to do this, and we should discuss with our allies and other States the gathering of this evidence so that Mr. Milosevic can be indicted. And I am certain, given the numerous accounts by historical experts—one of the leading accounts on this is entitled, ''War Crimes and the Issues of Responsibility,'' which was prepared by Norman Cigar and Paul Williams. It is an outstanding study of what is taking place, and the inescapable conclusion that Milosevic can and should be tried as a war criminal.

I ask unanimous consent to have excerpts from this report printed in the RECORD.

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

WAR CRIMES AND THE ISSUE OF RESPONSIBILITY: THE CASE OF SLOBODAN MILOSEVIC

(Prepared by Norman Cigar and Paul Williams)

CONCLUSION

The above review of information available in the public domain indicates that there is sufficient evidence to establish a prima facie case that Slobodan Milosevic is criminally responsible for the commission of war crimes in Croatia and Bosnia. Specifically, a compelling case may be made that Slobodan Milosevic is liable for:

Complicity in the commission of genocide.

Aiding and abetting, and in some instances directing, the commission of war crimes by Serbian paramilitary agents.

Directing Republic of Serbia forces and agencies to aid and abet the commission of war crimes by Serbian paramilitary agents.

Command responsibility for war crimes committed by Federal forces, including the Yugoslav People's Army (JNA) and the Army of Yugoslavia (VJ), and for aiding and abetting the commission of war crimes by the Bosnian Serb Army (BSA).

Command responsibility for war crimes committed by the Republic of Serbia forces, in particular forces under the control of the Serbian Ministry of Defense and Ministry of Internal Affairs, which aided and abetted the commission of war crimes by Serbian paramilitary agents.

Command responsibility for war crimes committed by Serbian paramilitary agents such as Arkan's Tigers, Vojislav Seselj's Chetniks, Mirko Jovic's White Eagles, and others.

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Mr. D'AMATO. Madam President, I would like to speak to this issue as we go forward. But I see that there is a colleague who has been waiting patiently. We are waiting for one of our Senate colleagues to also join us before I formally call up the amendment that I have described to you.

At this time, I yield the floor so that my colleague, if he wants, can proceed, and I ask that I might be permitted to take the floor thereafter.

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

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

INTERNET PORNOGRAPHY

Mr. COATS. Madam President, shortly I hope, before the Senate adjourns for the weekend, the majority leader will be propounding some unanimous consent requests. Those requests are designed to set in place the procedures by which we will move forward next week and the legislation which we will take up.

One of those unanimous consent requests will involve two pieces of legislation, one which I have offered, and the second which has been offered by the Senator from Arizona, Senator MCCAIN, which deals with the question of pornography on the Internet.

There is a history to this. In the last Congress, Senator Exon and I cosponsored legislation which introduced our colleagues for the first time to the dark side of the Internet; that side of the Internet that is not used for educational purposes, is not used for valid communication purposes, but which is designed to lure people into the practice of ordering and paying for pornographic images, words, and films, and other forms of pornography across the Internet. We know our first amendment prohibits our eliminating that and banning it. The right of free speech gives the right of adults to click into that, pay for that, subscribe to that, and to order that as long as that material is not deemed obscene. Even though it is indecent, and many of us would classify it as obscene, it has to be a standard set by the Supreme Court in upholding the first amendment. It is one of the perhaps dark sides of the first amendment.

But we all understand that battle. And that is not what this battle is about. This battle is about protecting children from access to that material, which most of us would turn our heads from, or say that is enough, were we given the opportunity to look at it. In fact, all of the noble first amendment arguments that were raised during the debate in the last Congress against the bill that was offered by Senator Exon and myself melted away as Senator Exon invited Members into the Democrat cloakroom, both Republicans and Democrats, to view images that were copied from the Internet, and said, ''Did you realize this material is simply a click away on your Internet?'' At that time, the Internet was pretty new. People were still discovering it. Most of us had not even signed up, or even knew what it was.

Members were shocked at what they saw, because what they saw was not the centerfold of Playboy Magazine. But what they saw was some of the most despicable, some of the most brutal, some of the most sadistic, some of the most sexually explicit material they have ever witnessed—young children being sexually exploited, bestiality, women being sexually exploited. I don't want to go into graphic detail here. But it was enough to convince the Senate that we ought to move on it and move on it right away.

So it passed, despite again the pleas for first amendment freedom. That legislation, authored by Senator Exon and myself, passed the U.S. Senate by a vote of 84 to 16. It was adopted by the House in exactly the Senate form, went to the President, the President signed it, signed it with a fair amount of publicity about the need to take action on this to protect minors, to protect children from this access.

