

doing heretofore in the program, which is to say, get the money out during the winter months, but we have decided not only to cut LIHEAP but also to fund it in 12 equal annual installments.

Anybody listening to this debate this morning knows that that does not make any sense. The money needs to be gotten out during the winter months, this month and next month, and sending out that money to these low-income families in June and July and August does not make any sense when they need the money in December and January and February.

If we are not able to respond to that need, as Senator WELLSTONE has said, now, this week, by tomorrow, we will have demonstrated that we do not have the compassion to understand what is going on in our country and what the purpose of Government is, if it is not to help those who are in genuine desperate need.

So we have a crisis, and we have an ability to respond to that crisis. We are talking about, as Senator WELLSTONE has said, a total amount of money of less than \$1 billion, which is a cut from what it had been last year.

LIHEAP last year was funded at \$1.3 billion. We decided to cut it to \$1 billion. As Senator WELLSTONE pointed out, the House wants to zero out the program entirely. That debate between the House and the Senate has not yet been resolved. But, in the meantime, we have a continuing resolution which does fund LIHEAP at a billion dollars, and we have to see to it that that money gets out to those people in desperate need of now. The next day or two will demonstrate what the face of our Government is and what it is we are interested in depicting to the people of the United States, whom we represent.

So I urge my colleagues, along with Senator WELLSTONE and many others—53 Senators have signed a letter urging the negotiators to act quickly, with dispatch and without delay, on this urgent need. I urge my colleagues to see to it that our negotiators here in Congress, and in the administration, act in a way which is sensible and compassionate for those in our country who need our help so urgently at this specific time.

Mr. WELLSTONE. Mr. President, I thank my colleague from Wisconsin. Again, really, I think this is the beginning of the discussion today. There will be time—and I believe a number of us will be back on the floor throughout the day. We are going to keep pushing on this.

Senator KOHL mentioned this letter, dated December 8 and signed by 54 Senators, to Chairman HATFIELD, who I really want to say right now has been very committed to trying to do something about this. He has been great in the U.S. Senate, and we are going to dearly miss him. I know he feels as if his hands are tied at the moment. He is very committed to do something about the acceleration of getting the funding

out to communities. But 54 Senators have signed this letter, simply saying, look, we have to get the funds out. Temperatures have dropped below freezing, there is snow on the ground, and we simply are not able to get the money out.

There is a real sense of urgency here. So there is a tremendous amount of support for this on the Senate side. I have been in contact with many offices. I know Senator LEAHY, Senator KERRY and others are very, very committed to this and are very anxious for us to get this resolved. Senator SPECTER from Pennsylvania, as well. I mean, Democrats and Republicans alike want to get this done. This has become a moral issue. I do not believe that is an exaggeration.

Are we going to dilly-dally around here and play games and talk about all these statistics, and yet not come together to make some change in a formula to make sure that we get some urgently needed funds out into communities so people do not freeze to death in the United States?

Mr. President, when we went through the rescissions package, I held that package up for a short period. Part of the reason I did that was, there was a deal late at night, and all of a sudden over \$300 million, or thereabouts, was cut from the energy assistance program. I remember saying in the debate then that if this is a glimpse of what is to come, I do not want to have anything to do with it. This is too harsh, too extreme, it is too radical. This is beyond the goodness of people in America. And when we were faced with our first continuing resolution, at one point in time there was some suggested language that said that until the Labor, Health and Human Services appropriations bill is passed, there can be no allocation of energy assistance money. What is going on here? What is going on? This is so harsh and so extreme. While we beat that effort back, the problem is even more urgent now.

Mr. President, this article says, "Buffalo Prays for a Warm Winter." We can do better than that, can we not? Are we not policymakers? Is that what people are supposed to be reduced to, praying for warm weather? Do we need to just pray for a warm winter? It is not a warm winter in Minnesota. We need to take action.

Another article focusing on LIHEAP funding problems says, "A Heap of Trouble in New York." A Lexington, KY, paper has a headline here that says "Staying Warm." The list goes on. Beaver, PA, "Bankruptcy, Heating Program for the Poor Hit." In the Maine Sentinel, "Heating Program Cut; Out in the Cold." "Timing Wrong for Eliminating Weather Aid," Albany. The list goes on and on, Mr. President. "Cold Comfort," Boston Globe. Des Moines Register, "A Shameful Place to Cut. A rich nation can help its poor stay warm in the winter." The Des Moines Register editorial says LIHEAP is a shameful place to cut. A rich na-

tion can help its poor stay warm in the winter. Is that not true any longer?

Mr. President, this is a shameful place to cut. Our Nation can do better, and, in my State of Minnesota, there are citizens who are going without heat, and one is one too many. There are people who are cold, and one family is one too many. There are families who depend on this energy assistance, so they do not get cold and so they will have enough resources to be able to purchase prescription drugs if that is what they need, or food. The total cost of this program was less than the cost of one B-2 bomber. The Des Moines Register is right, a rich nation can help its poor stay warm in the winter.

Mr. President, in this situation, time rushes on; time is not neutral. We are confronted with the fierce urgency of now. I assume there is goodwill on the part of all of my colleagues, and I assume I will receive a tremendous amount of support. Fifty-four Senators already have gone on record as saying we have to act now.

Mr. President, I believe that for the next 2 days this must be a priority for the U.S. Congress, and for the next week it must be a priority to make sure that people in the United States of America—men, women and children—do not go cold. We must make sure that we do not have people freezing to death in the United States of America. The issue could not be clearer.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). Who seeks recognition?

#### MEASURE PLACED ON THE CALENDAR—S. 1472

Mr. WELLSTONE. I understand there is a bill on the calendar due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle District of Louisiana and one less district judge for the Eastern District of Louisiana.

