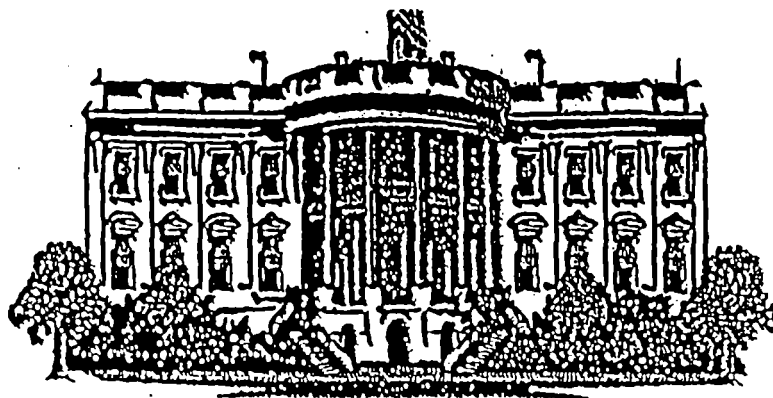


Josh—

Could you please
check that all of
these changes are in
this new document?

Thanks!

— B.



THE WHITE HOUSE

Domestic Policy Council

DATE: _____

CHANGE

FACSMILE FOR: _____

David Crane

PHONE () _____ FAX () 224 1259

FACSMILE FROM: Bethany Little

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NUMBER OF PAGES (INCLUDING COVER): _____

- ☐ FOR YOUR REVIEW
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COMMENTS: One Change - P. 17 - It is the
"Institute of Museum + Library Services"

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1 SEC. ____04. AVAILABILITY OF CERTAIN FUNDS FOR ACQUI-
2 SITION OF TECHNOLOGY PROTECTION MEAS-
3 URES.

4 (a) IN GENERAL.—Notwithstanding any other provi- SECTION
5 sion of law, funds available under title III, or VI of the 3134
6 Elementary and Secondary Education Act of 1965, or
7 under the Library Services and Technology Act, may be MUSEUM AND
8 used for the purchase or acquisition of technology protec- LIBRARY SERVICES
9 tion measures that are necessary to meet the requirements ACT
10 of this title, or the amendments made by this title. No
11 other sources of funds for the purchase or acquisition of
12 such measures are authorized by this title, or the amend-
13 ments made by this title.

14 (b) TECHNOLOGY PROTECTION MEASURE DE-
15 FINED.—In this section, the term “technology protection
16 measure” has the meaning given that term in section
17 ____03.

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1 **TITLE ____—CHILDREN’S**
2 **INTERNET PROTECTION**

3 **SEC. ____01. SHORT TITLE.**

4 This title may be cited as the “Children’s Internet
5 Protection Act”.

6 **SEC. ____02. DISCLAIMERS.**

7 (a) **DISCLAIMER REGARDING CONTENT.**—Nothing in
8 this title or the amendments made by this title shall be
9 construed to prohibit a local educational agency, elemen-
10 tary or secondary school, or library from blocking access
11 on the Internet on computers owned or operated by that
12 agency, school, or library to any content other than con-
13 tent covered by this title or the amendments made by this
14 title.

15 (b) **DISCLAIMER REGARDING PRIVACY.**—Nothing in
16 this title or the amendments made by this title shall be
17 construed to require the tracking of Internet use by any
18 identifiable minor or adult user.

19 **SEC. ____03. STUDY OF TECHNOLOGY PROTECTION MEAS-**
20 **URES.**

21 (a) **IN GENERAL.**—Not later than 18 months after
22 the date of the enactment of this Act, the National Tele-
23 communications and Information Administration shall ini-
24 tiate a notice and comment proceeding for purposes of—

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1 (1) evaluating whether or not currently avail-
2 able technology protection measures, including com-
3 mercial Internet blocking and filtering software, ade-
4 quately addresses the needs of educational institu-
5 tions;

6 (2) making recommendations on how to foster
7 the development of measures that meet such needs;
8 and

9 (3) evaluating the development and effective-
10 ness of local Internet safety policies that are cur-
11 rently in operation after community input.

12 (b) DEFINITIONS.—In this section:

13 (1) TECHNOLOGY PROTECTION MEASURE.—The
14 term “technology protection measure” means a spe-
15 cific technology that blocks or filters Internet access
16 to one or more of the following:

17 (A) Material that is obscene, as that term
18 is defined in section 1460 of title 18, United
19 States Code.

20 (B) Child pornography, as that term is de-
21 fined in section 2256 of title 18, United States
22 Code.

23 (C) Material that is harmful to minors.

24 (2) MATERIAL THAT IS HARMFUL TO MI-
25 NORS.—The term “material that is harmful to mi-

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1 nors" means any communication, picture, image,
2 graphic image file, article, recording, writing, or
3 other matter of any kind that—

4 (A) taken as a whole and with respect to
5 minors, appeals to a prurient interest in nudity,
6 sex, or excretion;

7 (B) depicts, describes, or represents, in a
8 patently offensive way with respect to what is
9 suitable for minors, an actual or simulated sex-
10 ual act or sexual contact, actual or simulated
11 normal or perverted sexual acts, or a lewd exhi-
12 bition of the genitals; and

13 (C) taken as a whole, lacks serious literary,
14 artistic, political, or scientific value as to mi-
15 nors.

16 (3) SEXUAL ACT; SEXUAL CONTACT.—The
17 terms "sexual act" and "sexual contact" have the
18 meanings given such terms in section 2246 of title
19 18, United States Code.

