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To require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. MCCAIN (for himself and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

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 “Childrens’ Internet
5 Protection Act”.

1 **SEC. 2. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRAR-**
 2 **IES THAT FAIL TO IMPLEMENT A FILTERING**
 3 **OR BLOCKING TECHNOLOGY FOR COMPUT-**
 4 **ERS WITH INTERNET ACCESS.**

5 (a) IN GENERAL.—Section 254 of the Communica-
 6 tions Act of 1934 (47 U.S.C. 254) is amended by adding
 7 at the end thereof the following:

8 “(1) IMPLEMENTATION OF AN INTERNET FILTERING
 9 OR BLOCKING TECHNOLOGY.—

10 “(1) IN GENERAL.—An elementary school, sec-
 11 ondary school, or library that fails to provide the
 12 certification required by paragraph (2) or (3), re-
 13 spectively, is not eligible to receive or retain univer-
 14 sal service assistance provided under subsection
 15 (h)(1)(B).

16 “(2) CERTIFICATION FOR SCHOOLS.—To be eli-
 17 gible to receive universal service assistance under
 18 subsection (h)(1)(B), an elementary or secondary
 19 school (or the school board or other authority with
 20 responsibility for administration of that school) shall
 21 certify to the Commission that it has—

22 “(A) selected a technology for computers
 23 with Internet access to filter or block material
 24 deemed to be harmful to minors; and

25 “(B) installed, or will install, and uses or
 26 will use, as soon as it obtains computers with

1 Internet access, a technology to filter or block
2 such material.

3 “(3) CERTIFICATION FOR LIBRARIES.—

4 “(A) LIBRARIES WITH MORE THAN 1
5 INTERNET-ACCESSING COMPUTER.—To be eligi-
6 ble to receive universal service assistance under
7 subsection (h)(1)(B), a library that has more
8 than 1 computer with Internet access intended
9 for use by the public (including minors) shall
10 certify to the Commission that it has installed
11 and uses a technology to filter or block material
12 deemed to be harmful to minors on one or more
13 of its computers with Internet access.

14 “(B) LIBRARIES WITH ONLY 1 INTERNET-
15 ACCESSING COMPUTER.—A library that has
16 only 1 computer with Internet access intended
17 for use by the public (including minors) is eligi-
18 ble to receive universal service assistance under
19 subsection (h)(1)(B) even if it does not use a
20 technology to filter or block material deemed to
21 be harmful to minors on that computer if it cer-
22 tifies to the Commission that it employs a rea-
23 sonably effective alternative means to keep mi-
24 nors from accessing material on the Internet
25 that is deemed to be harmful to minors.

1 “(4) TIME FOR CERTIFICATION.—The certifi-
2 cation required by paragraph (2) or (3) shall be
3 made within 30 days of the date of enactment of the
4 Childrens’ Internet Protection Act, or, if later, with-
5 in 10 days of the date on which any computer with
6 access to the Internet is first made available in the
7 school or library for its intended use.

8 “(5) NOTIFICATION OF CESSATION; ADDI-
9 TIONAL INTERNET-ACCESSING COMPUTER.—

10 “(A) CESSATION.—A library that has filed
11 the certification required by paragraph (3)(A)
12 shall notify the Commission within 10 days
13 after the date on which it ceases to use the fil-
14 tering or blocking technology to which the cer-
15 tification related.

16 “(B) ADDITIONAL INTERNET-ACCESSING
17 COMPUTER.—A library that has filed the certifi-
18 cation required by paragraph (3)(B) that adds
19 another computer with Internet access intended
20 for use by the public (including minors) shall
21 make the certification required by paragraph
22 (3)(A) within 10 days after that computer is
23 made available for use by the public.

24 “(6) PENALTY FOR FAILURE TO COMPLY.—A
25 school or library that fails to meet the requirements

1 of this subsection is liable to repay immediately the
2 full amount of all universal service assistance it re-
3 ceived under subsection (h)(1)(B).

4 “(7) LOCAL DETERMINATION OF MATERIAL TO
5 BE FILTERED.—For purposes of paragraphs (2) and
6 (3), the determination of what material is to be
7 deemed harmful to minors shall be made by the
8 school, school board, library or other authority re-
9 sponsible for making the required certification. No
10 agency or instrumentality of the United States Gov-
11 ernment may—

12 “(A) establish criteria for making that de-
13 termination;

14 “(B) review the determination made by the
15 certifying school, school board, library, or other
16 authority; or

17 “(C) consider the criteria employed by the
18 certifying school, school board, library, or other
19 authority in the administration of subsection
20 (h)(1)(B).”.

21 (b) CONFORMING CHANGE.—Section 254(h)(1)(B) of
22 the Communications Act of 1934 (47 U.S.C.
23 254(h)(1)(B)) is amended by striking “All telecommuni-
24 cations” and inserting “Except as provided by subsection
25 (l), all telecommunications”.

1 **SEC. 3. FCC TO ADOPT RULES WITHIN 4 MONTHS.**

2 The Federal Communications Commission shall
3 adopt rules implementing section 254(l) of the Commu-
4 nications Act of 1934 within 120 days after the date of
5 enactment of this Act.

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