

118TH CONGRESS  
1ST SESSION

# H. R. 863

To amend title 18, United States Code, to prohibit a publishing house from knowingly furnishing sexually explicit material to a school or an educational agency, to prohibit Federal funds from being provided to a school that obtains or an educational agency that distributes sexually explicit material, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2023

Mr. MILLS introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 18, United States Code, to prohibit a publishing house from knowingly furnishing sexually explicit material to a school or an educational agency, to prohibit Federal funds from being provided to a school that obtains or an educational agency that distributes sexually explicit material, 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,*

1 **SECTION 1. PROHIBITION ON KNOWINGLY FURNISHING**  
2 **SEXUALLY EXPLICIT MATERIAL TO A SCHOOL**  
3 **OR AN EDUCATIONAL AGENCY.**

4 (a) PROHIBITION ON KNOWINGLY FURNISHING SEX-  
5 UALLY EXPLICIT MATERIAL TO A SCHOOL OR AN EDU-  
6 CATIONAL AGENCY.—Chapter 71 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 1471. Furnishing of sexually explicit material to a**  
10 **school or an educational agency**

11 “(a) OFFENSES.—

12 “(1) PUBLISHING HOUSE.—Whoever, in or af-  
13 fecting interstate commerce, being a publishing  
14 house, knowingly furnishes an elementary school, a  
15 secondary school, a local educational agency, or a  
16 State educational agency with published material  
17 containing a sexually explicit visual depiction of any  
18 kind, including a picture, photograph, or drawing,  
19 shall be subject to a fine of not more than \$500,000.

20 “(2) PRESIDENT, DIRECTOR, MANAGER, OR OF-  
21 FICER OF A PUBLISHING HOUSE.—

22 “(A) IN GENERAL.—Whoever, in or affect-  
23 ing interstate commerce, being a president, di-  
24 rector, manager, or officer of a publishing  
25 house, knowingly authorizes the furnishing of  
26 published material in violation of paragraph (1)

1 shall be fined under this title, imprisoned not  
2 more than 5 years, or both.

3 “(B) AFFIRMATIVE DEFENSE.—It shall be  
4 an affirmative defense to a charge of violating  
5 subparagraph (A) if the defendant proves, by a  
6 preponderance of the evidence, that an indi-  
7 vidual at a higher management level knowingly  
8 authorized the furnishing of the published ma-  
9 terial involved.

10 “(b) EXCEPTED MATERIAL.—The prohibitions in  
11 subsection (a) do not apply with respect to material with  
12 serious literary, artistic, political, or scientific value.

13 “(c) DEFINITIONS.—In this section:

14 “(1) ESEA TERMS.—The terms ‘elementary  
15 school’, ‘local educational agency’, ‘secondary  
16 school’, and ‘State educational agency’ have the  
17 meanings given those terms in section 8101 of the  
18 Elementary and Secondary Education Act of 1965  
19 (20 U.S.C. 7801).

20 “(2) PUBLISHED MATERIAL.—The term ‘pub-  
21 lished material’—

22 “(A) means any book, magazine, news-  
23 paper, or other printed material; and

24 “(B) includes digital or electronic books.

1           “(3) PUBLISHING HOUSE.—The term ‘pub-  
2           lishing house’ means a for-profit entity that manu-  
3           factures, distributes, or sells published material.”.

4           (b) CLERICAL AMENDMENT.—The table of sections  
5 for chapter 71 of title 18, United States Code, is amended  
6 by inserting after the item relating to section 1470 the  
7 following:

          “1471. Furnishing of sexually explicit material to a school or an edu-  
          cational agency.”.

8 **SEC. 2. PROHIBITION ON FEDERAL FUNDS FOR SCHOOL**  
9                           **OBTAINING OR EDUCATIONAL AGENCY DIS-**  
10                           **TRIBUTING SEXUALLY EXPLICIT MATERIAL.**

11           (a) NO FEDERAL FUNDS FOR SCHOOL OBTAINING  
12 SEXUALLY EXPLICIT MATERIAL.—No Federal funds may  
13 be provided to an elementary school or a secondary school  
14 that knowingly obtains published material containing a  
15 sexually explicit visual depiction of any kind, including a  
16 picture, photograph, or drawing, until such time that the  
17 school relinquishes or destroys the published material.

18           (b) NO FEDERAL FUNDS FOR EDUCATIONAL AGEN-  
19 CY DISTRIBUTING SEXUALLY EXPLICIT MATERIAL.—No  
20 Federal funds may be provided to a local educational  
21 agency or a State educational agency that knowingly dis-  
22 tributes to an elementary school or a secondary school  
23 published material containing a sexually explicit visual de-  
24 picition of any kind, including a picture, photograph, or

1 drawing, until such time that the educational agency in-  
2 structs the school to which the educational agency distrib-  
3 uted the published material to either relinquish or destroy  
4 the material.

5 (c) EXCEPTED MATERIAL.—The prohibitions in sub-  
6 sections (a) and (b) do not apply with respect to material  
7 with serious literary, artistic, political, or scientific value.

8 (d) DEFINITIONS.—In this section:

9 (1) ESEA TERMS.—The terms “elementary  
10 school”, “local educational agency”, “secondary  
11 school”, and “State educational agency” have the  
12 meanings given those terms in section 8101 of the  
13 Elementary and Secondary Education Act of 1965  
14 (20 U.S.C. 7801).

15 (2) PUBLISHED MATERIAL.—The term “pub-  
16 lished material”—

17 (A) means any book, magazine, newspaper,  
18 or other printed material; and

19 (B) includes digital or electronic books.

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