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and full partners in the education of their sons and daughters.

"(II) Remedial literacy training.  
 "(IV) An age-appropriate education program for sons and daughters.

"(II) The term 'literacy' means with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and  
 "(III) to develop the knowledge potential of the individual.

"(II) The term 'school' means an elementary school or secondary school (as such terms are defined in section 4101 of the Elementary and Secondary Education Act of 1985 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before "except" the following: "; or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection."

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable."

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe."

SEC. 604. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 183

At the request of Mr. GLENN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 251

At the request of Mr. SHELBY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the titles XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 373

At the request of Mr. MCCAIN, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 373, a bill to amend title II of the Social Security Act to restore the limit between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 387

At the request of Mr. HATCH, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 419

At the request of Mr. BOND, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 442

At the request of Mr. WYDEN, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. SHELBY], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 476

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 663

At the request of Mr. KERREY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 663, a bill to monitor the progress of the Telecommunications Act of 1996.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week".

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

SENATE RESOLUTION 86—RELATIVE TO TELEPHONE ACCESS CHARGES FOR USE OF THE INTERNET

Mr. ABRAHAM (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 86

Whereas with the enactment of the Telecommunications Act of 1996 (Public Law 104-104), Congress sought to stimulate through the competitive marketplace the rapid deployment of new communications technologies at the lowest possible cost to the customers;

Whereas the Internet is the most noteworthy example of the development of an advanced communications network, having expanded from the four linked sites of its precursor network in 1969 to become the first ubiquitous, interactive advanced communications network today;

Whereas the Internet is a digital electronic environment where different forms of multimedia flow freely and efficiently;

Whereas over 15,000,000 households are currently connected to the Internet and 43,000,000 households are expected to be so connected by the year 2000;

Whereas the Internet is an invaluable tool for personal communications, education, telemedicine, and better integrating the elderly, the disabled, and individuals living in remote locations into the life of the Nation;

Whereas the development of an electronic marketplace over the Internet will be a competitive stimulus to the national economy, with the amount of electronic commerce expected to grow to \$80,000,000,000 by the year 2000;

Whereas commerce over the Internet will empower consumers by offering a myriad of options for comparison shopping information gathering, and purchasing opportunities;

Whereas commerce over the Internet has also proven an important start-up mechanism for small businesses by providing minimal barriers to entry and by acting as a ubiquitous, cost-effective distribution system;

Whereas innovative companies in all economic sectors have tied their economic future to the continued growth and success of the Internet;

Whereas the Internet is the medium of choice for electronic commerce, electronic mail, multimedia, and corporate intranets;

Whereas the Internet has succeeded as a result of its responsiveness to technical challenges unencumbered by any preconceptions imposed by regulation relating to its development; and

Whereas the imposition of telephone access charges by regulation would inhibit the development of the Internet and discourage the use of the Internet at a time when the national policy should be to promote the development of advance telecommunications networks such as the Internet. Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the telecommunications policy of the United States should support the continued unfettered growth of the Internet by—

- (1) encouraging greater dialogue between the Local Exchange Carriers and the Internet community in the effort to reach a mutually beneficial resolution to the issues relating to connecting to the internet; and
- (2) encouraging the removal of impediments to the introduction of competition, and in particular, in the provision of new technologies and services to connecting to the Internet and other advanced networks.

Mr. ABRAHAM. Mr. President, I rise today to submit a resolution regarding access charges on the Internet. This resolution conveys the sense of the U.S. Senate that telephone access charges for Internet use will impede the Internet's continued growth and development and, therefore, should be discouraged.

The rise of the Internet has been truly phenomenal. From the four linked sites of its 1969 precursor, the Internet has developed into an advanced telecommunications network that was unimaginable only a decade ago. Today, over 15,000,000 households are currently connected to the Internet, and some industry analysts expect this number to rise to 43,000,000 by the year 2000. These new users will continue to find an increasing amount of options and assistance available to them online. Whether the Internet is used to meet new friends, do online banking, compare medical or scientific research or do shopping, as services increase, the Internet will become an indispensable part of everyday life.

Personal uses aside, many believe the Internet's greatest growth potential lies in the evolution of online commerce. The Internet is clearly the technology of the future and innovative

companies are staking their future on the public's increased access to this network. According to the Wall Street Journal, online commerce was estimated at \$518 million in 1996 and is expected to reach \$1.14 billion in 1997.