20 **Subtitle A—Federal Funding for**
21 **Educational Institution Computers**

22 **SEC. ____11. LIMITATION ON AVAILABILITY OF CERTAIN**
23 **FUNDS FOR SCHOOLS.**

24 (a) INTERNET SAFETY.—

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1 (1) IN GENERAL.—No funds made available
2 under title III of the Elementary and Secondary
3 Education Act of 1965 to a local educational agency
4 for an elementary or secondary school that does not
5 receive services at discount rates under section
6 254(h)(5) of the Communications Act of 1934, as
7 added by section ____21 of this Act, may be used
8 to purchase computers used to access the Internet,
9 or to pay for direct costs associated with accessing
10 the Internet, for such school unless the school, LOCAL EDUCATION
11 school board, or other authority with responsibility AGENCY ,
12 for administration of such school both—

13 (A)(i) has in place a policy of Internet
14 safety for minors that includes the operation of
15 a technology protection measure with respect to
16 any of its computers with Internet access that
17 protects against access through such computers
18 to—

19 (I) material that is obscene;

20 (II) child pornography; and

21 (III) material that is harmful to mi-
22 nors; and

23 (ii) is enforcing the operation of such tech-
24 nology protection measure during any use of
25 such computers by minors; and

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1 (B)(i) has in place a policy of Internet
2 safety that includes the operation of a tech-
3 nology protection measure with respect to any
4 of its computers with Internet access that pro-
5 tects against access through such computers
6 to—

7 (I) material that is obscene; and

8 (II) child pornography; and

9 (ii) is enforcing the operation of such tech-
10 nology protection measure during any use of
11 such computers.

12 (2) TIMING AND APPLICABILITY OF IMPLEMEN-
13 TATION.—

14 (A) IN GENERAL.—The local educational
15 agency with responsibility for a school covered
16 by paragraph (1) shall certify the compliance of
17 such school with the requirements of paragraph
18 (1) as part of the application process for the
19 next program funding year under the Elemen-
20 tary and Secondary Education Act of 1965 fol-
21 lowing the effective date of this section, and for
22 each subsequent program funding year there-
23 after.

24 (B) PROCESS.—

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1 (i) SCHOOLS WITH SAFETY POLICIES
2 AND TECHNOLOGY PROTECTION MEASURES
3 IN PLACE.—A local educational agency
4 with responsibility for a school covered by
5 paragraph (1) that has in place an Inter-
6 net safety policy meeting the requirements
7 of paragraph (1) shall certify its compli-
8 ance with paragraph (1) during each an-
9 nual program application cycle under the
10 Elementary and Secondary Education Act
11 of 1965.

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INTERNET

12 (ii) SCHOOLS WITHOUT SAFETY POLI-
13 CIES AND TECHNOLOGY PROTECTION
14 MEASURES IN PLACE.—A local educational
15 agency with responsibility for a school cov-
16 ered by paragraph (1) that does not have
17 in place an Internet safety policy meeting
18 the requirements of paragraph (1)—

19 (I) for the first program year
20 after the effective date of this section
21 in which the local educational agency
22 is applying for funds for such school
23 under the Elementary and Secondary
24 Education Act of 1965, shall certify
25 that it is undertaking such actions, in-

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1 cluding any necessary procurement
2 procedures, to put in place an Inter-
3 net safety policy that meets such re-
4 quirements; and

5 (II) for the second program year
6 after the effective date of this section
7 in which the local educational agency
8 is applying for funds for such school
9 under that Act, shall certify that such
10 school is in compliance with such re-
11 quirements.

12 Any school covered by paragraph (1) for
13 which the local educational agency con-
14 cerned is unable to certify compliance with
15 such requirements in such second program
16 year shall be ineligible for all funding
17 under title III of the Elementary and Sec-
18 ondary Education Act of 1965 for such
19 second program year and all subsequent
20 program years until such time as such
21 school comes into compliance with such re-
22 quirements.

23 (iii) WAIVERS.—Any school subject to
24 a certification under clause (ii)(II) for
25 which the local educational agency con-

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1 cerned cannot make the certification other-
2 wise required by that clause may seek a
3 waiver of that clause if State or local pro-
4 curement rules or regulations or competi-
5 tive bidding requirements prevent the mak-
6 ing of the certification otherwise required
7 by that clause. The local educational agen-
8 cy concerned shall notify the Secretary of
9 the applicability of that clause to the
10 school. Such notice shall certify that the
11 school will be brought into compliance with
12 the requirements in paragraph (1) before
13 the start of the third program year after
14 the effective date of this section in which
15 the school is applying for funds under title
16 III of the Elementary and Secondary Edu-
17 cation Act of 1965.

18 (3) DISABLING DURING CERTAIN USE.—An ad-
19 ministrator, supervisor, or person authorized by the
20 responsible authority under paragraph (1) may dis-
21 able the technology protection measure concerned to
22 enable access for bona fide research or other lawful
23 purposes.

24 (4) NONCOMPLIANCE.—

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1 (A) USE OF GENERAL EDUCATION PROVI-
2 SIONS ACT REMEDIES.—Whenever the Secretary
3 has reason to believe that any recipient of funds
4 under title III of the Elementary and Sec-
5 ondary Education Act of 1965 is failing to com-
6 ply substantially with the requirements of this
7 subsection, the Secretary may—

8 (i) withhold further payments to the
9 recipient under that title,

10 (ii) issue a complaint to compel com-
11 pliance of the recipient through a cease
12 and desist order, or

13 (iii) enter into a compliance agree-
14 ment with a recipient to bring it into com-
15 pliance with such requirements,
16 in same manner as the Secretary is authorized
17 to take such actions under sections 455, 456,
18 and 457, respectively, of the General Education
19 Provisions Act (20 U.S.C. 1234d).

20 (B) RECOVERY OF FUNDS PROHIBITED.—
21 The actions authorized by subparagraph (A)
22 are the exclusive remedies available with respect
23 to the failure of a school to comply substantially
24 with a provision of this subsection, and the Sec-

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1 retary shall not seek a recovery of funds from
2 the recipient for such failure.

