

106TH CONGRESS  
1ST SESSION

# H. R. 2560

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

JULY 20, 1999

Mr. ISTOOK (for himself, Mr. DICKEY, Mr. FRANKS of New Jersey, Mr. SHOWS, Mr. SOUDER, 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 “Child Protection Act  
5 of 1999”.

6 **SEC. 2. COMPUTER SOFTWARE REQUIRED.**

7 (a) **INSTALLATION REQUIRED.**—Any elementary or  
8 secondary school or public library that has received under  
9 any program or activity of any Federal agency any funds

1 for the acquisition or operation of any computer that is  
2 accessible to minors and that has access to the Internet  
3 shall—

4           (1) install software on that computer that is de-  
5           termined (in accordance with subsection (b)) to be  
6           adequately designed to prevent minors from obtain-  
7           ing access to any obscene information or child por-  
8           nography using that computer; and

9           (2) ensure that such software is operational  
10          whenever that computer is used by minors, except  
11          that such software's operation may be temporarily  
12          interrupted to permit a minor to have access to in-  
13          formation that is not obscene, is not child pornog-  
14          raphy, or is otherwise unprotected by the Constitu-  
15          tion under the direct supervision of an adult des-  
16          ignated by such school or library.

17          (b) DETERMINATION OF ADEQUATE DESIGN.—For  
18          any elementary or secondary school or public library with-  
19          in the jurisdiction of any State, the determinations re-  
20          quired for purposes of subsection (a)(1) shall be made by  
21          an agency or official designated by the chief executive offi-  
22          cer of such State. For any elementary or secondary school  
23          or public library that is not within the jurisdiction of any  
24          State, the determinations required for purposes of sub-

1 section (a)(1) shall be made by the Secretary of Edu-  
2 cation.

3 (c) CONSEQUENCES OF VIOLATIONS.—

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

10 (A) withhold further payments under that  
11 program or activity,

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

14 (C) enter into a compliance agreement  
15 with a recipient to bring it into compliance,

16 in same manner as the Secretary of Education is au-  
17 thorized to take such actions under sections 455,  
18 456, and 457, respectively, of the General Education  
19 Provisions Act (20 U.S.C. 1234d).

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

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

1           (1) ELEMENTARY OR SECONDARY SCHOOL.—

2           The term “elementary or secondary school” means  
3           an elementary school or a secondary school as such  
4           terms are defined in section 14101 of the Elemen-  
5           tary and Secondary Education Act of 1965 (20  
6           U.S.C. 8801).

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

11          (3) COMPUTER.—The term “computer” in-  
12          cludes any hardware, software, or other technology  
13          attached or connected to, installed in, or otherwise  
14          used in connection with a computer.

15          (4) ACCESS TO INTERNET.—A computer shall  
16          be considered to have access to the Internet if such  
17          computer is equipped with a modem or is connected  
18          to a computer network which has access to the  
19          Internet.

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

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

3 (B) to obtain services, supplies, software,  
4 or other actions or materials to support, or in  
5 connection with, the operation of such com-  
6 puter.

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

10 (7) STATE.—The term “State” means each of  
11 the 50 States, the District of Columbia, the Com-  
12 monwealth of Puerto Rico, the Virgin Islands,  
13 Guam, American Samoa, the Commonwealth of the  
14 Northern Mariana Islands, the Republic of the Mar-  
15 shall Islands, the Federated States of Micronesia,  
16 and the Republic of Palau.

17 (8) CHILD PORNOGRAPHY.—The term “child  
18 pornography” has the meaning provided in section  
19 2256(8) of title 18, United States Code.

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