and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1617. A bill for the relief of Jesus M. Collado-Munoz; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, Mr. FRIST, Mr. REED, and Mr. BRYAN):

S. 1618. A bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. COATS, and Mrs. MURRAY):

S. 1619. A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. THOMAS, and Mr. LUGAR):

S. Res. 174. A resolution to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; to the Committee on Foreign Relations.

By Mr. ROBB:

S. Res. 175. A bill to designate the week of May 3, 1998 as ''National Correctional Officers and Employees Week.''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1617. A bill for the relief of Jesus M. Collado-Munoz; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. MOYNIHAN. On September 28, 1996, the Senate passed the Omnibus Consolidated Appropriations Act, a 749-page bill with 24 separate titles. Included in that unwieldy legislation was the Illegal Immigration and Immigrant Responsibility Act of 1996, a far-reaching measure designed to curtail illegal immigration and prevent criminals from entering our country. This legislation, hurried to passage in the final days of a legislative session, has proven to be overly punitive in a number of cases, including that of Jesus Collado.

On April 7, Jesus Collado, a 43-year-old legal resident of the United States, returned to this country after vacationing in the Dominican Republic, his homeland. Upon arrival at John F. Kennedy airport in New York, Mr. Collado was detained by INS officers who kept him handcuffed and made him sit on the floor of a room in the airport for nearly 24 hours. INS officials had determined Mr. Collado excludable because the Illegal Immigration and Immigrant Responsibility Act made the misdemeanor on his criminal record a deportable offense. Twenty-three years ago, when Mr. Collado was 19-years old, he was convicted of a class A misdemeanor, having sexual relations with a minor, his 15-year-old girlfriend. I should note here that their relationship was a consensual one. Mr. Collado was sentenced to a year's probation, which he served. He has not been in trouble with the law since.

Whatever I or my colleagues think about his teenage indiscretion, the fact remains that he is not a serious criminal who should be excluded from entering the United States. Yet, as I mentioned, on April 7 last, Mr. Collado was arrested upon arrival in New York and was held without bail for 201 days at the INS Detention Facility at the York County Prison in York, Pennsylvania.

The Illegal Immigration and Immigrant Responsibility Act was meant to keep serious criminals out of the United States. It was not meant to exclude those who have resided here legally for a quarter century because of a misdemeanor committed as a teenager. Might I add that LAMAR SMITH, the chairman of the House Immigration Subcommittee seems to agree with me. In Anthony Lewis' December 22, 1997 column in the New York Times, Mr. SMITH remarked that Jesus Collado's case ''obviously tugs at your heart. Clearly this is an instance where humanitarian considerations should be taken into account. I believe in redemption and I believe it should be granted generously.''

Ultimately, the Immigration and Naturalization Service must be given discretion in the implementation of this Act. But Mr. Collado and his family need relief now. Today I am introducing private relief legislation for Mr. Collado to establish that his misdemeanor is not grounds for inadmissibility, deportation or denial of citizenship. Representative NYDIA VELÁZQUEZ, who has worked tirelessly on Mr. Collado's behalf, has introduced a similar measure in the House of Representatives. I urge the Senate to act on this matter swiftly so that the Collado family may get on with their lives.

Mr. President, I ask unanimous consent that the text of the bill and Anthony Lewis' column be printed in the RECORD.

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

S. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONSIDERATION OF CRIMINAL OFFENSE FOR IMMIGRATION PURPOSES FOR JESUS M. COLLADO-MUÑOZ.

Notwithstanding sections 212(a) and 237(a) of the Immigration and Nationality Act, Jesus M. Collado-Muñoz shall not be considered, by reason of the criminal offense to which he pleaded guilty on October 24, 1974, to be inadmissible to, or deportable from, the United States. The offense shall not be used to find that Jesus M. Collado-Muñoz lacks good moral character for any purpose under that Act, including eligibility for naturalization.

[From the New York Times, Dec. 22, 1997]

A GENEROUS COUNTRY

(By Anthony Lewis)

WASHINGTON.—The immigration law passed by Congress in 1996 has had harsh effects on some individuals: visitors barred at our borders, aliens marked for deportation after living here legally for many years. I discussed the issues with the principal House sponsor of the law, Representative Lamar S. Smith, Republican of Texas.

''America should continue to be the most generous country in the world toward immigrants,'' Mr. Smith said, ''I thing they have much to contribute to this country.''

The 1996 act, he said, was designed to deal with people who do not deserve to be here, such as those who enter illegally. But it was not intended to deny anyone fair treatment.