3 (C) RECOMMENCEMENT OF PAYMENTS.—

4 Whenever the Secretary determines (whether by
5 certification or other appropriate evidence) that
6 a recipient of funds who is subject to the with-
7 holding of payments under subparagraph (A)(i)
8 has cured the failure providing the basis for the
9 withholding of payments, the Secretary shall
10 cease the withholding of payments to the recipi-
11 ent under that subparagraph.

12 (5) DEFINITIONS.—In this section:

13 (A) LOCAL EDUCATIONAL AGENCY;
14 SCHOOL.—The terms “local educational agen-
15 cy” and “elementary or secondary school” have
16 the meanings given such terms in section 14101
17 of the Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 8801).

19 (B) COMPUTER.—The term “computer”
20 includes any hardware, software, or other tech-
21 nology attached or connected to, installed in, or
22 otherwise used in connection with a computer.

23 (C) ACCESS TO INTERNET.—A computer
24 shall be considered to have access to the Inter-
25 net if such computer is equipped with a modem

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1 or is connected to a computer network which
2 has access to the Internet.

3 (D) ACQUISITION OR OPERATION.—A ele-
4 mentary or secondary school shall be considered
5 to have received funds under title III of the El-
6 ementary and Secondary Education Act of 1965
7 for the acquisition or operation of any computer
8 if such funds are used in any manner, directly
9 or indirectly—

10 (i) to purchase, lease, or otherwise ac-
11 quire or obtain the use of such computer,
12 or

13 (ii) to obtain services, supplies, soft-
14 ware, or other actions or materials to sup-
15 port, or in connection with, the operation
16 of such computer.

17 (E) MINOR.—The term “minor” has the
18 meaning given such term in section 2256 of
19 title 18, United States Code.

20 (F) CHILD PORNOGRAPHY.—The term
21 “child pornography” has the meaning given
22 such term in section 2256 of title 18, United
23 States Code.

24 (G) MATERIAL THAT IS HARMFUL TO MI-
25 NORS.—The term “material that is harmful to

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1 minors" means any communication, picture,
2 image, graphic image file, article, recording,
3 writing, or other matter of any kind that—

4 (i) taken as a whole and with respect
5 to minors, appeals to a prurient interest in
6 nudity, sex, or excretion;

7 (ii) depicts, describes, or represents,
8 in a patently offensive way with respect to
9 what is suitable for minors, an actual or
10 simulated sexual act or sexual contact, ac-
11 tual or simulated normal or perverted sex-
12 ual acts, or a lewd exhibition of the geni-
13 tals; and

14 (iii) taken as a whole, lacks serious
15 literary, artistic, political, or scientific
16 value as to minors.

17 (H) SEXUAL ACT; SEXUAL CONTACT.—The
18 terms "sexual act" and "sexual contact" have
19 the meanings given such terms in section 2246
20 of title 18, United States Code.

21 (I) SECRETARY.—The term "Secretary"
22 means the Secretary of Education.

23 (b) EFFECTIVE DATE.—This section shall take effect
24 120 days after the date of the enactment of this Act.

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1 (c) SEVERABILITY.—If any provision of this section
2 is held invalid, the remainder of such section and this Act
3 shall not be affected thereby.

4 SEC. ____12. LIMITATION ON AVAILABILITY OF CERTAIN
5 FUNDS FOR LIBRARIES.

6 (a) AMENDMENT.—Section 224 of the Museum and
7 Library Services Act (20 U.S.C. 9134(b)) is amended—

8 (1) in subsection (b)—

9 (A) by redesignating paragraph (6) as
10 paragraph (7); and

11 (B) by inserting after paragraph (5) the
12 following new paragraph:

13 “(6) provide assurances that the State will com-
14 ply with subsection (f); and”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(f) INTERNET SAFETY.—

18 “(1) IN GENERAL.—No funds made available
19 under this Act for a library described in section
20 213(2)(A) or (B) that does not receive services at
21 discount rates under section 254(h)(6) of the Com-
22 munications Act of 1934, as added by section
23 ____21 of this Children’s Internet Protection Act,
24 may be used to purchase computers used to access
25 the Internet, or to pay for direct costs associated

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1 with accessing the Internet, for such library
2 unless—

3 “(A) such library—

4 “(i) has in place a policy of Internet
5 safety for minors that includes the oper-
6 ation of a technology protection measure
7 with respect to any of its computers with
8 Internet access that protects against access
9 through such computers to—

10 “(I) material that is obscene;

11 “(II) child pornography; and

12 “(III) material that is harmful to
13 minors; and

14 “(ii) is enforcing the operation of such
15 technology protection measure during any
16 use of such computers by minors; and

17 “(B) such library—

18 “(i) has in place a policy of Internet
19 safety that includes the operation of a
20 technology protection measure with respect
21 to any of its computers with Internet ac-
22 cess that protects against access through
23 such computers to—

24 “(I) material that is obscene; and

25 “(II) child pornography; and

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1 “(ii) is enforcing the operation of such
2 technology protection measure during any
3 use of such computers.

4 “(2) ACCESS TO OTHER MATERIALS.—Nothing
5 in this subsection shall be construed to prohibit a li-
6 brary from limiting Internet access to or otherwise
7 protecting against materials other than those re-
8 ferred to in subclauses (I), (II), and (III) of para-
9 graph (1)(A)(i).

10 “(3) DISABLING DURING CERTAIN USE.—An
11 administrator, supervisor, or other authority may
12 disable a technology protection measure under para-
13 graph (1) to enable access for bona fide research or
14 other lawful purposes.

15 “(4) TIMING AND APPLICABILITY OF IMPLE-
16 MENTATION.—

17 “(A) IN GENERAL.—A library covered by
18 paragraph (1) shall certify the compliance of
19 such library with the requirements of paragraph
20 (1) as part of the application process for the
21 next program funding year under this Act fol-
22 lowing the effective date of this subsection, and
23 for each subsequent program funding year
24 thereafter.

