

104TH CONGRESS
2D SESSION

H. R. 3089

To amend the Communications Act of 1934 in order to provide parents with greater control of their children's access to online material.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1996

Ms. ESHOO (for herself, Ms. PELOSI, Mr. DELLUMS, Mr. FARR of California, Mr. GEJDENSON, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 in order to provide parents with greater control of their children's access to online material.

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 "Online Parental Con-
5 trol Act of 1996".

6 **SEC. 2. SUBSTITUTION OF HARMFUL TO MINORS FOR INDE-**
7 **CENCY STANDARD.**

8 (a) DIRECT COMMUNICATIONS.—Section
9 223(a)(1)(B) of the Communications Act of 1934 (47

1 U.S.C. 223(a)(1)(B)) is amended by striking “indecent”
2 and inserting “harmful to minors”.

3 (b) INDIRECT COMMUNICATIONS.—Section 223(d)(1)
4 of such Act is amended to read as follows:

5 “(1) in interstate or foreign communications
6 knowingly—

7 “(A) uses an interactive computer service
8 to send to a specific person or persons under 18
9 years of age, or

10 “(B) uses any interactive computer service
11 to display in a manner available to a person
12 under 18 years of age,

13 any comment, request, suggestion, proposal, image,
14 or other communication that is harmful to minors,
15 regardless of whether the user of such service placed
16 the call or initiated the communication; or”.

17 (c) DEFINITION OF HARMFUL TO MINORS.—Section
18 223(h) of such Act is amended by adding at the end the
19 following new paragraph:

20 “(6) HARMFUL TO MINORS.—The term ‘harm-
21 ful to minors’ means sexually explicit matter which
22 meets all of the following criteria:

23 “(A) Considered as a whole, the matter ap-
24 peals to the prurient interest of minors.

1 “(B) The matter is patently offensive as
2 determined by contemporary local community
3 standards in terms of what is suitable for mi-
4 nors.

5 “(C) Considered as a whole, the matter
6 lacks serious literary, artistic, political, edu-
7 cational, or scientific value for minors.”.

8 **SEC. 3. PROTECTION FOR PRIVATE BLOCKING AND**
9 **SCREENING OF MATERIAL.**

10 (a) PROTECTION FROM FEDERAL COMMUNICATIONS
11 INDECENCY LAW.—Section 223(e)(5) of the Communica-
12 tions Act of 1934 (47 U.S.C. 223(e)(5)) is amended—

13 (1) by striking “or” at the end of subparagraph
14 (A);

15 (2) by striking the period at the end of sub-
16 paragraph (B) and inserting a semicolon;

17 (3) by adding at the end thereof the following
18 new subparagraphs:

19 “(C) has, in good faith—

20 “(i) labeled such communications as
21 inappropriate for minors,

22 “(ii) placed such communications in a
23 segregated access site identified as inap-
24 propriate for minors, or

1 “(iii) otherwise established a mecha-
2 nism,
3 and that labeling, segregation, or other mecha-
4 nism enables such communications to be auto-
5 matically blocked or screened by software or
6 other capabilities reasonably available to re-
7 sponsible adults wishing to effect such blocking
8 or screening, and has not otherwise solicited mi-
9 nors not subject to such screening or blocking
10 capabilities to access the communications or to
11 circumvent any such screening or blocking; or

12 “(D) has, in good faith, installed or pro-
13 vided some other device, system, or method that
14 serves the function of allowing adults to prevent
15 access to such communications by minors and
16 that is as reasonable, effective, and appropriate
17 as a method described in subparagraph (A),
18 (B), or (C) in preventing such access.”.

19 (b) PROTECTION FROM STATE LAW.—Section 230(c)
20 of the Communications Act of 1934 (47 U.S.C. 230(c))
21 is amended by adding at the end thereof the following new
22 paragraph:

23 “(3) PROTECTION FOR MAKING AVAILABLE PA-
24 RENTAL CONTROL TECHNOLOGY.—No provider or
25 user of an interactive computer service, information

1 content provider, or access software provider shall be
2 held civilly or criminally liable for making available
3 to a minor a communication that is indecent or
4 harmful to minors if such provider or user has taken
5 an action that qualifies as a defense under subpara-
6 graph (A), (B), (C), or (D) of section 223(d).”.

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