''There is not excuse for anybody being treated unjustly,'' he said ''Justice is one of the things that makes this country great, and rightly attracts people here, along with economic opportunity and freedom.''

What about instances, I asked, where the Immigration and Naturalization Service has admitted that its officers mistreated individuals at the border? The Commissioner of Immigration, Doris Messner, has said that about several cases described in this column in recent months.

''It's not the fault of the law,'' Mr. Smith replied. ''It's the fault of the I.N.S.

''When you have hundreds of millions of entries every year, and you have human nature involved, there are inevitably going to be some lapses. That doesn't excuse them, I hope it won't be interpreted as rationalizing any kind of insensitivity. It is simply a comment on what is a fact of life.''

One provision of the 1996 act, called ''expedited removal,'' allows I.N.S. agents to keep out anyone they think is trying to enter the country improperly, even if the person has a U.S. visa, and bar him for five years. I asked whether that, didn't encourage hasty, sometimes unfair decisions.

Mr. Smith said he had been to two border checkpoints in the last several months and found the border patrol agents ''enthusiastic'' about the provision. ''I think on the whole it's reducing the abuses,'' he said, ''the gaming of the system.''

The new law's process for dealing with applicants for political asylum is also working well, he said. It requires someone who claims to be fleeing persecution first to persuade an asylum officer at the border that he or she has a ''credible fear,'' then to have an asylum hearing before an immigration judge.

''The asylum officers are getting some good training,'' Mr. Smith said. ''Almost 90 percent of people asking for asylum are being found to have a credible fear. When you have that high a level of initial acceptance of their claims, clearly the officers are giving people the benefit of the doubt.''

Since it was human nature for the I.N.S. to make some mistakes, I asked, why had the new statute in many areas stripped away the right to judicial review of the agency's decisions?

''Judicial review,'' he said, ''encouraged many of the people who are in this country illegally'' by allowing them to contest their deportation endlessly. He said there were about five million, with the number growing by 300,000 a year.

The 1996 law also made legal immigrants deportable because of minor crimes committed years ago, and removed their right to

seek a waiver of deportation. A notable case is that of Jesús Collado, a Brooklyn man who faces deportation because he slept with a 15-year-old girlfriend 23 years ago and was put on probation for contributing to the delinquency of a minor. He has lived a blameless life since and has an American wife and three children.

''In the vast majority of cases I think the crimes do justify deportation,'' Mr. Smith commented. ''However, perhaps around the far edges the I.N.S. should have some discretion in these cases.

''First I'd like to be reassured that the Administration is serious about deporting hardened criminals. It has a program to deport those currently in prison when they finish their sentences, but it is deporting less than 50 percent.''

The Collado case, he said, ''obviously tugs at your heart. Clearly this is an instance where humanitarian considerations should be taken into account. I believe in redemption, and I believe it should be granted generously.

''The question is how you do that without creating a giant loophole through which thousands of others can escape deportation.''

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, Mr. FRIST, Mr. REED, and Mr. BRYAN):

S. 1618. A bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER ANTI-SLAMMING ACT OF 1998

Mr. MCCAIN. Mr. President, today I am introducing the Consumer Anti-Slamming Act of 1998. This legislation is aimed at putting an end to an abusive and unscrupulous practice that affects thousands and thousands of consumers every year. Joining me as a cosponsor of this legislation are Senator FRITZ HOLLINGS, the Ranking Member of the Senate Commerce Committee, and Senator FRIST and Senator SNOWE, also Members of the Committee. I am most grateful for their support in this important effort.

''Slamming'' is the unauthorized changing of a consumer's long-distance carrier. A consumer who is slammed often receives lower-quality service or is charged higher rates. Sometimes consumers are not even aware that they have been slammed until they get their bills. When they realize what has happened, they have to go through the aggravation of getting their service switched back to their original carrier and having their bills adjusted. And they often find it difficult to secure compensation for any additional damages they may have incurred.

Mr. President, last year alone over 20,000 consumers filed slamming complaints with the FCC. This is by far the largest category of complaints the FCC received. When you stop to consider that only a small fraction of all consumers who are slammed actually file complaints about it with the Commission, the real dimensions of the problem become apparent. And those dimensions are growing: last year's 20,000 complaints represented a 25 percent increase in the number of complaints filed in 1996, despite the fact that the FCC adopted new rules to discourage slamming.

