel near Papillion also has complained to the commission about 800 calls.

Gene Hand, head of the commission's telecommunications division, said many people may be surprised that they can be charged for a call to an 800 number.

Federal regulations allow for charges on 800 calls if the caller has a "presubscription or other arrangement." Hand said adult entertainment companies apparently believe that the identification number they provide constitutes subscribing to the service.

To talk to the "sexy hot dream girls" provided by one 800 service, a reporter received a four-digit number from an operator. After calling the 800 number back and repeating the four-digit number, the caller was connected to the service.

On another service, a recorded voice said that to "talk to one of our hot babes," the caller needed to dial the last four numbers of the phone from which the call was placed.

Hand said public utility regulators across the country are considering pushing the Federal Communications Commission to change rules to bar all billing on 800 calls.

For people who find unauthorized 800 calls on their phone bills, local phone companies have been good about waiving charges, Hand said.

Hand said the Public Service Commission will not permit phone service to be disconnected for failing to pay for unauthorized calls to the services. He said Nebraskans who need help can call the commission at 800-526-0017.

"And that is toll-free," he said.

CLOSING LOOPHOLE ON TELEPHONE DIRTY TALK

More power to the Nebraska Public Service Commission if it asks the Federal Communications Commission to bar companies from billings customers who dial 800 numbers. Phone-sex services have been moving to 800 numbers to get around blocks on 900 toll calls.

Concerned parents and others who don't want their phones used to dial Phone-a-Bimbo and the like can have their phones fixed so calls to the 900 prefix are blocked.

Now the people who run the talk-sex lines have found a loophole in the federal regulations governing 800 numbers, which people assume are toll-free. If callers give an operator an identification number that shows they are "subscribers" to the service in question, they can be billed for an 800 call. The process is quick and easy. And it allows the "subscriber" to call the phone-sex line from any telephone.

So even though parents and business people might have 900 numbers blocked, their phones can still be used for expensive dirty talk.

That shouldn't be. Phone-sex and similar "services" ought to be restricted to the 900 prefix, where people know what they are getting and can block if they don't want access. The integrity of the 800 system is especially important in Omaha, where a thriving telemarketing industry relies on public trust in 800 service.

Gene Hand, head of the Nebraska Public Service Commission's telecommunications division, said that public utility regulators may ask the FCC to plug the loophole in the 800 service regulations. That can't happen soon enough.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

HUTCHISON (AND GRAMM) AMENDMENT NO. 2405

Mrs. HUTCHISON (for herself and Mr. GRAMM) proposed an amendment to the bill, H.R. 4602 making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 49, between lines 14 and 15, insert the following new section:

SEC. . EDWARDS AQUIFER.

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act;") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users;

(2) section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a))' authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for the Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 2406

Ms. MOSELEY-BRAUN (for herself, and Mr. DOLE, Mr. COCHRAN, Mr. COVERDELL, Mr. GRASSLEY, Mr. MACK, Mr. MATHEWS, Mr. PELL, Mr. ROBB, Mr. ROTH, and Mr. SIMON) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 16, line 23, strike "$40,000,000" and insert "$42,000,000".

On page 16, line 26, following "1996" and before the period, insert the following: ": *Provided*, That $2,000,000 shall be for a grant program to restore and preserve historic buildings at historically black colleges and universities: *Provided further*, That none of these funds shall be made available until authorized".

Beginning on page 41, line 18, strike all starting with the semi-colon through "99-658" on page 42, line 24.

WALLOP AMENDMENT NO. 2407

Mr. WALLOP proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 17, line 20 insert the following before the period: ": *Provided further*, That not to exceed $200,000 shall be used for a joint study with the Fish and Wildlife Service of which not to exceed $100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Park System to the overall mission of the National Park Service, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be considered with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interests in lands within such units, and of which $200,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Wildlife Refuge System to the overall objectives of the System, including, but not limited to, consideration of land acquisi-

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