

CHILDREN'S INTERNET PROTECTION & EDUCATION ACT

Section 1. Title

This Act may be cited as the "Children's Internet Protection & Education Act".

Section 2. Provision of Internet Filtering or Screening Software by Certain Internet Service Providers

- (a) Requirement to provide- Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to inappropriate or objectionable material on the Internet.
- (b) Surveys of provision of software or systems-
 - (1) Surveys- The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.
 - (2) Frequency- The surveys required by paragraph (1) shall be completed as follows:
 - (A) One shall be completed not later than one year after the date of the enactment of this Act.
 - (B) One shall be completed not later than two years after that date.
 - (C) One shall be completed not later than three years after that date.
- (c) Fees- The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.
- (d) Applicability- The requirement described in subsection (a) shall become effective only if--
 - (1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;
 - (2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

- (3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

- (e) Internet service provider defined--In this section, the term 'Internet service provider' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

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Section 3. Limitation on Use of Appropriated Funds for Schools and Libraries

- (a) Applicability--This Act shall apply to those schools and libraries that--

- (1) Receive funding from the following--

(A) Title III of the Elementary and Secondary Education Act of 1965,

(B) Section 254(h) of the Communications Act of 1934 (47 U.S.C.254(h));
and

*E-Rate ?
Library Funding ?*

- (2) Use those funds to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet.

- (b) Internet Use Policy Required

- (1) Any school or library identified as applicable under Section 3(a) shall develop and implement an Internet use policy that--

(A) Addresses the protection of minors from objectionable and inappropriate material on the Internet and the World Wide Web;

(B) Describes the measures taken to achieve this protection, including but not limited to technological protection measures, parental education, teacher and librarian training, and information literacy training for students and families; and

(C) Provides reasonable public notice and hearing to address the proposed Internet use policy. ✓

- (2) Any school or library that has already developed and is currently implementing an Internet use policy that reasonably meets the requirements of Section 3(b)(1) may continue or simply adjust that existing policy.

- (c) Technological Protection Measures Required

- (1) Any school or library identified as applicable under Section 3(a) but not meeting the requirements of Section (3)(b) shall--

(A) Select a technological protection measure for its computers with Internet access by minors in order to limit Internet access through such computers to material that is objectionable, and inappropriate for minors; and

(B) Enforce a policy to ensure the operation of the technology during any use of such computers by minors.

- (d) Certification

No services or funds may be provided to a school or library unless it provides certification to the governing federal agency with jurisdiction over the funds that the school or library is complying with section 3(b) or 3(c).

(e) Noncompliance

- (1) Any school or library identified as applicable under Section 3(a) that does not meet the requirements of Section 3(b) or 3(c) shall be provided with notice of noncompliance and an opportunity to cure. Notice of noncompliance shall include instructions on becoming compliant in accordance with section 4(b).
- (2) Any school or library identified as noncompliant, and notified in accordance with section 3(e)(1) may receive technical assistance as described in section 4(b) in order to bring them into compliance.
- (3) Any school or library identified as applicable under Section 3(a) that does not become compliant in accordance 3(e)(1) and 3(e)(2) shall be subject to the withholding of funds and participation under those programs identified in Section 3(a)(1).

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(f) Regulation and Enforcement

Each agency or instrumentality of the United States Government with jurisdiction under this Act shall jointly develop and enforce these provisions to ensure that schools or libraries identified as applicable under Section 3(a) shall not be subject to multiple and/or conflicting regulations and enforcement.

Section 4. Department of Education

(a) Program authorized

- (1) The Secretary in consultation with the Director of IMLS is authorized to make grants to and enter contracts and cooperative agreements with state education agencies, local education agencies, state library agencies, etc. to
 - (A) support children's internet protection
 - (B) evaluate the effectiveness of activities carried out under this part

- (2) Initial authorization-\$100 million to be distributed as matching funds

(b) Authorized activities

- (1) The Secretary in consultation with the Director of IMLS shall use funds available to carry out section (3) to
 - (A) develop model acceptable use policies
 - (B) research best practices with regard to Internet protection
 - (C) disseminate to state and local education and library agencies information on model acceptable use policies and best practices
 - (D) provide schools and libraries found not to be in compliance with section (3) with technical assistance needed to bring them into compliance
 - (E) provide teachers, librarians and other school and library employees with professional development designed to train them how to ensure children have the safest possible online experience, including how to design

not totally
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on distribution/
selection.

How \$100m
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developed?

No timeframe
for implementation

Internet searches to minimize the risk of viewing inappropriate material, how to respond to inadvertently viewed inappropriate material or other online hazards, and how to inform parents regarding children's online activities

- (F) provide Internet training to parents so they can better understand their children's online activities and monitor their Internet activity at home, school and libraries
- (G) purchase, install, maintain and train employees on the use of technological protective measures.
- (H) such other activities deemed appropriate in the discretion of the Secretary and the Director of IMLS.

Section 5. Disclaimer with Respect to Technology

- (a) Nothing in this Act or the amendments made by this Act prohibits a local educational agency, elementary or secondary school, or a library from blocking access on computers owned or operated by that agency, school, or library to any content other than content described in this Act or the amendments made by this Act on the Internet.
- (b) Nothing in this Act or the amendments made by this Act shall enable any agency or instrumentality of the United States Government to make a determination regarding what matter is inappropriate for minors, or what specific technology is used to meet the technological protection measure in 3c.