We had a standard in there—an indecency standard that was copied in the exact language that the Supreme Court approved for the dial-a-porn bill that went through and survived the Supreme Court review, and was declared constitutional even though actions were filed against it.

We thought that since the Court approved it for telephone pornography, surely they would approve it for video pornography and pornography that came across the Internet. Picking up the phone is not a whole lot different than turning on the computer. Both are invasive. Both come into the home. Do they require some action on the part of the participant? Yes. You have to pick up the phone when it rings. You have to dial a 900 number. There is the luring of that.

Again, we are saying that first amendment prohibits us from prohibiting adults from doing that. But the Court has upheld in the past, and they did in the dial-a-porn case, reasonable restrictions in terms of children having to prove that they were adults. And, if they couldn't prove that through verification of a credit card, or other means, then the material was not allowed to be passed on to them.

The Court said the computer is not the same as the telephone. The computer isn't as invasive as the telephone. Well, the Court needs to understand the computer. I wrote that off to a generational problem—a generation of individuals. Maybe I oversimplify this. But I do not know how to better explain it, because it is the only possible explanation I could come up with as to why the Court made a distinction

between a dial-a-porn standard and the computer standard. I don't think they understood exactly what the computer does and how accessible it is and what the Internet was, at least at that time. I think they know now. Maybe I underestimate the Court. Maybe there are other reasons.

In any event, as we know now, whether you are in the classroom, whether you are in the school library, whether you are in your study hall, or whether you are in your dorm room in boarding school, or whether you are at home in your bedroom, or your den, or your family room, the computer is there, and a click away is the most lurid material we have ever seen available to children and adults, simply with the warning you have to be an adult to access this material and that is it. You click here if you agree, and we send you the material.

I am going to describe as we get into the bill some of the effects this has had on our culture, on our society, and particularly on our children. My purpose here today is to plead with my Democrat colleagues to allow us to bring this bill to the floor. We have revised the bill that the Supreme Court struck down to comply with their objections, to address the question of the standard which we have changed from the indecency standard to the harmful-to-minor standard. The harmful-to-minor standard was the standard the Court laid out in the Ginsberg case, and we have taken that word for word.

Second, we have restricted this, as the Court ordered that we had to do in order to meet the constitutional test, to the World Wide Web, to the commercial selling and display of these images, rather than private conversations, e-mail, chat rooms where individuals are engaging in this kind of activity.

That is not how I wanted to draft the bill, but in order to get a court to uphold what is clearly the will of the American people as expressed by their representatives in an overwhelming vote in the Senate and unanimous acceptance in the House of Representatives and declarations by the President of the United States that the administration stands foursquare behind this, we find ourselves back here having to narrow the bill in order to survive court muster.

That is what we have done. We have worked with constitutional experts to make sure that we have done it correctly, that we comply with the Court, and we want to give them another chance. We want to give them another chance, hopefully with a better understanding of the impact of the Internet, both positive and negative. And as I said, there is a dark side to the Internet, particularly as it relates to children, and we are trying to address that.

Now, for several months I have been searching for ways to bring this legislation to the floor. It was introduced and referred to the Commerce Committee. It was debated there and passed out of that committee on a 19 to 1 vote.

Some had said, look, the solution to this problem is the software packages that are being developed by the industry that parents can buy and attach to their computer or integrate into their computer and that will solve the problem and block the images.

That is a partial solution to the problem but not a complete solution to the problem because the changing technology, the proliferation of web sites is so fast that no software can keep up with it. The ingenuity of the pornographers, the sellers of pornography is such that even the most innocent of words are now linked to a means by which pornography is pulled up. If you want to find out about Disney World or Disney movies or Disney characters, the pornographers have found a way to use the term ''Disney'' and click right into pornography. If you want to look up Boy Scouts, horses, dogs, cats, women, men, marriage, you name it, seemingly the most innocent of words, you are now linked directly to pornography. Why? Because the pornographers have discovered that this software is attempting to block the explicit language and they want to try to find a way in which to commercially entice people who are searching in other areas to be presented with this information so they can click into it.

So what happened there, then, was Senator MCCAIN's software bill and my Internet pornography bill were both passed out of committee. Senator MCCAIN and I agreed that both are necessary to address the problem and that we would agree to go forward with these together. In recognition of the work that needed to be done in the Senate, we wanted to pursue a process by which we would agree to a time limit. We would agree to others offering any amendments that they thought appropriate. We would debate those, have a vote on those, let Congress express its will and go forward.