The reality we face is that unless Congress supplements by law what the FCC can do by regulation, this already bad problem will only get worse. This legislation will attack slamming in two ways: it will establish stringent anti-slamming safeguards to deter slamming from happening in the first place, and it will enlarge the remedies available to punish slammers and make consumers whole if it does. The bill does this by prescribing definitive procedures for telephone companies to follow, providing alternative ways for consumers to obtain redress for having been slammed, and giving federal and nonfederal authorities the power to impose tough sanctions, including high fines and compensatory and punitive damages.

The bill takes a straightforward approach. It prohibits a telephone company from changing a consumer's telephone service unless the company obtains a verbal, written, or electronic verification from the subscriber showing that the subscriber has consented to the change. The company making the change will be required to retain this verification. If a consumer charges a company with slamming, the company has 120 days in which to satisfy the consumer's complaint. If it does not do so, the company must promptly advise the consumer of that fact, and give the consumer a copy of the verification and information about how to pursue the complaint with the FCC and about all other available remedies. If a company ignores a consumer's slamming complaint, it will be subject to the penalty for slamming.

The bill then provides for simple, streamlined complaint resolution procedures at the FCC, requiring the Commission to issue a decision on the carrier's liability within 150 days. It broadens the Commission's enforcement powers by authorizing it to award both compensatory and punitive damages, and requires that damages be awarded within 90 days of the liability determination. It directs the FCC not to levy a fine of less than $40,000 against first-time offenders and $150,000 for repeat offenders absent mitigating circumstances, and it empowers the FCC to prosecute slammers who refuse to pay their fines. The bill also enables consumers to go after slammers in court instead of at the FCC through a state class-action suit. These alternatives—consumer action at the FCC and state action in court, backed up by stiff monetary penalties—will provide both a sword against past slamming and a shield against future slamming.

Finally, Mr. President, the bill assures that the FCC will detect and deter other problems that might result in slamming. It requires the Commission to report to Congress on telephone companies' telemarketing practices, to recommend whether it would be in the public interest to levy penalties directly on telemarketers or on other entities not currently subject to the bill's provisions, and to promptly adopt rules proscribing any deliberately deceptive or misleading telemarketing practices disclosed by the report.

The bottom line here, Mr. President, is that slamming has to stop, once and for all, and this bill means to stop it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED PROTECTION FOR CONSUMERS AGAINST "SLAMMING" BY TELECOMMUNICATIONS CARRIERS.

(a) VERIFICATION OF AUTHORIZATION.—Subsection (a) section 258 of the communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''(a) PROHIBITION.—

''(1) IN GENERAL.—No telecommunications carrier shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this section and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this section, the telecommunications carrier shall, at a minimum, require the subscriber—

''(i) to acknowledge the type of service to be changed as a result of the selection;

''(ii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iii) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service;

''(v) to acknowledge that the individual making the oral communication is the subscriber; and

''(vi) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form; and

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate.

''(3) INTRASTATE SERVICES.—Nothing in this section shall preclude any State commission from enforcing such procedures with respect to intrastate services.

''(4) SECTION NOT TO APPLY TO WIRELESS.—This section does not apply to a provider of commercial mobile service, as that term is defined in section 332(d)(1) of this Act.''.

''(b) RESOLUTION OF COMPLAINTS.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended by adding at the end thereof the following:

''(c) NOTICE TO SUBSCRIBER.—Whenever there is a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, the telecommunication carrier selected shall notify the subscriber in writing, not more than 15 days after the change is executed, of the change, the date on which the change was effected, and the name of the individual who authorized the change.

''(d) RESOLUTION OF COMPLAINTS.—

''(1) PROMPT RESOLUTION.—

''(A) IN GENERAL.—The Commission shall prescribe a period of time, not in excess of 120 days, for a telecommunications carrier to resolve a complaint by a subscriber concerning an unauthorized change in the subscriber's selection of a provider of telephone exchange service or telephone toll service.

''(B) UNRESOLVED COMPLAINTS.—If a telecommunications carrier fails to resolve a complaint within the time period prescribed by the Commission, then, within 10 days after the end of that period, the telecommunications carrier shall—

''(i) notify the subscriber in writing of the subscriber's right to file a complaint with the Commission concerning the unresolved complaint, the subscriber's rights under this section, and all other remedies available to the subscriber concerning unauthorized changes;

''(ii) inform the subscriber in writing of the procedures prescribed by the Commission for filing such a complaint; and

''(iii) provide the subscriber a copy of any evidence in the carrier's possession showing that the change in the subscriber's provider of telephone exchange service or telephone toll service was submitted or executed in accordance with the verification procedures prescribed under subsection (a).

