telecommunications. When this matter was considered on the Senate floor, I urged my colleagues to reject the Exon-Coats amendment in favor of legislation requiring the Department of Justice to carefully study the applicability of existing obscenity statutes to computer networks, which Senator LEAHY and I offered as an alternative.

Specifically I have objected to the indecency provisions of S. 652 for the following reasons:

First, indecent speech, unlike obscenity, is protected under the first amendment to the U.S. Constitution; second, an outright ban on indecent speech on computer networks is not the least restrictive means of protecting children from exposure to such speech on the Internet. There are a number of existing tools available today to allow parents to protect their children from materials which they find inappropriate; third, a ban on indecent speech to minors on the Internet will unnecessarily require adults to self-censor their communications on the Internet; fourth, since indecency will be defined by community standards, protected speech by adults will be diminished to what might be considered decent in the most conservative community in the United States and to what might be appropriate for very young children; fifth, the on-line indecency provisions will establish different standards for the same material that appears in print and on the computer screen. Works that are completely legal in the bookstore or on the library shelf would be criminal if transmitted over computer networks; sixth, the Supreme Court has ruled that the degree to which content can be regulated depends on the characteristics of the media. The unique nature of interactive media must be considered when determining how best to protect children. S. 652 ignores the degree to which users have control over the materials to which they are exposed as well as the decentralized nature of interactive technology which liken it more to print media than broadcast media.

Mr. President, the Senate was not alone in its rush to judgment on the controversial and highly emotional issue of pornography accessed via computer networks. Section 403 of H.R. 1555, known as the Hyde amendment, raises equally serious concerns with respect to the first amendment and appears antithetical to other provisions contained in the House bill. The prohibitions against on-line indecency contained in the Hyde language will have a similar chilling effect on the on-line communications of adults. The Hyde amendment is also inconsistent with the more market oriented and less intrusive provisions of section 104 of H.R. 1555, the On-Line Family Empowerment Act introduced by Congressmen COX and WYDEN, as adopted by the House. Section 104 recognizes that first amendment protections must apply to on-line communications by prohibiting FCC content regulation of the Internet. The Cox-Wyden provisions also promote the use of existing technology to empower parents to protect their children from objectionable materials on the Internet, and encourages on-line service providers to self-police offensive communications over their private services.

In addition, the Hyde amendment is incompatible with the pro-first amendment provisions of section 110 of H.R. 1555, which requires a report by the Department of Justice [DOJ] on existing criminal obscenity and child pornography statutes and their applicability to cyber-crime. Section 110 also requires an evaluation of the technical means available to enable parents to exercise control over the information that their children receive on the Internet. Perhaps most significantly, section 110 embraces the application of first amendment speech protections to interactive media. H.R. 1555, while embracing the principles of restraint with respect to new criminal sanctions on protected speech and the promotion of a free-market parental empowerment approach, simultaneously ignores both of those axioms with the Hyde provision. By imposing new criminal sanctions on indecent speech and amending existing criminal statutes, the Hyde amendment rushes to judgment before the DOJ study has even begun.

Mr. President, recently the Senate Judiciary Committee held the first ever congressional hearing on the issue of cyberporn. Based on the testimony of the witnesses, which included parents as well as victims of cyberporn, it became clear that the objectionable communications on the Internet are already covered by existing criminal statutes. The concerns raised at the hearing centered upon trafficking of child pornography, the proliferation of obscenity, and the solicitation and victimization of minors via the Internet. However, those offenses are already violations of criminal law. Indeed, recent press accounts indicate that law enforcement officers are already aggressively prosecuting on-line users for violations of criminal law relating to obscenity and child pornography.

It is critical that we use law enforcement resources to prosecute criminal activity conducted via the Internet and not be distracted by the issue of indecency which has not been identified as a serious concern by users or parents. It was clear, during our recent Senate hearing, that the witnesses' concerns about the Internet did not relate to indecent speech or the so-called seven dirty words. It is incumbent upon Congress to wait for the results of the study required by H.R. 1555 before embracing overly restrictive, potentially unnecessary, and possibly unconstitutional prohibitions on indecent speech contained in both versions of telecommunications reform legislation.

Mr. President, I urge the conference committee to reject the Exon-Coats and Hyde provisions during its deliberations and to maintain the Cox-Wyden amendment adopted overwhelmingly by the House of Representatives. If the United States is to ever fully realize the benefits of interactive telecommunications technology, we cannot allow the heavy hand of Congress to unduly interfere with communications on this medium.

