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WEBQUEST DEPOSITORY

By
Ella Lee

A Thesis

Submitted in partial fulfillment of the requirements of the
Master of Arts Degree
Of The Graduate School
At
Rowan University
May 2002

Approved by _____

Date Approved May, 2002

ABSTRACT

By
Ella S. Lee

ROWAN UNIVERSITY DEPARTMENT OF EDUCATION'S WEBQUEST DEPOSITORY: A WEB SITE FOR TEACHERS PROMOTING TECHNOLOGY INTEGRATION AND A CONSTRUCTIVIST LEARNING ENVIRONMENT IN THE CLASSROOM

2002

Dr. Louis Molinari

Elementary School Teaching Graduate Program

The purpose of this project was to create a web site that teachers could use to assist them to integrate technology into their classroom and to create a constructivist learning environment that would be conducive to teaching and learning higher order thinking skills.

The federal government requires technology integration in academic institutions. As a result, every classroom is to be equipped with five computers. Teachers must update their pedagogical proficiencies to include technology. In addition, teachers must adapt their curriculum to accommodate the use of technology. Research has shown that a constructivist teaching style is an excellent means for students to learn higher order

thinking skills. Educational researchers have demonstrated that a WebQuests is an important teaching device that can accomplish these purposes.

MINI ABSTRACT

By
Ella S. Lee

ROWAN UNIVERSITY DEPARTMENT OF EDUCATION'S WEBQUEST DEPOSITORY: A WEB SITE FOR TEACHERS PROMOTING TECHNOLOGY INTEGRATION AND A CONSTRUCTIVIST LEARNING ENVIRONMENT IN THE CLASSROOM

2002

Dr. Louis Molinari

Elementary School Teaching Graduate Program

In the midst of political reform on Education, federal and state governments have mandated changes in education which require that technology be integrated into academic subjects.

WebQuest were designed to assemble the most effective instructional practices into one integrated student activity. They provide guidance and structure for students and Teachers. Students are asked a question that prompts higher order thinking and then they use the information to create a project from the data that they collect.

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Acknowledgements

First and foremost, I would like to thank my husband. Without him, I never would have attended school or accomplished any of my dreams. Many years ago my high school teachers and guidance counselors informed me that I was not smart enough to attend college. They said that college was too hard. So my childhood dream of being a teacher was lost. Many years later, my wonderful husband found my dream and he gave it back to me. I am forever grateful to him.

Second, I would like to express my sincere and heart felt thanks to my brilliant advisor, Lou Molinari. He has stood by me and guided my education throughout my college experiences. Lou answered every single phone call that I made to him and he always seemed happy to hear from me. My children have grown up knowing Lou. He has endured my children attending his classes and the outings at his house. In some ways he has even helped to shape their lives and to guide their education.

Finally, I would like to thank Bernie Dodge and Tom Marsh for developing WebQuests. Without their efforts, my work would not have been possible.

Chapter I

Problem

Significance of the Study

Technology integration is a major problem that has troubled educational professionals for over a century. Often, the introduction of new technology in the classroom has not been met with the appropriate teacher training. Thus, long periods of time pass before technology is readily accepted into the classroom. Recently, Federal and State governments have mandated changes in education which require that technology be integrated into academic subjects.

There has been a myriad of studies and publications that have resulted in federal mandates for educational institutions. To illustrate, consider the following time line of events and the resulting implications for education. In 1981 Secretary of Education T. H. Bell created the National Commission on Excellence in Education on August 26, 1981, directing it to examine the quality of education in the United States and to make a report to the Nation and to him within 18 months of its first meeting. In accordance with the Secretary's instructions, this report contains practical recommendations for educational improvement and fulfills the Commission's responsibilities under the terms of its charter.

In the report, "A Nation at Risk," published in 1983, Educational researcher Paul Hurd concluded that within the context of the modern scientific revolution, " We are raising a new generation of Americans that is scientifically and technologically illiterate."

Goals 2000 evolved in 1994 that has had many revisions, editions, and amendments. "Goals 2000: Educate America Act" is one example of legislation that was signed into law by President Clinton on March 31, 1994. That act was amended in 1996. One of the technology purposes of this act is stated in Part C of Leadership in Educational Technology. "It is the purpose of this part to promote achievement of the National Education Goals and (1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy (A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level; (B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations; (C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and (D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education."

President Clinton's 1997 State of the Union Address, Call to Action, was partly comprised of a ten point plan calling for among other things "to connect every classroom and library to the Internet by the year 2000 and help all students become technologically literate. Our schools must now prepare for a transition as dramatic as the move from an agrarian to an industrial economy 100 years ago. We must connect every classroom and library to the Internet by the year 2000, so that all children have access to the best sources of information in the world. The President is proposing to double the funding for America's Technology Literacy Challenge, catalyzing private-public sector partnerships

to put the information age at our children's fingertips. CEOs of some of America's most innovative technology and communications firms have already responded to President Clinton's challenge to work with schools to get computers into the classroom, link schools to the Internet, develop effective educational software, and help train our teachers to be technologically literate." For example, Bill Gates has offered one billion dollars in computers, software, training, and cash to about 14 percent of the schools in the United States. Apple has also developed several educational software packages and bundled them free with bulk computer purchases. Additional, educational discounts are offered on all available technology hardware and software.