Mr. WELLSTONE. Mr. President, I object to further consideration of this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### BOSNIA

Mr. INHOFE. Mr. President, several of us last night were opposed to the President's program to mass deploy

troops into Bosnia. I remember several talks that many of us who had been over there had that contradicted what the administration says was total peace and a calm environment, with no hostilities since the cease-fire went off. I can remember being before the Senate Armed Services Committee reminding General Shalikashvili and Secretary Perry that, in fact, the firing had not stopped, and the bombs were still going off and then only to find out they had never been up there.

Those of us who are opposed to sending the troops over now will give full support to the troops, full support to the effort, hopefully, something in the way that would cause this to be over there and the troops would come home.

I read this morning—regretfully some news accounts, one of them from the Associated Press—after the treaty was signed and while world leaders are still making speeches in Paris, evening explosions and several heavy machine gun bursts echoed around the front lines of a Sarajevo neighborhood. Bosnian police officials say one shell impacted the roof of a building close by while two rifle grenades were fired toward Bosnian Government positions in the area. Machine gun burst pocketed a southern wall of the Holiday Inn hotel. I know the Presiding Officer was over there, as I was. This is the hotel that used to be the Embassy for the United States. It now just has a few windows left and they are still using it as a hotel. They probably will not be now. It sounds as if things are still happening over there, and hopefully with all of our help and support to the troops that we can accomplish the mission that our troops are over there for.

I personally plan to spend some time over there. I have gotten to know several of the troops that have come from my State of Oklahoma who will be stationed over there. I am hoping I will be able to have a better answer for them than I had before when they asked the question: What is the mission? So we will give our full support to the troops over there and to the mission as the President has described and hopefully it will be over very soon and our troops will come home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

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

# THE ROLE OF THE JUSTICE DEPARTMENT IN BELL COMPANY ENTRY INTO LONG DISTANCE SERVICE AND ON INTERNET DAY OF PROTEST

Mr. LEAHY. Mr. President, among many critical issues currently facing Congress, one of the most far-reaching is the Telecommunications Competition and Deregulation Act, which is now the subject of a conference with the House of Representatives. In June of this year, during debate on the telecommunications bill, I spoke on the floor about the importance of giving the Justice Department primary responsibility to determine when the Bell operating companies should be permitted to enter into long distance markets.

I also supported an amendment by Senator THURMOND, the distinguished chairman of the Senate Judiciary Subcommittee on Antitrust, Senator DORGAN, and others, that would have ensured a strong role for the Justice Department as the Bell companies expand their business into long distance, as we all hope they will. That amendment received the votes of 43 Senators.

Today, I remain convinced that the Antitrust Division of the Department of Justice should have a meaningful role in telecommunications in the area of their expertise. As the ranking Democrat on the Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I would like briefly to note three basic points on this issue:

First, we all say that we support competition replacing regulation, but the question is how best to make the transition. I firmly believe that we must rely on the bipartisan principles of antitrust law in order to move as quickly as possible toward competition in all segments of the telecommunications industry, and away from regulation. Relying on antitrust principles is vital to ensure that the free market will work to spur competition and reduce government involvement in the industry.

Second, the Bell companies certainly should be allowed to enter long-distance markets under appropriate circumstances, for it is generally desirable to have as many competitors as possible in each market. The issue is how to determine the point at which entry by Bell companies will help rather than harm competition. That question, quite simply, is an antitrust matter which needs the antitrust expertise and specialization of the Antitrust Division of the Justice Department.

Third, as one long interested in competition and the antitrust laws, I do not believe it is possible for checklists fully to take the place of flexible antitrust analysis in any industry or market. If antitrust principles are ignored, competition is likely to suffer and market power may become concentrated in a few companies. This will lead to harm to consumers through higher prices, less innovation, and the

weakening of our country's leadership in telecommunications.

Last May, the Antitrust Subcommittee held a hearing on the antitrust issues implicated in the Senate telecommunications bill, S. 652. This hearing confirmed the importance of competition to achieve lower prices, better services and products, and more innovation for the benefit of consumers and our Nation. If we believe in the antitrust laws—which have protected free enterprise for over 100 years—then we should ensure that the Antitrust Division of the Justice Department plays a meaningful role in telecommunications.

I understand that members of the telecommunications bill conference have not yet resolved the issue of what role, if any, the Justice Department will have in allowing Bell company entry into long-distance. I urge the conferees to make sure the bill gives the Justice Department a meaningful role, and does not merely suggest to the FCC that it consult with the antitrust experts.

I also take this occasion to urge the conferees to reconsider the manner in which they have chosen to regulate constitutionally protected speech on the Internet and other computer networks. Since I spoke last week on this issue, the House conferees have agreed, as I feared that they might, to a provision that would effectively ban from the Internet constitutionally protected speech deemed by some prosecutor in some jurisdiction in this country to be indecent. This ban will reach far beyond obscenity, mind you, to some vague standard of what is proper and decent to speak about both in terms of content and manner of expression. They are heading in the wrong direction. We should affirm freedom and privacy, not Government intervention, when it comes to personal communications.

Supporters of these restrictions contend that regulating speech on the Internet is necessary because self-appointed spokesmen for decency say that parents should be concerned about what their children might access on the Internet. But many people, including many parents, young families and members of the generations that include our children and grandchildren, are also very concerned. They ought to be concerned about letting the Government step in to censor what they can say online, and to tell them what they might or might not see.

The Congress is venturing where it need not and should not go. We should not be seeking to control communications among adults, whether old fogeys like ourselves or the vibrant young people who make up the vast bulk of the communities in cyberspace. We should not be acting to reduce all discourse over the Internet to third-grade readers.

There are alternatives to overreaching Government regulation. Instead of passing a new law—a new law that tells