Furthermore, Mr. President, I urge Senate conferees to recognize that if the first amendment has any relevancy at all in the 1990's, it must be applied to speech on the Internet. As Members of this body sworn to uphold the Constitution we cannot take a cafeteria style approach to the first amendment, protecting the same speech in some forms of media and not in others. Shifting political views about what types of speech are viewed as distasteful should not be allowed to determine what is or is not an appropriate use of electronic communications. While the current target of our political climate is indecent speech—the so-called seven dirty words—a weakening of first amendment protections could lead to the censorship of other crucial types of speech, including religious expression and political dissent.

I believe the censorship of the Internet is a perilous road for the Congress to walk down. It sets a dangerous precedent for first amendment protections and it is unclear where that road will end.

## CHILDREN'S TELEVISION

Mr. LIEBERMAN. Mr. President, I rise today to continue the discussion that I gather a few of my colleagues here in the Senate began earlier in the day as a result of the fact that conferees have been appointed to deal with the telecommunications bills that have passed both the Senate and the other body. These are very important bills dealing with a rapidly expanding, rapidly changing, ever more influential sector of not only our economy but our lives, that of telecommunications.

I rise today not to talk about the corporate structures that are overlapping or the technical details of the revolutionary changes occurring in telecommunications but to talk about the content, talk about what is broadcast on these increasingly important parts of our lives and particularly to focus on the ever-present box, the television, in our homes and the impact that what is on television has on our kids and therefore on our society.

The Senate and the House included in their telecommunications bills the so-called V chip, or violence chip, or C chip, as we like to call it, choice chip provisions that I was privileged to cosponsor with the Senator from North Dakota [Mr. CONRAD], but which was supported by a very strong bipartisan group in the Senate to create the technical capacity in parents and viewers generally to have some control over what comes through the television screen and affects our kids and also to require the industry to create a rating

system that would make it easier for a parent or anyone to block out shows either rated as too violent or containing lewd material, language or scenes or otherwise—all of that I think an expression of what I am hearing and I would guess the occupant of the chair, the distinguished Presiding Officer, is hearing from his constituents in New Hampshire, that what we are seeing on television is becoming ever more morally questionable; so much sexually inappropriate material is working its way into what is known as the family viewing hours from 7 to 9 in the evening, and it is having an effect on our kids.

I find over and over as I talk to parents in Connecticut that they will say to me: Please do something about the violence and sex and lewd language on television and movies and music and video games because all of this is making us feel as if we are in a struggle with these other great, very powerful entertainment forces in our society to effect the growth and maturation of our own kids.

They say to me, ''You know, we're trying to give our kids values. We're trying to give them a sense of priorities and discipline, and then the television music, movies, video games come along and seem to be competing with the values we're trying to give our kids. So please try to help.'' And the V chip component of these two telecommunications bills is critical to that effort. And I hope that the conferees will keep the V chip component in there.

I know that the television industry is lobbying against it. But it is not censorship. It is really about citizenship. It is really about the television industry upholding its responsibility to the community. And it is about empowering parents and viewers generally to at least have some greater opportunity to control what is coming through the television screen into their homes affecting their children and their families. And it may in some sense, in doing that, make it easier for those of us who are viewers to express our opinions by what we are watching and what we are blocking out to the networks that we want better programming. We want programming that better reflects the values of the American people, which too much programming today simply does not.

Mr. President, I want to now focus for a moment on another arena in which this struggle to upgrade the television and to hope that it can do something other than downgrading or degrading our culture and affecting our kids; and that is to call the attention of my colleagues to a significant debate taking place at the Federal Communications Commission about the responsibility of the broadcast television industry to serve the educational needs of America's children.

What has stirred this debate is a ground breaking proposal being advocated by the Commission's Chairman, Reed Hundt, that would require a minimum amount of educational programming each week from each television station in America, 3 hours a week at first, growing ultimately to 5 hours.

Before the FCC closes its public comment period on this subject next week, I want to take this opportunity to share with my colleagues why I believe this issue should be of such concern to us and the FCC and why I am so grateful to Chairman Hundt for taking the initiative here.

I begin, Mr. President, with a little history. Congress has clearly been concerned about the content of television programming for our kids for a long time. Congress acted on that concern in 1990 when we adopted the Children's Television Act of 1990. And passing the legislation—incidentally, it passed with overwhelming, again, bipartisan majorities in both Houses—Congress made an unambiguous statement about television's extraordinary potential as an educational resource and our displeasure at seeing that potential squandered. Congress also made an equally unambiguous statement about the responsibility of the broadcasters as what might be called public fiduciaries in meeting the educational needs of and potentials of our children.