Not surprisingly though, the surge of Internet use has led to some unexpected difficulties. Industry studies indicate that Internet usage is growing at up to 42 percent per year, and some Local Exchange Carrier's [LEC] contend this increasing traffic could exceed the current phone system's capacity. While studies differ on the scope or extent of this problem, it seems clear that, ultimately, a significant investment in the telephone infrastructure will be required if gridlock is to be avoided. To fund this infrastructure, some of the LEC's support an Internet user fee to help fund the installation of new circuits designed to head-off any congestion problems.

Rather than install more, inefficient analog switches, however, it is my hope that the Local Exchange Carriers will work to upgrade their telephone systems to digital transmissions just as satellite transmitters, wireless, and long-distance companies have undertaken the transition to digital. Last year, a coalition of high-technology companies in support of this concept organized to oppose traditional telephone fees for Internet use. Consumers, they argue, will be reluctant to use the Internet if new fees are imposed without such product improvement. I agree. The Nation's telephone system needs improvement in order to meet the challenges of 21st century technology and consumer expectations. For this to happen, the telephone infrastructure will require technological improvements, not just additional capacity.

In my opinion, if we are to maximize the potential for this new technology, it is important that we recognize the exciting technological changes ongoing in communications. In particular, when addressing problems caused by the surge in Internet use, I believe America should focus on ways to optimize this medium's efficiency. Charging additional regulatory fees for access to the Internet, I fear, could have the unintended consequence of limiting the public's ability and desire to connect. If, as a result of some new form of access fee, less people use the Internet, then we will have passed up a great opportunity to advance the public's investment and involvement in one of the truly revolutionary technological advancements of this century. I hope that the advanced-technology companies which depend on the Internet and the local carriers which help provide service can come to a mutually beneficial agreement on Internet services absent the imposition of additional fees for Internet use.

The likelihood of such an agreement was probably heightened by last week's announcement by the Federal Communications Commission that it will not permit the Local Exchange Carriers to

charge user fees for connecting to the Internet. This resolution demonstrates congressional support for the FCC position. This sense of the Senate resolution outlines the dramatic growth of the Internet, spells out the benefits available online and recognizes the potential for digital commerce. More importantly, the resolution demonstrates that it is time for the Internet providers and the local phone companies to work together to resolve this conundrum before it becomes a real problem.

With so many different issues surrounding the Internet today, it is easy to lose track of the industries' latest developments. This legislation, however, addresses what I believe to be the most fundamental Internet issue: affordability. All of the amazing tools provided by the Internet and all its conveniences will be meaningless if, in our zeal to control the Internet, we price its access beyond the reach of average Americans. This nonbinding resolution expresses the desire of the Senate to avoid such a mistake, and I urge my colleagues to support it.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this resolution with Senator ABRAHAM. I feel strongly that the Senate needs to speak out on the importance that our future telecommunications policy will play in the growth of commerce on the Internet.

The Internet was born in 1974, but I missed the birth announcement. Like many who later would become avid Internet users, I let several years slip by before realizing the incredible potential of this new tool—that computers could virtually connect you to anyone, anywhere, anytime.

The Internet is changing more than the speed of communications; it is changing the very dynamics of communication. Though still in its infancy, it already is beginning to change the way we do business. Over the past 2 years, sales generated through the Web grew more than 5,000 percent. And Net merchants are expected to sell billions of dollars worth of goods by the end of the century. This is a tremendous potential market for businesses.

While Internet growth has been explosive, concrete standards for Internet commerce have not been set. Most online users still do not buy and sell goods over the Internet because they are afraid online hackers will steal their financial information. These are legitimate concerns that still have to be addressed by emerging security technologies.

That is why I have worked with industry leaders during the past two years to find ways to promote more secure encryption technology. Better encryption means safer online commerce. We should be working with the private sector to help set standards that provide a secure Internet where people are safe paying their bills from their home computers. We should also encourage greater dialogue between Local Exchange Carriers and the Internet community. We do not want

to choke Internet growth with excessive phone charges for Internet access.

I use the Internet on a daily basis for anything from finding the latest Batman movie clips to online chats with Vermont schools. My work on Internet issues has earned me the nickname of "the Cyber Senator." I have had many nicknames in my life. Some have been better than others but I am proud of this nickname because as the Cyber Senator, I can help Vermonters. That is why the Internet is so important to me.

In two key ways, the opportunities opened by the Internet are a perfect match for Vermont.

First, cyber-selling compliments our community-centered, environmentally-conscious style. In the past 25 years, Vermonters have shown uncommon stewardship in preserving our State's quality of life. Other States that only now are discovering these values will have trouble recapturing what already has eroded. Since the Internet allows anyone to work anywhere in the world, why not in Vermont where you can enjoy a unique lifestyle?