This was not an attempt to tie up the Senate. In fact, we have been overly cooperative. I wish we had not been so cooperative. We were promised this would come forward. In defense of the majority leader, I think he has made a good-faith effort to try to bring this forward. But in each instance other circumstances have arisen, primarily the inability to get the consent of some Members of this body to allow us to proceed with this bill, debate it, amend it, vote on it, and either send it on or vote it down, whatever was the majority disposition. That is what we have been attempting to do.

We are frustrated—I am frustrated; I am terribly frustrated—in our inability to take something that I think has overwhelming support to at least bring it up and talk about it. It seems that every time we get ready to go forward with a unanimous consent request to bring the bill up, we are notified that someone has put a hold on the bill. We find out who that is. We go over and talk to them. We offer them—they say, well, we want to offer an amendment on it. Fine. We will add your amendment to the unanimous consent agreement. Take whatever time you want on it. We will lock in an amount of time. We will give you a vote. We will eliminate second degrees. We do not want to do anything to cause you not to have an up-or-down debate on your amendment. That person agrees.

We go back to the majority leader and say we are all clear; we are ready to go. Whoops, here comes another hold. Somebody else has a problem. We solve that. Now it is a problem on the McCain bill. The next one is a problem on the Coats bill. We solve both of those. The next one is a problem on the McCain bill. We solve that. We think we are ready to go. Whoops, another problem on the Coats bill.

We are running around putting out fires, and we start to wonder if we don't have some kind of rolling hold process going on here where there has been a decision to block this legislation from coming forward, and we just simply pass on the baton of objection to different people who say; ''Time is on our side. If we delay long enough, we will get into the appropriations process and we will block this and we will get through the year and we won't have had to deal with it.''

I don't want to ascribe that motive to the other side, and that is why I am making this statement today because I just want to offer to my Democrat colleagues: if you have a problem with this bill, offer your amendment. I am not here to block your amendment. I am not here to block debate on your amendment. I am not here to block a vote on your amendment. I am not here to modify your amendment. I am here to simply say let's discuss the issue, debate it, vote on it, and move on.

We have spent 4 weeks on the tobacco bill, and I understand, that was an important issue and that blocked a lot of other legislation. I understand that we have appropriations bills backed up, and we need to move forward on those, which is why we are willing to do a limited time agreement on this. But we cannot move forward, and are going to be forced to have to offer this to appropriations bills in order to get the Senate to consider it—offer it as an amendment, unless we can get agreement to bring this up, debate it with a time certain and move on. I do not want to do that. I do not want to interfere with Senator STEVENS and the appropriators' efforts to do the business of the Congress that needs to be done. I understand things are backed up because of the tobacco bill. We heard a lot of great speeches in that tobacco bill about first amendment rights needing to be waived, why the first amendment did not apply as it involved advertising on tobacco.

But we are not getting that same kind of flexibility and understanding from some of our colleagues as it applies to pornography. I think I would challenge those Members who think

the first amendment is sacrosanct, that we cannot move forward with this, to ask themselves the question: Why is it OK to waive first amendment rights and not apply the first amendment to those commercial entities who are using the symbol of Joe Camel because that is so destructive to the health and welfare of our children, but when it comes to bestiality, when it comes to some of the worst forms of pornography that is wide open on the worldwide web and available to our children with the click of a mouse, that, oh, no, the first amendment must apply here? We have to be purists on this?

I ask my colleagues to ask themselves as parents, and ask the parents they represent in their States, what those parents think is the higher priority issue. If they are given the choice, are they more worried about their children modifying their behavior and taking up smoking because they see a 5-second image of Joe Camel? Or, are they more worried about their children modifying their behavior and responding in a way because they have been able to view some of the most crass, indecent, and, in my opinion, obscene sexual images that we have ever seen? I think the resounding response is going to be: Senator, let's do first things first; let's address the problems that are real problems.

So I conclude by pleading with my colleagues to let us resolve whatever problems you have with our going forward with this. We have been trying to do this. We have hotlined this 2 weeks ago. Both sides know what we are trying to do. If people have a problem, we will resolve that problem. But I hope there will not be an objection to going forward with that today when the majority leader propounds his unanimous consent request to allow us to go forward with this bill.

