106TH CONGRESS
1ST SESSION

S. 97

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”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SEC. 2. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.

(a) In General.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

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(l) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY.—

“(1) In General.—An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive or retain universal service assistance provided under subsection (h)(1)(B).

“(2) Certification for Schools.—To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school (or the school board or other authority with responsibility for administration of that school) shall certify to the Commission that it has—

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

“(B) installed, or will install, and uses or will use, as soon as it obtains computers with
Internet access, a technology to filter or block such material.

“(3) Certification for Libraries.—

“(A) Libraries with more than 1 internet-accessing computer.—To be eligible to receive universal service assistance under subsection (h)(1)(B), a library that has more than 1 computer with Internet access intended for use by the public (including minors) shall certify to the Commission that it has installed and uses a technology to filter or block material deemed to be harmful to minors on one or more of its computers with Internet access.

“(B) Libraries with only 1 internet-accessing computer.—A library that has only 1 computer with Internet access intended for use by the public (including minors) is eligible to receive universal service assistance under subsection (h)(1)(B) even if it does not use a technology to filter or block material deemed to be harmful to minors on that computer if it certifies to the Commission that it employs a reasonably effective alternative means to keep minors from accessing material on the Internet that is deemed to be harmful to minors.
“(4) Time for certification.—The certification required by paragraph (2) or (3) shall be made within 30 days of the date of enactment of the Childrens’ Internet Protection Act, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

“(5) Notification of cessation; additional Internet-accessing computer.—

“(A) Cessation.—A library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

“(B) Additional Internet-accessing computer.—A library that has filed the certification required by paragraph (3)(B) that adds another computer with Internet access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for use by the public.

“(6) Penalty for failure to comply.—A school or library that fails to meet the requirements
of this subsection is liable to repay immediately the
full amount of all universal service assistance it re-
ceived under subsection (h)(1)(B).

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

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

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

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

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of
the Communications Act of 1934 (47 U.S.C.
254(h)(1)(B)) is amended by striking “All telecommu-
ications” and inserting “Except as provided by subsection
(l), all telecommunications”.
SEC. 3. FCC TO ADOPT RULES WITHIN 4 MONTHS.

The Federal Communications Commission shall adopt rules implementing section 254(l) of the Communications Act of 1934 within 120 days after the date of enactment of this Act.