

105TH CONGRESS  
1ST SESSION

# S. 1482

To amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1997

Mr. COATS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON COMMERCIAL DISTRIBUTION**

4 **ON THE WORLD WIDE WEB OF MATERIAL**

5 **THAT IS HARMFUL TO MINORS.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—Section 223 of the Commu-  
8 nications Act of 1934 (47 U.S.C. 223) is amended—

1           (A) by redesignating subsections (e), (f),  
2           (g), and (h) as subsections (f), (g), (h), and (i),  
3           respectively; and

4           (B) by inserting after subsection (d) the  
5           following new subsection (e):

6           “(e)(1) Whoever in interstate or foreign commerce in  
7 or through the World Wide Web is engaged in the business  
8 of the commercial distribution of material that is harmful  
9 to minors shall restrict access to such material by persons  
10 under 17 years of age.

11          “(2) Any person who violates paragraph (1) shall be  
12 fined not more than \$50,000, imprisoned not more than  
13 six months, or both.

14          “(3) In addition to the penalties under paragraph (2),  
15 whoever intentionally violates paragraph (1) shall be sub-  
16 ject to a fine of not more than \$50,000 for each violation.  
17 For purposes of this paragraph, each day of violation shall  
18 constitute a separate violation.

19          “(4) In addition to the penalties under paragraphs  
20 (2) and (3), whoever violates paragraph (1) shall be sub-  
21 ject to a civil fine of not more than \$50,000 for each viola-  
22 tion. For purposes of this paragraph, each day of violation  
23 shall constitute a separate violation.

24          “(5) It is an affirmative defense to prosecution under  
25 this subsection that the defendant restricted access to ma-

1 terial that is harmful to minors by persons under 17 years  
2 of age by requiring use of a verified credit card, debit ac-  
3 count, adult access code, or adult personal identification  
4 number or in accordance with such other procedures as  
5 the Commission may prescribe.

6 “(6) This subsection may not be construed to author-  
7 ize the Commission to regulate in any manner the content  
8 of any information provided on the World Wide Web.

9 “(7) For purposes of this subsection:

10 “(A) The term ‘material that is harmful to mi-  
11 nors’ means any communication, picture, image,  
12 graphic image file, article, recording, writing, or  
13 other matter of any kind that—

14 “(i) taken as a whole and with respect to  
15 minors, appeals to a prurient interest in nudity,  
16 sex, or excretion;

17 “(ii) depicts, describes, or represents, in a  
18 patently offensive way with respect to what is  
19 suitable for minors, an actual or simulated sex-  
20 ual act or sexual contact, actual or simulated  
21 normal or perverted sexual acts, or a lewd exhi-  
22 bition of the genitals; and

23 “(iii) lacks serious literary, artistic, politi-  
24 cal, or scientific value.

1           “(B) The terms ‘sexual act’ and ‘sexual contact’  
2           have the meanings assigned such terms in section  
3           2246 of title 18, United States Code.”.

4           (2) CONFORMING AMENDMENT.—Subsection (g)  
5           of such section, as so redesignated, is amended by  
6           striking “(e), or (f)” and inserting “(f), or (g)”.

7           (b) AVAILABILITY ON INTERNET OF DEFINITION OF  
8           MATERIAL THAT IS HARMFUL TO MINORS.—The Attor-  
9           ney General, in the case of the Internet web site of the  
10          Department of Justice, and the Federal Communications  
11          Commission, in the case of the Internet web site of the  
12          Commission, shall each post or otherwise make available  
13          on such web site such information as is necessary to in-  
14          form the public of the meaning of the term “material that  
15          is harmful to minors” under section 223(e) of the Commu-  
16          nications Act of 1934, as amended by subsection (a) of  
17          this section.

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