If there is an objection—after 2 weeks of hotlines, after 2 weeks of going to Members saying, ''If you want an amendment, have an amendment, but at least allow us to debate the bill''—I can only conclude there is some effort here to prevent us from even talking about it, even bringing the bill up. We have an opportunity to avoid all that today very shortly when that unanimous consent request is propounded. I trust we will be able to do that.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Utah.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, it was my intention at this point to propound the unanimous consent request that the Senate proceed to S. 2137, with a list of the amendments to be in order. At the moment, full agreement on this has not yet been worked out between the majority and minority and negotiations are still going on to that end. It is my hope I will be able to offer such a unanimous consent request at sometime in the future.

Looking forward to that time later today when we can get unanimous consent on proceeding to the bill, I would like to outline for the Senate the highlights of the bill. Then I understand there are some others who might wish to speak on the amendments that they would offer to the bill if we were, indeed, on it, and thereby have some of the discussion that we could deal with prior to the bill.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that we now go into a period of morning business, with Senators allowed to speak up to 10 minutes each.

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

Mr. BENNETT. I further ask unanimous consent that I be allowed to exceed the 10-minute period in the discussion of the legislative branch bill that will be propounded at some point, if, indeed, my time goes beyond that.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Mr. President, reserving the right to object, I ask unanimous consent I be allowed to exceed the 10 minutes speaking as well.

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

LEGISLATIVE BRANCH APPROPRIATIONS

Mr. BENNETT. Mr. President, as I said, I was planning to ask unanimous consent that we proceed to S. 2137 and outline a series of amendments that would be in order. We are still working on that agreement between the majority leader and the minority leader who, I understand, are talking on this issue right now.

When we do go to that appropriations bill, I will make a point of thanking Senator DORGAN for his assistance as the ranking member. Since I have been chairman of the Legislative Branch Subcommittee and he has been my ranking member, we have not had, in my memory, a single point of major disagreement. Senator DORGAN has been more than diligent in attending all of the meetings of the subcommittee. His staff has been very cooperative with the majority staff in working out the difficulties, and I think it has been the kind of legislative relationship that I looked forward to, when I ran for the Senate, between members of the different parties.

The legislative branch bill will provide $1,585,021,425 in new budget authority, exclusive of the House items for fiscal year 1999. Comity between the two Houses allows the House to set its amount and the Senate to set its amount, without difficulty from each other. This is a $53,704,925 increase, or 3.5 percent above the fiscal year 1998 level. But it is $72,359,575 below the amount included in the President's budget. The majority of the increases in the bill are for cost-of-living adjustments, estimated at 3.1 percent.

The Senate portion of the bill includes a 1.8 percent increase over the fiscal year 1998 funding, which I think demonstrates some fiscal responsibility on our part. The Library of Congress and the GAO were provided funds for additional FTEs to assist the Congress in the information technology area, particularly addressing the year 2000 computer problem.

The Presiding Officer and others in the Chamber know I have made this something of an obsession. The Senate has created a special committee on the year 2000 technology problem, which I chair. We recognize that most of the expertise to provide the committee with the guidance that it needs will come from detailees to the special committee and from those experts in the Library of Congress and the GAO who already have a background in this area. So, to make sure the year 2000 problem is not exacerbated by lack of funds, these additional FTEs were included in this bill. That is part of the 3.5 percent increase over last year's level.

Approximately 21 percent of the Architect's budget is for capital projects; the balance, of course, of 79 percent is for the operating statement.

These are the outlines of the overall bill. As far as I know, and Senator DORGAN knows, the bill is noncontroversial except for those amendments that some Senators have indicated they would be willing to offer.

With that background of the bill that we have in mind, I yield the floor. I understand Senator BROWNBACK will be talking about some of the amendments that he would offer once the bill does come before us, and we can proceed then in morning business with that matrix. I see the Senator from Kentucky. I will be happy to yield.

Mr. FORD. Mr. President, may I ask Senator BROWNBACK how long he thinks he will take? We have some Senators with time problems, and I want to try to accommodate them. If I know how long he will be speaking, and others, I can probably accommodate them.

Mr. BROWNBACK. I don't know for certain who all will be interested in speaking on this.

Mr. FORD. You are asking for more than 10 minutes. I am wondering how long.

Mr. BROWNBACK. Probably around 30 minutes.

Mr. FORD. Will the Senator be willing to say no longer than 30 minutes?

Mr. BROWNBACK. Not at this point in time, but I think that will probably——

Mr. FORD. If that is the way we are going then, no one else will get more than 10 minutes.

Mr. BENNETT. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Kansas is recognized under the previous order.