''(2) RESOLUTION BY COMMISSION.—The Commission shall provide a simplified process for resolving complaints under paragraph (1)(B). The simplified procedure shall preclude the use of interrogatories, depositions, discovery, or other procedural techniques that might unduly increase the expense, formality, and time involved in the process. The Commission shall issue an order resolving any such complaint at the earliest date practicable, but in no event later than—

''(A) 150 days after the date on which it received the complaint, with respect to liability issues; and

''(B) 90 days after the date on which it resolves a complaint, with respect to damages issues, if such additional time is necessary.

''(3) DAMAGES AWARDED BY COMMISSION.—In resolving a complaint under paragraph (1)(B), the Commission may award damages equal to the greater of $500 or the amount of actual damages. The Commission may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

''(e) PENALTY.—

''(1) IN GENERAL.—Unless the Commission determines that there are mitigating circumstances, violation of subsection (a) is punishable by a fine of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(2) FAILURE TO NOTIFY TREATED AS VIOLATION OF SUBSECTION (A).—If a telecommunications carrier fails to comply with the requirements of subsection (d)(1)(B), then that failure shall be treated as a violation of subsection (a).

''(f) RECOVERY OF FINES.—The Commission may take such action as may be necessary—

''(1) to collect any fines it imposes under this section; and

''(2) on behalf of any subscriber, any damages awarded the subscriber under this section.''.

(c) STATE RIGHT-OF-ACTION.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258), as amended by subsection (b), is amended by adding at the end thereof the following:

''(g) ACTIONS BY STATES.—

''(1) AUTHORITY OF STATES.—Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that a telecommunications carrier has engaged or is engaging in a pattern or practice of changing telephone exchange service or telephone toll service provider without authority from subscribers in that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such unauthorized changes, an action to recover for actual monetary loss or receive $500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

''(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

''(3) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

''(5) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(6) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

''(7) LIMITATION.—Whenever the Commission has instituted a civil action for violation of regulations prescribed under this section, no State may, during the tendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.

''(8) DEFINITION.—As used in this subsection, the term 'attorney general' means the chief legal officer of a State.

''(h) STATE LAW NOT PREEMPTED.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits unauthorized changes in, a subscriber's selection of a provider of telephone exchange service or telephone toll service.''.

SEC. 2. REPORT ON TELEMARKETING PRACTICES.

(a) IN GENERAL.—The Federal Communications Commission shall issue a report within 180 days after the date of enactment of this Act on the telemarketing practices used by telecommunications carriers or their agents or employees for the purpose of soliciting changes by subscribers of their telephone exchange service or telephone toll service provider.

(b) SPECIFIC ISSUES.—As part of the report required under subsection (a), the Commission shall include findings on—

(1) the extent to which imposing penalties on telemarketers would deter unauthorized changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service;

(2) the need for rules requiring third-party verification of changes in a subcriber's selection of such a provider; and

(3) whether wireless carriers should continue to be exempt from the verification and retention requirements imposed by section 258(a)(2)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 258(a)(2)(B)(iii)).

(c) RULEMAKING.—If the Commission determines that particular telemarketing practices are being used with the intention to mislead, deceive, or confuse subscribers and that they are likely to mislead, deceive, or confuse subscribers, then the Commission shall initiate a rulemaking to prohibit the use of such practices within 120 days after the completion of its report.

By Mr. MCCAIN (For himself, Mr. HOLLINGS, Mr. COATS, and Mrs. MURRAY):

S. 1619. A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERNET SCHOOL FILTERING ACT

Mr. MCCAIN. Mr. President, I rise today to introduce The Internet School Filtering Act, which is designed to protect children from exposure to sexually explicit and other harmful material when they access the Internet in school and in the library. I am pleased to be joined by Senators HOLLINGS, COATS, and MURRAY as cosponsors of this legislation, and I thank them for their assistance in this important effort.

This legislation comes to grips with a regrettable but unavoidable problem. Today, pornography is widely available on the Internet. According to Wired

magazine, today there are approximately 28,000 adult Web sites promoting hard and soft-core pornography. Together, these sites register many millions of ''hits'' by websurfers per day.

Mr. President, there is no question that some of the websurfers who are accessing these sites are children. Some, unfortunately, are actively searching for these sites. But many others literally and unintentionally stumble across them. Anyone who uses seemingly innocuous terms while searching the World Wide Web for educational or harmless recreational purposes can inadvertently run into adult sites. For example, when the word ''teen'' is typed into a search engine, a site titled ''Teenagesex.com'' is the first search result to appear.