25 “(B) PROCESS.—

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1 “(i) LIBRARIES WITH SAFETY POLI-
2 CIES AND TECHNOLOGY PROTECTION
3 MEASURES IN PLACE.—A library covered
4 by paragraph (1) that has in place an
5 Internet safety policy meeting the require-
6 ments of paragraph (1) shall certify its
7 compliance with paragraph (1) during each
8 annual program application cycle under
9 this Act.

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10 “(ii) LIBRARIES WITHOUT SAFETY
11 POLICIES AND TECHNOLOGY PROTECTION
12 MEASURES IN PLACE.—A library covered
13 by paragraph (1) that does not have in
14 place an Internet safety policy meeting the
15 requirements of paragraph (1)—

16 “(I) for the first program year
17 after the effective date of this sub-
18 section in which the library applies for
19 funds under this Act, shall certify
20 that it is undertaking such actions, in-
21 cluding any necessary procurement
22 procedures, to put in place an Inter-
23 net safety policy that meets such re-
24 quirements; and

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1 “(II) for the second program
2 year after the effective date of this
3 subsection in which the library applies
4 for funds under this Act, shall certify
5 that such library is in compliance with
6 such requirements.

7 Any library covered by paragraph (1) that
8 is unable to certify compliance with such
9 requirements in such second program year
10 shall be ineligible for all funding under this
11 Act for such second program year and all
12 subsequent program years until such time
13 as such library comes into compliance with
14 such requirements.

15 “(iii) WAVERS.—Any library subject
16 to a certification under clause (ii)(II) that
17 cannot make the certification otherwise re-
18 quired by that clause may seek a waiver of
19 that clause if State or local procurement
20 rules or regulations or competitive bidding
21 requirements prevent the making of the
22 certification otherwise required by that
23 clause. The library shall notify the ~~Secy~~
24 ~~Secy~~ of the applicability of that clause to
25 the library. Such notice shall certify that

~~of EDUCATION~~

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DIRECTOR OF
INSTITUTE OF
THE MUSEUM AND
LIBRARY SERVICES
ADMINISTRATION

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1 the library will comply with the require-
2 ments in paragraph (1) before the start of
3 the third program year after the effective
4 date of this subsection for which the li-
5 brary is applying for funds under this Act.

6 “(5) NONCOMPLIANCE.—

7 “(A) USE OF GENERAL EDUCATION PROVI-
8 SIONS ACT REMEDIES.—Whenever the Secretary
9 has reason to believe that any recipient of funds
10 this Act is failing to comply substantially with
11 the requirements of this subsection, the Sec-
12 retary may—

13 “(i) withhold further payments to the
14 recipient under this Act,

15 “(ii) issue a complaint to compel com-
16 pliance of the recipient through a cease
17 and desist order, or

18 “(iii) enter into a compliance agree-
19 ment with a recipient to bring it into com-
20 pliance with such requirements,

21 in same manner as the Secretary is authorized
22 to take such actions under sections 455, 456,
23 and 457, respectively, of the General Education
24 Provisions Act (20 U.S.C. 1234d).

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1 “(B) RECOVERY OF FUNDS PROHIBITED.—

2 The actions authorized by subparagraph (A)
3 are the exclusive remedies available with respect
4 to the failure of a library to comply substan-
5 tially with a provision of this subsection, and
6 the Secretary shall not seek a recovery of funds
7 from the recipient for such failure.

8 “(C) RECOMMENCEMENT OF PAYMENTS.—

9 Whenever the Secretary determines (whether by
10 certification or other appropriate evidence) that
11 a recipient of funds who is subject to the with-
12 holding of payments under subparagraph (A)(i)
13 has cured the failure providing the basis for the
14 withholding of payments, the Secretary shall
15 cease the withholding of payments to the recipi-
16 ent under that subparagraph.

17 “(6) SEVERABILITY.—If any provision of this
18 subsection is held invalid, the remainder of this sub-
19 section shall not be affected thereby.

20 “(7) DEFINITIONS.—In this section:

21 “(A) CHILD PORNOGRAPHY.—The term
22 ‘child pornography’ has the meaning given such
23 term in section 2256 of title 18, United States
24 Code.

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1 “(B) MATERIAL THAT IS HARMFUL TO MI-
2 NORS.—The term ‘material that is harmful to
3 minors’ means any communication, picture,
4 image, graphic image file, article, recording,
5 writing, or other matter of any kind that—

6 “(i) taken as a whole and with respect
7 to minors, appeals to a prurient interest in
8 nudity, sex, or excretion;

9 “(ii) depicts, describes, or represents,
10 in a patently offensive way with respect to
11 what is suitable for minors, an actual or
12 simulated sexual act or sexual contact, ac-
13 tual or simulated normal or perverted sex-
14 ual acts, or a lewd exhibition of the geni-
15 tals; and

16 “(iii) taken as a whole, lacks serious
17 literary, artistic, political, or scientific
18 value as to minors.

19 “(C) MINOR.—The term ‘minor’ has the
20 meaning given such term in section 2256 of
21 title 18, United States Code.

22 “(D) SEXUAL ACT; SEXUAL CONTACT.—
23 The terms ‘sexual act’ and ‘sexual contact’ have
24 the meanings given such terms in section 2246
25 of title 18, United States Code.”.

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1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect 120 days after the date of
3 the enactment of this Act.

4 **Subtitle B—Universal Service**
5 **Discounts**

6 SEC. ____ 21. REQUIREMENT FOR SCHOOLS AND LIBRARIES
7 TO ENFORCE INTERNET SAFETY POLICIES
8 WITH TECHNOLOGY PROTECTION MEASURES
9 FOR COMPUTERS WITH INTERNET ACCESS AS
10 CONDITION OF UNIVERSAL SERVICE DIS-
11 COUNTS.

12 (a) SCHOOLS.—Section 254(h) of the Communica-
13 tions Act of 1934 (47 U.S.C. 254(h)) is amended—

14 (1) by redesignating paragraph (5) as para-
15 graph (7); and

16 (2) by inserting after paragraph (4) the fol-
17 lowing new paragraph (5):

18 “(5) REQUIREMENTS FOR CERTAIN SCHOOLS
19 WITH COMPUTERS HAVING INTERNET ACCESS.—

20 “(A) INTERNET SAFETY.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii), an elementary or sec-
23 ondary school having computers with
24 Internet access may not receive services at
25 discount rates under paragraph (1)(B) un-

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1 less the school, school board, or other au-
2 thority with responsibility for administra-
3 tion of the school—

4 “(I) submits to the Commission
5 the certifications described in sub-
6 paragraphs (B) and (C);

7 “(II) submits to the Commission
8 a certification that an Internet safety
9 policy has been adopted and imple-
10 mented for the school under sub-
11 section (l); and

12 “(III) ensures the use of such
13 computers in accordance with the cer-
14 tifications.

15 “(ii) APPLICABILITY.—The prohibi-
16 tion in clause (i) shall not apply with re-
17 spect to a school that receives services at
18 discount rates under paragraph (1)(B)
19 only for purposes other than the provision
20 of Internet access, Internet service, or in-
21 ternal connections.

22 “(iii) PUBLIC NOTICE; HEARING.—An
23 elementary or secondary school described
24 in clause (i), or the school board or other
25 authority with responsibility for adminis-

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1 tration of the school, shall provide reason-
2 able public notice and hold at least 1 pub-
3 lic hearing or meeting to address the pro-
4 posed Internet safety policy. In the case of
5 an elementary or secondary school other
6 than an elementary or secondary school as
7 defined in section 14101 of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 8801), the notice and hearing re-
10 quired by this clause may be limited to
11 those members of the public with a rela-
12 tionship to the school.

13 “(B) CERTIFICATION WITH RESPECT TO
14 MINORS.—A certification under this subpara-
15 graph is a certification that the school, school
16 board, or other authority with responsibility for
17 administration of the school—

18 “(i) is enforcing a policy of Internet
19 safety for minors that includes monitoring
20 the online activities of minors and the op-
21 eration of a technology protection measure
22 with respect to any of its computers with
23 Internet access that protects against access
24 through such computers to—

25 “(I) material that is obscene;

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1 “(II) child pornography; and

2 “(III) material that is harmful to
3 minors; and

4 “(ii) is enforcing the operation of such
5 technology protection measure during any
6 use of such computers by minors.

7 “(C) CERTIFICATION WITH RESPECT TO
8 ADULTS.—A certification under this paragraph
9 is a certification that the school, school board,
10 or other authority with responsibility for admin-
11 istration of the school—

12 “(i) is enforcing a policy of Internet
13 safety that includes the operation of a
14 technology protection measure with respect
15 to any of its computers with Internet ac-
16 cess that protects against access through
17 such computers to—

18 “(I) material that is obscene; and

19 “(II) child pornography; and

20 “(ii) is enforcing the operation of such
21 technology protection measure during any
22 use of such computers.

23 “(D) DISABLING DURING CERTAIN USE.—

24 An administrator, supervisor, or other person
25 authorized by the certifying authority under

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1 subparagraph (A)(i) may disable the technology
 2 protection measure concerned to enable access
 3 for bona fide research or other lawful purpose.

4 “(E) TIMING OF IMPLEMENTATION.—

5 “(i) IN GENERAL.—Subject to clause
 6 (ii) in the case of any school covered by
 7 this paragraph as of the effective date of
 8 this paragraph under section ____21(h) of
 9 the Children’s Internet Protection Act, the
 10 certification under subparagraphs (B) and
 11 (C) shall be made ~~as part of the applica-~~ NOT LATER THAN
 12 ~~tion process~~ for the next program funding 180 DAYS AFTER
 13 year under this subsection following such THE BEGINNING
 14 effective date, and ~~for~~ each subsequent OF
 15 year thereafter. AT THE BEGINNING
 OF

16 “(ii) PROCESS.— INTERNET .

17 “(I) SCHOOLS WITH SAFETY POL-
 18 ICIES TECHNOLOGY
 AND PROTECTION MEASURES IN
 19 PLACE.—A school covered by clause
 20 (i) that has in place an Internet safe-
 21 ty policy and technology protection
 22 measures meeting the requirements
 23 necessary for certification under sub-
 24 paragraphs (B) and (C) shall certify
 25 its compliance with subparagraphs

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(B) and (C) during each annual program application cycle under this subsection.

“(II) SCHOOLS WITHOUT SAFETY POLICY AND PROTECTION MEASURES IN PLACE.—A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)—

“(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

IN THE FIRST PROGRAM FUNDING YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION SUCH A SCHOOL SHALL CERTIFY ITS COMPLIANCE NOT LATER THAN 180 DAYS AFTER THE BEGINNING OF THAT PROGRAM FUNDING YEAR.

NOT LATER THAN 180 DAYS AFTER THE BEGINNING OF THAT PROGRAM YEAR

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1 “(bb) for the second pro-
2 gram year after the effective date
3 of this subsection in which it is
4 applying for funds under this
5 subsection, shall certify that it is
6 in compliance with subpara-
7 graphs (B) and (C).

8 Any school that is unable to certify
9 compliance with such requirements in
10 such second program year shall be in-
11 eligible for services at discount rates
12 or funding in lieu of services at such
13 rates under this subsection for such
14 second year and all subsequent pro-
15 gram years under this subsection,
16 until such time as such school comes
17 into compliance with this paragraph.