The fact is that the broadcasters have always been required the serve the public interest as a condition of receiving access to the public's airwaves, which is how they transmit to us, over airwaves that we, the public, own.

The report language for the Children's Television Act of 1990 states explicitly that as part of that obligation—I quote —''broadcasters can and indeed must be required to render public service to children.''

To meet that standard, the Children's Television Act set specific goals for the industry. We asked them to increase the number of hours of quality educational programming for children that are on the air. We chose, I think in good faith and wisely, appropriately at the time, not to mandate a set number of hours of programming, instead, to make an appeal through the legislation to the television industry and to hope and trust that they would meet with specific action to broad goals we articulated.

Mr. President, I am sad to say that 5 years later it is clear that that trust has not been vindicated. Not only has there been no noticeable increase in the amount of quality children's programming on the air, but the fact is that the spirit of the act has been trod upon. Some local broadcast outlets have actually made a mockery of the act's requirements by publicly claiming that programs such as the ''Jetsons'' and ''Super Mario Brothers'' are educational. The ''Jetsons'' can be fun, but I would not say that it is educational.

Mr. President, just yesterday The Washington Post reported on a study that was released by Dale Kunkel, a researcher at the University of California in Santa Barbara, that concluded—it was an update of an earlier 1993 report on the broadcasters' compliance with the Children's Television Act. The conclusion was that the law has had little effect on the quantity of educational programs to be found in 48 randomly selected TV stations around the country.

Mr. Kunkel concluded that the vaguely written law allows broadcasters to engage in what he describes as ''creative relabeling'' of programs with dubious educational value. And there he points to stations that have claimed that the beloved, but usually not educational, ''Yogi Bear'' is an educational television program according to the study, and the claim by one station as to ''The Mighty Morphin Power Rangers.''

The researchers found that broadcasters reported airing an average of 3.4 hours per week of educational shows last year, exactly the same amount as reported after the law became effective. But he said that the averages have been inflated by such shows as ''Yogi Bear,'' ''Sonic the Hedgehog,'' ''X-Men'' and other shows, including a Pittsburgh station that put ''America's Funniest Home Videos,'' an enjoyable show but not educational by my standards, into the education category.

Another in Portland, ME, claimed ''Woody Woodpecker'' and ''Bugs Bunny and Friends'' were educational, and five stations listed the ''Biker Mice From Mars'' as educational programs, obviously making a mockery of the intention of the act.

To add insult to the mockery, I would offer this testimony, one recent report that said one station in Cincinnati went so far as to list two Phil Donahue shows as educational to improve its compliance with the Children's Television Act. And the content of those two shows were: The first one on ''Teen-Age Strippers and Their Moms'' and, second, ''Parents Who Allow Teenagers to Have Sex at Home,'' which is part of the normal fare on the daytime television talk shows, a subject for another series of comments in terms of the impact it is having on people who are watching and kids who watch, but surely not educational.

Mr. President, this kind of callous disregard for kids is all too evident in what we are seeing coming over the television screen. As a study by the Center for Media Education detailed a couple years ago, the few educational programs that make it on the air have been too often ''ghettoized,'' you might say, in the early morning hours when few children are watching. Much of the programming that does see the light of day is largely used as a marketing vehicle for the greatest, latest toys. And a number of those action-oriented shows are tinged with what a recent study by the UCLA Center for Communication Policy called sinister combat violence, which as many parents can attest, study after study has shown,

often translates into imitative aggressive behavior.

So let us be painfully candid about what seems to be happening here. Rather than serving the public interests, the industry has too often been serving our kids garbage. And it has an effect on them in our society. We have given the broadcast networks, their affiliates and independent local stations, use of the public airwaves, and they have not used those airwaves well.

Too often our children have been subjected to a diet featuring ever larger helpings of morally questionable programs meant for adults that are appearing at hours when children and families are watching, and children's shows, as my friend, Congressman ED MARKEY of Massachusetts, a leader in this effort, recently said, offer the kids' minds the nutritional value of a twinkie. Congressman MARKEY is right.

In pursuing this path, the broadcasters, I think, are not only ignoring their legal obligations but, in a broader sense, their moral obligations to the larger community to which they belong. Knowing how powerful a median television is and knowing that the average young viewer watches 27 hours a week of television, the people who are running the American television industry, which, in a sense, is our Nation's electronic village, must recognize that they have a greater responsibility to wield their power carefully and constructively.