Mr. President, parents have a responsibility to monitor their children's Internet use. This is their proper role, and no amount of governmental assistance or industry self-regulation could ever be as effective in protecting children as parental supervision.

Parental supervision, however, is not possible when children use the Internet while they are away from home, in schools and libraries. The billions of dollars per year the Federal government will be giving schools and libraries to enable them to bring advanced Internet learning technology to the classroom will bring in the Internet's explicit online content as well. These billions of dollars will ultimately be paid for by the American people. So it is only right that if schools and libraries accept these federally-provided subsidies for Internet access, they have an absolute responsibility to their communities to assure that children are protected from online content that can harm them.

And this harm can be prevented. The prevention lies, not in censoring what goes onto the Internet, but rather in filtering what comes out of it onto the computers our children use outside the home.

Mr. President, Internet filtering systems work, and they need not be blunt instruments that unduly constrain the availability of legitimately instructional material. Today they are adaptable, capable of being fine-tuned to accommodate changes in websites as well as the evolving needs of individual schools and even individual lesson-plans. Best of all, their use will channel explicit material away from children while they are not under parental supervision, while not in any way inhibiting the rights of adults who may wish to post indecent material on the Web or have access to it outside school environs.

Mr. President, it boils down to this: The same Internet that can benefit our children is also capable of inflicting terrible damage on them. For this reason, school and library administrators who accept univeral service support to provide students with its intended benefits must also safeguard them against its unintended harm. I commend the efforts of those who have recognized this responsibility by providing filtering systems in the many educational facilities that already have Internet capability. This legislation assures that this responsibility is extended to all other institutions as they implement advanced technologies funded by federally-mandated universal service funds.

Mr. President, this bill takes a sensible approach. It requires schools receiving universal service discounts to use a filtering system on their computers so that objectionable online materials will not be accessible to students. Libraries are required to use a filtering system on one or more of their computers so that at least one computer will be appropriate for minors' use. Filtering technology is itself eligible to be subsidized by the E-rate discount. Once a school or library certifies that it will use a filtering system, they will be eligible to receive universal service fund subsidies for Internet access. If schools and libraries do not so certify, they will not be eligible to receive universal service fund-subsidized discounts.

Some have argued that the use of filtering technology in public schools and libraries would amount to censorship under the First Amendment. The Supreme Court has found, however, that obscenity is not protected by the First Amendment. And insofar as other sexually-explicit material is concerned, the bill will not affect an adult's ability to access this information on the Internet outside the school environment, and it will in no way impose any filtering requirement on Internet use in the home. Perhaps most important, the bill prohibits the federal government from prescribing any particular filtering system, or from imposing a different filtering system than the one selected by the certifying educational authority. It thus places the prerogative for determining which filtering system best reflects the community's standards precisely where it should be: on the community itself.

Mr. President, more and more people are using the Internet each day. Currently, there may be as many as 50 million Americans online, and that number is expected to at least double by the millennium. As Internet use in our schools and libraries continues to grow, children's potential exposure to harmful online content will only increase. This bill simply assures that universal service subsidies will be used to defend them from the very dangers that these same subsidies are otherwise going to increase. This is a rational response to what could otherwise be a terrible and unintended problem.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

''(l) IMPLEMENTATION OF A FILTERING OR BLOCKING SYSTEM.—

''(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) or (3), respectively.

''(2) CERTIFICATION FOR SCHOOLS.—Before receiving universal service assistance under subsection (h)(1)(B), an elementary or secondary school (or the school board or other authority with responsibility for administration of that school) shall certify to the Commission that it has—

''(A) selected a system for computers with Internet access to filter or block matter deemed to be inappropriate for minors; and

''(B) installed, or will install as soon as it obtains computers with Internet access, a system to filter or block such matter.

''(3) CERTIFICATION FOR LIBRARIES.—Before receiving universal service assistance under subsection (h)(1)(B), a library that has a computer with Internet access shall certify to the Commission that, on one or more of its computers with Internet access, it employs a system to filter or block matter deemed to be inappropriate for minors. If a library that makes a certification under this paragraph changes the system it employs or ceases to employ any such system, it shall notify the Commission within 10 days after implementing the change or ceasing to employ the system.''.

''(4) LOCAL DETERMINATION OF CONTENT.—For purposes of paragraphs (2) and (3), the determination of what matter is inappropriate for minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making that determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).''.

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (l), all telecommunications''.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil