

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4545

To require public schools and libraries that receive Federal funds for the acquisition or operation of computers to install software to protect children from obscenity.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2000

Mr. ISTOOK (for himself, Mr. DICKEY, Mr. FRANKS of New Jersey, Mrs. MYRICK, Mr. SOUDER, Mr. TANCREDO, and Mr. TERRY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To require public schools and libraries that receive Federal funds for the acquisition or operation of computers to install software to protect children from obscenity.

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. SHORT TITLE.**

4       This Act may be cited as the “Internet Minors Pro-  
5       tection and Cyberspace Technology Act”.

1 **SEC. 2. COMPUTER SOFTWARE REQUIRED.**

2 (a) **INSTALLATION REQUIRED.**—Any elementary or  
3 secondary school or public library that has received under  
4 any program or activity of any Federal agency any funds  
5 for the acquisition or operation of any computer that is  
6 accessible to minors and that has access to the Internet,  
7 or that has received universal service assistance under sec-  
8 tion 254(h)(1)(B) of the Communications Act of 1934 for  
9 accessing the Internet on any computer that is accessible  
10 to minors, shall—

11 (1) install software on that computer that is de-  
12 termined (in accordance with subsection (b)) to be  
13 adequately designed to prevent minors from obtain-  
14 ing access to any obscene information or child por-  
15 nography using that computer; and

16 (2) ensure that such software is operational  
17 whenever that computer is used by minors, except  
18 that such software's operation may be temporarily  
19 interrupted to permit a minor to have access to in-  
20 formation that is not obscene, is not child pornog-  
21 raphy, or is otherwise unprotected by the Constitu-  
22 tion under the direct supervision of an adult des-  
23 igned by such school or library.

24 (b) **DETERMINATION OF ADEQUATE DESIGN.**—For  
25 any elementary or secondary school or public library with-  
26 in the jurisdiction of any State, the determinations re-

1 quired for purposes of subsection (a)(1) shall be made by  
2 an agency or official designated by the chief executive offi-  
3 cer of such State. For any elementary or secondary school  
4 or public library that is not within the jurisdiction of any  
5 State, the determinations required for purposes of sub-  
6 section (a)(1) shall be made by the Secretary of Edu-  
7 cation.

8 (c) CONSEQUENCES OF VIOLATIONS.—

9 (1) USE OF GENERAL EDUCATION PROVISIONS  
10 ACT REMEDIES.—Whenever the head of any Federal  
11 agency has reason to believe that any recipient of  
12 funds under any program or activity is failing to  
13 comply substantially with the requirements of sub-  
14 section (a), the head of such agency may—

15 (A) withhold further payments under that  
16 program or activity,

17 (B) issue a complaint to compel compliance  
18 through a cease and desist order, or

19 (C) enter into a compliance agreement  
20 with a recipient to bring it into compliance,

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

1           (2) RECOVERY OF FUNDS PROHIBITED.—The  
2 actions authorized by paragraph (1) are the exclu-  
3 sive remedies available with respect to a violation of  
4 subsection (a), and the head of any Federal agency  
5 shall not seek a recovery of funds from the recipient.

6           (d) DEFINITIONS.—For purposes of this section:

7           (1) ELEMENTARY OR SECONDARY SCHOOL.—  
8 The term “elementary or secondary school” means  
9 an elementary school or a secondary school as such  
10 terms are defined in section 14101 of the Elemen-  
11 tary and Secondary Education Act of 1965 (20  
12 U.S.C. 8801).

13           (2) PUBLIC LIBRARY.—The term “public li-  
14 brary” means has the meaning given the term “li-  
15 brary” by section 213 of the Library Services and  
16 Technology Act (20 U.S.C. 9122).

17           (3) COMPUTER.—The term “computer” in-  
18 cludes any hardware, software, or other technology  
19 attached or connected to, installed in, or otherwise  
20 used in connection with a computer.

21           (4) ACCESS TO INTERNET.—A computer shall  
22 be considered to have access to the Internet if such  
23 computer is equipped with a modem or is connected  
24 to a computer network which has access to the  
25 Internet.

1           (5) ACQUISITION OR OPERATION.—A elemen-  
2           tary or secondary school or public library shall be  
3           considered to have received under a program or ac-  
4           tivity of any Federal agency any funds for the acqui-  
5           sition or operation of any computer if such funds are  
6           used in any manner, directly or indirectly—

7                   (A) to purchase, lease, or otherwise acquire  
8                   or obtain the use of such computer, or

9                   (B) to obtain services, supplies, software,  
10                  or other actions or materials to support, or in  
11                  connection with, the operation of such com-  
12                  puter.

13           (6) FEDERAL AGENCY.—The term “Federal  
14           agency” has the meaning given the term ‘agency’ by  
15           section 551(1) of title 5, United States Code.

16           (7) STATE.—The term “State” means each of  
17           the 50 States, the District of Columbia, the Com-  
18           monwealth of Puerto Rico, the Virgin Islands,  
19           Guam, American Samoa, the Commonwealth of the  
20           Northern Mariana Islands, the Republic of the Mar-  
21           shall Islands, the Federated States of Micronesia,  
22           and the Republic of Palau.

1           (8) CHILD PORNOGRAPHY.—The term “child  
2           pornography” has the meaning provided in section  
3           2256(8) of title 18, United States Code.

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