18 “(III) WAIVERS.—Any school
19 subject to subclause (II) that cannot
20 come into compliance with subpara-
21 graphs (B) and (C) in such second
22 year program may seek a waiver of
23 subclause (II)(bb) if State or local
24 procurement rules or regulations or
25 competitive bidding requirements pre-

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1 vent the making of the certification
2 otherwise required by such subclause.

3 A school^{LOCAL EDUCATION AGENCY} school board, or other au-
4 thority with responsibility for adminis-
5 tration of the school shall notify the
6 Commission of the applicability of
7 such subclause to the school. Such no-
8 tice shall certify that the school in
9 question will be brought into compli-
10 ance before the start of the third pro-
11 gram year after the effective date of
12 this subsection in which the school is
13 applying for funds under this sub-
14 section.

15 “(F) NONCOMPLIANCE.—

16 “(i) FAILURE TO SUBMIT CERTIFI-
17 CATION.—Any school that knowingly fails
18 to comply with the application guidelines
19 regarding the annual submission of certifi-
20 cation required by this paragraph shall not
21 be eligible for services at discount rates or
22 funding in lieu of services at such rates
23 under this subsection.

24 “(ii) FAILURE TO COMPLY WITH CER-
25 TIFICATION.—Any school that knowingly

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1 fails to ensure the use of its computers in
2 accordance with a certification under sub-
3 paragraphs (B) and (C) shall reimburse
4 any funds and discounts received under
5 this subsection for the period covered by
6 such certification.

7 “(iii) REMEDY OF NONCOMPLIANCE.—

8 “(I) FAILURE TO SUBMIT.—A
9 school that has failed to submit a cer-
10 tification under clause (i) may remedy
11 the failure by submitting the certifi-
12 cation to which the failure relates.
13 Upon submittal of such certification,
14 the school shall be eligible for services
15 at discount rates under this sub-
16 section.

17 “(II) FAILURE TO COMPLY.—A
18 school that has failed to comply with
19 a certification as described in clause
20 (ii) may remedy the failure by ensur-
21 ing the use of its computers in accord-
22 ance with such certification. Upon
23 submittal to the Commission of a cer-
24 tification or other appropriate evi-
25 dence of such remedy, the school shall

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1 be eligible for services at discount
2 rates under this subsection.”.

3 (b) LIBRARIES.—Such section 254(h) is further
4 amended by inserting after paragraph (5), as amended by
5 subsection (a) of this section, the following new para-
6 graph:

7 “(6) REQUIREMENTS FOR CERTAIN LIBRARIES
8 WITH COMPUTERS HAVING INTERNET ACCESS.—

9 “(A) INTERNET SAFETY.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), a library having one or
12 more computers with Internet access may
13 not receive services at discount rates under
14 paragraph (1)(B) unless the library—

15 “(I) submits to the Commission
16 the certifications described in sub-
17 paragraphs (B) and (C); and

18 “(II) submits to the Commission
19 a certification that an Internet safety
20 policy has been adopted and imple-
21 mented for the library under sub-
22 section (1); and

23 “(III) ensures the use of such
24 computers in accordance with the cer-
25 tifications.

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1 “(ii) APPLICABILITY.—The prohibi-
2 tion in clause (i) shall not apply with re-
3 spect to a library that receives services at
4 discount rates under paragraph (1)(B)
5 only for purposes other than the provision
6 of Internet access, Internet service, or in-
7 ternal connections.

8 “(iii) PUBLIC NOTICE; HEARING.—A
9 library described in clause (i) shall provide
10 reasonable public notice and hold at least
11 1 public hearing or meeting to address the
12 proposed Internet safety policy.

13 “(B) CERTIFICATION WITH RESPECT TO
14 MINORS.—A certification under this subpara-
15 graph is a certification that the library—

16 “(i) is enforcing a policy of Internet
17 safety that includes the operation of a
18 technology protection measure with respect
19 to any of its computers with Internet ac-
20 cess that protects against access through
21 such computers to—

22 “(I) material that is obscene;

23 “(II) child pornography; and

24 “(III) material that is harmful to
25 minors; and

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1 “(ii) is enforcing the operation of such
2 technology protection measure during any
3 use of such computers by minors.

4 “(C) CERTIFICATION WITH RESPECT TO
5 ADULTS.—A certification under this paragraph
6 is a certification that the library—

7 “(i) is enforcing a policy of Internet
8 safety that includes the operation of a
9 technology protection measure with respect
10 to any of its computers with Internet ac-
11 cess that protects against access through
12 such computers to—

13 “(I) material that is obscene; and

14 “(II) child pornography; and

15 “(ii) is enforcing the operation of such
16 technology protection measure during any
17 use of such computers.

18 “(D) DISABLING DURING CERTAIN USE.—
19 An administrator, supervisor, or other person
20 authorized by the certifying authority under
21 subparagraph (A)(i) may disable the technology
22 protection measure concerned, during use by an
23 adult, to enable access for bona fide research or
24 other lawful purpose.

25 “(E) TIMING OF IMPLEMENTATION.—

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1 “(i) IN GENERAL.—Subject to clause
2 (ii) in the case of any library covered by
3 this paragraph as of the effective date of
4 this paragraph under section ____21(h) of
5 the Children’s Internet Protection Act, the
6 certification under subparagraphs (B) and
7 (C) shall be made ~~as part of the applica-~~ ¹²⁰ NOT LATER THAN
8 ~~tion process~~ for the next program funding 180 DAYS AFTER
9 year under this subsection after the effec- THE BEGINNING OF
10 tive date of this subsection, and for each
11 subsequent year thereafter.

12 “(ii) PROCESS.—

13 “(I) LIBRARIES WITH SAFETY
14 POLICIES TECHNOLOGY
15 POLICY AND PROTECTION MEASURES

16 IN PLACE.—A library covered by
17 clause (i) that has in place an Inter-
18 net safety policy and technology pro-
19 tection measures meeting the require-
20 ments necessary for certification
21 under subparagraphs (B) and (C)
22 shall certify its compliance with sub-
23 paragraphs (B) and (C) during each
24 annual program application cycle
 under this subsection. IN THE FIRST PROGRAM

FUNDING YEAR FOLLOWING THE EFFECTIVE
DATE OF THIS SUBSECTION, SUCH A LIBRARY
SHALL CERTIFY ITS COMPLIANCE NOT LATER
THAN 180 DAYS AFTER THE BEGINNING OF
THE PROGRAM FUNDING YEAR.

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INTERNET

1 “(II) LIBRARIES WITHOUT SAFE-
2 16153 TECHNOLOGY
3 TY POLICY AND PROTECTION MEAS-
4 URES IN PLACE.—A library covered by
5 clause (i) that does not have in place
6 an Internet safety policy and tech-
7 nology protection measures meeting
8 the requirements necessary for certifi-
9 cation under subparagraphs (B) and
10 (C)—

11 “(aa) for the first program
12 year after the effective date of
13 this subsection in which it is ap-
14 plying for funds under this sub-
15 section, shall certify that it is un-
16 dertaking such actions, including
17 any necessary procurement pro-
18 cedures, to put in place an Inter-
19 net safety policy and technology
20 protection measures meeting the
21 requirements necessary for cer-
22 tification under subparagraphs
23 (B) and (C); and

24 “(bb) for the second pro-
25 gram year after the effective date
 of this subsection in which it is

NOT LATER
THAN 180 DAYS
AFTER THE
BEGINNING OF
THAT PROGRAM
YEAR

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1 applying for funds under this
2 subsection, shall certify that it is
3 in compliance with subpara-
4 graphs (B) and (C).

5 Any library that is unable to certify
6 compliance with such requirements in
7 such second program year shall be in-
8 eligible for services at discount rates
9 or funding in lieu of services at such
10 rates under this subsection for such
11 second year and all subsequent pro-
12 gram years under this subsection,
13 until such time as such library comes
14 into compliance with this paragraph.

15 “(III) WAIVERS.—Any library
16 subject to subclause (II) that cannot
17 come into compliance with subpara-
18 graphs (B) and (C) in such second
19 year may seek a waiver of subclause
20 (II)(bb) if State or local procurement
21 rules or regulations or competitive
22 bidding requirements prevent the
23 making of the certification otherwise
24 required by such subclause. A library,
25 library board, or other authority with

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1 responsibility for administration of the
2 library shall notify the Commission of
3 the applicability of such subclause to
4 the library. Such notice shall certify
5 that the library in question will be
6 brought into compliance before the
7 start of the third program year after
8 the effective date of this subsection in
9 which the library is applying for funds
10 under this subsection.

11 “(F) NONCOMPLIANCE.—

12 “(i) FAILURE TO SUBMIT CERTIFI-
13 CATION.—Any library that knowingly fails
14 to comply with the application guidelines
15 regarding the annual submission of certifi-
16 cation required by this paragraph shall not
17 be eligible for services at discount rates or
18 funding in lieu of services at such rates
19 under this subsection.

20 “(ii) FAILURE TO COMPLY WITH CER-
21 TIFICATION.—Any library that knowingly
22 fails to ensure the use of its computers in
23 accordance with a certification under sub-
24 paragraphs (B) and (C) shall reimburse all
25 funds and discounts received under this

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1 subsection for the period covered by such
2 certification.

3 “(iii) REMEDY OF NONCOMPLIANCE.—

4 “(I) FAILURE TO SUBMIT.—A li-
5 brary that has failed to submit a cer-
6 tification under clause (i) may remedy
7 the failure by submitting the certifi-
8 cation to which the failure relates.
9 Upon submittal of such certification,
10 the library shall be eligible for services
11 at discount rates under this sub-
12 section.

13 “(II) FAILURE TO COMPLY.—A
14 library that has failed to comply with
15 a certification as described in clause
16 (ii) may remedy the failure by ensur-
17 ing the use of its computers in accord-
18 ance with such certification. Upon
19 submittal to the Commission of a cer-
20 tification or other appropriate evi-
21 dence of such remedy, the library
22 shall be eligible for services at dis-
23 count rates under this subsection.”.

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1 (c) DEFINITIONS.—Paragraph (7) of such section, as
2 redesignated by subsection (a)(1) of this section, is
3 amended by adding at the end the following:

4 “(D) MINOR.—The term ‘minor’ means
5 any individual who has not attained the age of
6 17 years.

7 “(E) OBSCENE.—The term ‘obscene’ has
8 the meaning given such term in section 1460 of
9 title 18, United States Code.

10 “(F) CHILD PORNOGRAPHY.—The term
11 ‘child pornography’ has the meaning given such
12 term in section 2256 of title 18, United States
13 Code.

14 “(G) MATERIAL THAT IS HARMFUL TO MI-
15 NORS.—The term ‘material that is harmful to
16 minors’ means any communication, picture,
17 image, graphic image file, article, recording,
18 writing, or other matter of any kind that—

19 “(i) taken as a whole and with respect
20 to minors, appeals to a prurient interest in
21 nudity, sex, or excretion;

22 “(ii) depicts, describes, or represents,
23 in a patently offensive way with respect to
24 what is suitable for minors, an actual or
25 simulated sexual act or sexual contact, ac-

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1 tual or simulated normal or perverted sex-
2 ual acts, or a lewd exhibition of the geni-
3 tals; and

4 “(iii) taken as a whole, lacks serious
5 literary, artistic, political, or scientific
6 value as to minors.

7 “(H) SEXUAL ACT; SEXUAL CONTACT.—
8 The terms ‘sexual act’ and ‘sexual contact’ have
9 the meanings given such terms in section 2246
10 of title 18, United States Code.