This all really comes down, Mr. President, to a question of values. What are we saying to our kids and about our kids when we allow them to be subjected to the kind of lowest common denominator trash that they, too often, are forced or choose to watch on television? How can we expect our kids to appreciate the importance of education which parents are trying to convey to them and to recognize the necessity for self-discipline, indeed, sometimes for sacrifice, in order to learn and to improve one's place in life when so much of what is on television treats knowledge as either irrelevant or worthy of disrespect?

I stress the word ''we'' here, because our society, as a whole, I think, shares the blame for the status quo. We have ignored the warnings of people like Newt Minow, Peggy Charren, and dozens of other advocates for kids who have warned us about the impact of what is coming across television has on our children and our society.

I have spoken about this subject before, Mr. President. No one is prepared to say violence on television and in the movies and music and video games is the cause of the ever greater violence in our society. No one is prepared to say that the way in which sexual behavior is treated so casually, without consequence, without warning, without awareness of a sense of responsibility, is the sole cause of some of the moral breakdown in our society, the moral breakdown of families, the outrageous epidemic of babies being born to women unmarried, particularly teenage women. But I cannot help but believe while the treatment of sex and violence on television is not the cause of those two fundamental problems our society is threatened with, it has been a contributor, and, in that sense, we all share some responsibility for making it better, including those at the Federal Communications Commission who have not done as much as they could have up until now and now have the opportunity, thanks to the proposal that Reed Hundt has made to begin a new era.

This proposal would make significant changes in the rules implementing the Children's Television Act, which, taken as a whole, would guarantee that the broadcasters know exactly what is expected of them in terms of meeting their obligations to serve the needs of our kids. The demands are modest; some have even said too modest. They should not put an undue burden on the television industry. Indeed, the FCC proposal proves that this is not an either/or equation, that we can be both sensitive to the educational needs of our children and the economic needs of the broadcast industry.

In drafting these proposals, Chairman Hundt has been guided by the precept that we should do whatever we can to enable the market to work more efficiently. For instance, the proposal would require that each identify what programs are deemed educational and to alert parents about the air time, time in which those shows would be on the air.

Such a requirement should help stimulate demand for more and better children's programming, without putting a hardship on the industry. The new rules would also ask stations to enhance parental access to their children's television reports. This requirement would make it easier for parents rather than the Government to enforce compliance with the law.

In the end, though, I must say that I share Reed Hundt's judgment that regardless of the changes, the market will probably continue to underserve children unless the FCC steps in and explicitly requires a commitment from the broadcast industry to provide some minimal amount of programming every week for our kids.

The competitive pressures seem to be so great in the industry that one broadcast outlet will not unilaterally arm itself with educational programming and risk giving ground to a rival.

So I think the best solution will be to guarantee a level playing field and assure that no broadcaster is put at a disadvantage by offering quality children's programming. This proposal, for a minimum of 3 hours a week educational programming for kids, I think will create that level playing field.

The solution the Commission is considering is more than fair. As Peggy Charren has pointed out, the broadcasters claim they are already airing an average of more than 3 hours a week of educational programming. Assuming that is true, they should have no problem whatsoever in meeting the 3-hour obligation that Chairman Hundt is proposing.

On the other side, if implemented, this proposal will present families, especially those without access to cable, with a real positive alternative to the growing level of offensive and vacuous programming on the air today. In other words, it will give families an oasis in what too often has been the intellectual and moral desert of contemporary television.

That relief is something that parents want. I referred earlier to informal conversations I have had with parents in Connecticut, but to make it somewhat more scientific, in a recent poll, 82 percent of those surveyed said that there is not enough educational programming on television today, and nearly 60 percent supported a minimum requirement of broadcasters to show at least 1 hour a day of enriching programming, in effect, going well beyond the standard that Chairman Hundt is proposing at the FCC.

Like those parents who answered that poll, it is my hope that these new rules will inspire more kids to become, if you will, power thinkers, power builders, power growers instead of Power Rangers.

I was reminded of television's potential as an educational tool in a study released this spring by John Wright of Aletha Huston of the University of Kansas. After working with 250 low-income preschoolers, the researchers found that children who regularly viewed educational programming not only were better prepared for school but actually performed better on verbal and math tests, and that is what this is all about.

The FCC will be making a decision on this proposal probably next month, and the outcome, unfortunately, is uncertain. I hope that my colleagues and members of the public, parents, advocates for children, will let the Federal Communications Commission know where they stand; that we remain in Congress committed to the Children's Television Act and the principle of serving the public interest; that our children deserve something better from television than a choice between ''Dumb and Dumber.''

Mr. President, that concludes my remarks. It strikes me, looking at the Presiding Officer, that I should make clear his years in television only contributed to the well-being and intellectual awareness of those who watched his shows.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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