Second, throughout this century, we Vermonters have been held back because we are not geographically near any major markets to sell our goods. Now, through the Internet, we can sell our goods in the blink of an eye to anyone in the world.

Some pioneering Vermont businesses are already venturing into cyberspace. My home page on the World Wide Web is linked to Web sites of more than 100 Vermont businesses, ranging from the Quill Bookstore in Manchester Center to Jay Peak Ski Resort. For instance, The Flying Noodle in Waterbury Center now sells about 30 percent of its gourmet pasta and sauces over the Internet and has regular customers in Japan, Guam, Germany, France, and South Korea.

We all have visions of what we want for Vermont as we enter the 21st century. My vision is that the Internet will unlock the potential for any Vermonter—and especially, our children—to stay in our beautiful state to earn a living. The Internet is a place where Vermonters can exchange ideas with people across the world with the stroke of a key or the click of a mouse.

Mr. President, I commend my colleague from Michigan for submitting this resolution. It is strongly supported by the American Electronics Association, Business Software Alliance, and many other groups devoted to the growth of Internet commerce. I urge my colleagues to support our resolution.

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT OF 1997

JEFFORDS AMENDMENT NO. 280  
(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the amendment No. 244 submitted by Mrs. MURRAY to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:  
SEC. . APPLICATION OF FAIR LABOR STANDARDS ACT OF 1938 TO THE EXECUTIVE OFFICE OF THE PRESIDENT.  
Section 413(d)(2) of title 3, United States Code, is amended by striking "October 1, 1998" and inserting "October 1, 1997".

SPECTER AMENDMENT NO. 281

(Ordered to lie on the table.)  
Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 278 submitted by him to the bill, S. 4, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:  
"(H) UNLAWFUL DISCRIMINATION.—It shall be an unlawful act of discrimination for an employer to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation, or to qualify the availability of work for which overtime compensation is required upon employee's request for or acceptance of compensatory time off in lieu of monetary overtime compensation. This clause does not apply to an offer of compensatory time off by an employer to all employees or a class of employees. Any person who violates the provisions of this clause shall be subject to the penalties contained in Section 16(a) of this Act."

GRASSLEY AMENDMENT NO. 282

(Ordered to lie on the table.)  
Mr. GRASSLEY submitted an amendment intended to be proposed by him to amendment No. 260 submitted by Mr. WELLSTONE to the bill, S. 4, supra; as follows:

Strike all and insert:  
On page 28, after line 16 insert the following:  
(D) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—  
(1) by striking "\$4,000" and inserting "\$5,000";  
(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or all accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—" and  
(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as de-

defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938)".

GRASSLEY AMENDMENT NO. 283

(Ordered to lie on the table.)  
Mr. GRASSLEY submitted an amendment intended to be proposed by him to amendment No. 270 submitted by Mr. KENNEDY to the bill, S. 4, supra; as follows:

Strike all and insert:  
On page 28, after line 16, insert the following:  
(G) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—  
(1) by striking "\$4,000" and inserting "\$5,000";  
(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or all accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—" and  
(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938)".

ASHCROFT AMENDMENT NO. 284

(Ordered to lie on the table.)  
Mr. ASHCROFT submitted an amendment intended to be proposed by him to amendment No. 282 submitted by Mr. WELLSTONE to the bill, S. 4, supra; as follows:

To the matter proposed to be stricken add the following:  
( ) FLEXIBLE AND COMPRESSED WORK SCHEDULE PROGRAMS.—  
(1) REPEAL.—Subchapter II of chapter 61 of title 5, United States Code, is repealed.  
(2) CONFORMING AMENDMENTS.—  
(A) The table of sections for chapter 61 of title 5, United States Code, is amended—  
(i) by striking the following item:  
"SUBCHAPTER I—GENERAL PROVISIONS";  
and  
(ii) by striking the items relating to subchapter II.  
(B) Section 5103 of title 5, United States Code is amended by striking subsection (4).  
(C) Subchapter 1 of chapter 61 of title 5, United States Code, is amended by striking the following:  
"SUBCHAPTER I—GENERAL PROVISIONS".  
(D) Section 5401(2) of title 5, United States Code is amended by striking "for 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule under subchapter II of chapter 61 of this title".  
(E) Section 116 of the Indian Health Care Improvement Act (25 U.S.C. 1616) is amended by striking subsection (c).

ASHCROFT AMENDMENT NO. 285

(Ordered to lie on the table.)



## **Document No. 52**