11 “(I) TECHNOLOGY PROTECTION MEAS-
12 URE.—The term ‘technology protection meas-
13 ure’ means a specific technology that blocks or
14 filters Internet access to the material covered
15 by a certification under paragraph (5) or (6) to
16 which such certification relates.”.

17 (d) CONFORMING AMENDMENT.—Paragraph (4) of
18 such section is amended by striking “paragraph (5)(A)”
19 and inserting “paragraph (7)(A)”.

20 (e) SEPARABILITY.—If any provision of paragraph
21 (5) or (6) of section 254(h) of the Communications Act
22 of 1934, as amended by this section, or the application
23 thereof to any person or circumstance is held invalid, the
24 remainder of such paragraph and the application of such

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1 paragraph to other persons or circumstances shall not be
2 affected thereby.

3 (f) REGULATIONS.—

4 (1) REQUIREMENT.—The Federal Communica-
5 tions Commission shall prescribe regulations for pur-
6 poses of administering the provisions of paragraphs
7 (5) and (6) of section 254(h) of the Communications
8 Act of 1934, as amended by this section.

9 (2) DEADLINE.—Notwithstanding any other
10 provision of law, the Commission shall prescribe reg-
11 ulations under paragraph (1) so as to ensure that
12 such regulations take effect 120 days after the date
13 of the enactment of this Act.

14 (g) AVAILABILITY OF RATES.—Discounted rates
15 under section 254(h)(1)(B) of the Communications Act of
16 1934 (47 U.S.C. 254(h)(1)(B))—

17 (1) shall be available in amounts up to the an-
18 nual cap on Federal universal service support for
19 schools and libraries only for services covered by
20 Federal Communications Commission regulations on
21 priorities for funding telecommunications services,
22 Internet access, Internet services, and Internet con-
23 nections that assign priority for available funds for
24 the poorest schools; and

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1 (2) to the extent made available under para-
2 graph (1), may be used for the purchase or acquisi-
3 tion of filtering or blocking products necessary to
4 meet the requirements of section 254(h)(5) and (6)
5 of that Act, but not for the purchase of software or
6 other technology other than what is required to meet
7 those requirements.

8 (h) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 120 days after the date of
10 the enactment of this Act.

11 **Subtitle C—Neighborhood**

12 **Children's Internet Protection**

13 **SEC. ____31. SHORT TITLE.**

14 This subtitle may be cited as the "Neighborhood Chil-
15 dren's Internet Protection Act".

16 **SEC. ____32. INTERNET SAFETY POLICY REQUIRED.**

17 Section 254 of the Communications Act of 1934 (47
18 U.S.C. 254) is amended by adding at the end the fol-
19 lowing:

20 "(1) INTERNET SAFETY POLICY REQUIREMENT FOR
21 SCHOOLS AND LIBRARIES.—

22 "(1) IN GENERAL.—In carrying out its respon-
23 sibilities under subsection (h), each school or library
24 to which subsection (h) applies shall—

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1 “(A) adopt and implement an Internet
2 safety policy that addresses—

3 “(i) access by minors to inappropriate
4 matter on the Internet and World Wide
5 Web;

6 “(ii) the safety and security of minors
7 when using electronic mail, chat rooms,
8 and other forms of direct electronic com-
9 munications;

10 “(iii) unauthorized access, including
11 so-called ‘hacking’, and other unlawful ac-
12 tivities by minors online;

13 “(iv) unauthorized disclosure, use,
14 and dissemination of personal identifica-
15 tion information regarding minors; and

16 “(v) measures designed to restrict mi-
17 nors’ access to materials harmful to mi-
18 nors; and

19 “(B) provide reasonable public notice and
20 hold at least one public hearing or meeting to
21 address the proposed Internet safety policy.

22 “(2) LOCAL DETERMINATION OF CONTENT.—A
23 determination regarding what matter is inappro-
24 priate for minors shall be made by the school board,
25 library, or other authority responsible for making

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1 the determination. No agency or instrumentality of
2 the United States Government may—

3 “(A) establish criteria for making such de-
4 termination;

5 “(B) review the determination made by the
6 certifying school, school board, library, or other
7 authority; or

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

12 “(3) SUBMITTAL TO COMMISSION.—Each Inter-
13 net safety policy adopted under this subsection shall
14 be ~~submitted to the Commission~~ by the school, LOCAL EDUCATION
15 school board, library, or other authority responsible AGENCY
16 for adopting such Internet safety policy.

17 “(4) EFFECTIVE DATE.—This subsection shall
18 apply with respect to schools and libraries on or
19 after the date that is 120 days after the date of the
20 enactment of the Children’s Internet Protection
21 Act.”.

22 **SEC. ____33. IMPLEMENTING REGULATIONS.**

23 Not later than 120 days after the date of enactment
24 of this Act, the Federal Communications Commission shall
25 prescribe regulations for purposes of section 254(l) of the

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1 Communications Act of 1934, as added by section ____32
2 of this Act.

3 **Subtitle D—Expedited Review**

4 **SEC. ____41. EXPEDITED REVIEW.**

5 (a) **THREE-JUDGE DISTRICT COURT HEARING.—**
6 Notwithstanding any other provision of law, any civil ac-
7 tion challenging the constitutionality, on its face, of this
8 title or any amendment made by this title, or any provision
9 thereof, shall be heard by a district court of 3 judges con-
10 vened pursuant to the provisions of section 2284 of title
11 28, United States Code.

12 (b) **APPELLATE REVIEW.—**Notwithstanding any
13 other provision of law, an interlocutory or final judgment,
14 decree, or order of the court of 3 judges in an action under
15 subsection (a) holding this title or an amendment made
16 by this title, or any provision thereof, unconstitutional
17 shall be reviewable as a matter of right by direct appeal
18 to the Supreme Court. Any such appeal shall be filed not
19 more than 20 days after entry of such judgment, decree,
20 or order.