Consider the studies and publications described above. It is clear that the resulting set of mandates have had implications for educational institutions that require educators to integrate technology into the curriculum. The New Jersey Department of Education, Educational technology in NJ, Vision and Benchmarks by 2002, requires that educational technology will be fully infused into the schools' curriculum and instruction, thus significantly enhancing students' ability to achieve the Core Curriculum Content Standards. For example, computers will be integrated into all classrooms for instructional purposes, rather than maintained solely in a computer laboratory environment.

Purpose of the Project

The purpose of this project is to create a WebQuest depository for the College of Education at Rowan University to be used by student teachers and teacher alike. The depository will provide educators with a means to effectively integrate technology, good instructional practices, and the Internet into their

academic area. Teachers will be assisted in writing webquests that will be shared with the educational community by posting them on the WebQuest depository page.

Method of Study

There were a variety of methods used to complete this study. Primarily, a review of the literature was initiated. Next, the Internet was searched for templates, resources, and directions for WebQuest construction. People involved in creating WebQuests and WebQuest depositories have their information posted on many webpages and websites. Their articles and interviews that have been published in magazines were also available on-line. Next, a webpage was designed for Rowan University's computer server. Several templates were provided for writing and evaluating WebQuests. WebQuest links are to be classified by grade level and by academic subject. Then, their link can be posted on the WebQuest depository page for the use of anyone who can access the web.

Limitations:

This document was meant to serve as a handbook for middle school teachers and to assist teachers in integrating the Internet and technology into their academic curriculum. This handbook does not take into consideration that there is a population of teachers that possesses inadequate technology skills. Although the handbook does provide Internet links, which will assist these teachers, it is recommended that teachers receive hands-on in-service training.

Definition of Terms

WebQuest: An inquiry activity that presents students groups with a challenging task, provides access to an abundance of usually online resources and scaffolds the learning process to prompt higher order thinking. The products of WebQuests are usually then put out to the world for some real feedback (Tom Marsh).

WebQuest Depository: A web page anthology of webquests written by teachers and students teachers. The webquests are then available for use by teachers and students.

Constructivism: “Truly comprehensive understanding of a complex topic comes from learners stitching together the facts, relationships, perspectives, variations, and non-examples from an array of contextually rich (not “text usually limited”) input, (Marsh, 1997).

Educational Technology: Technology can be classified into four different categories based on how it is used with students: tutorial, exploratory, tool, and communications. (Means et al., 1993) “Traditional uses of technology,” (tutorial and exploratory), are considered activities that are not going to transform a classroom or school. The tools and communications based technology would provide students with “authentic use of technology” because students are using technology for the same purposes and in the same ways that people would use technology outside the school walls. Authentic technology use sometimes requires multiple periods of time for implementation. They usually require skills and knowledge from different fields such as mathematics and English. This type of

learning and teaching can be conducive to cooperative groups in which the teacher acts as facilitator.

Technology Education: The International Technology Education Association (ITEA), formerly known as the American Industrial Arts Association views educational technology as tools used in business and industry. This perspective is based two principles. Primarily, the purpose of education is to prepare students to be productive citizens. Consequently, students require instruction in computer literacy and in using technology. Next, technology educators believe that vocational training can be a practical method of teaching all content area subjects as well as robotics, manufacturing systems, and computer-assisted design (CAD). Most schools have changed their industrial arts curricula to technology education curricula which is taught in labs equipped with technology resources such as CAD stations and robotics systems (Roblyer, Edward, 2000)

Instructional technology: “Instructional Technology is a self-correcting, systems approach that seeks to apply scientifically derived principles to the planing, design, creation, implementation, and evaluation of effective and efficient instruction” (Anglin,1995). Developed from the audiovisual movement of the early 20th century. Film, sound recordings, radio, and television eventually found their way into the classroom. Some of them took thirty years or more to make the trek into the classroom. In 1913, Edison said, “It is possible to teach every branch of human knowledge with motion pictures. Our school system will be completely changed in 10 years”, (Tyack and Cubin, 1995).

Scaffolding: A skeletal framework of a thinking procedure that makes the steps in that thinking procedure precise. Scaffolding allows students to perform a complex thinking procedure and apply it to an academic task without being forced to remember what steps to use, (Beyer 2000).

Technology Integration: The use of various media, including computers, in the classroom and in the curriculum. According to Bernie Dodge, using the WebQuests with the students is an excellent way to integrate technology into the classroom and the curriculum, (1995).

Organization of the Thesis

Chapter One:

Chapter One of the thesis includes the significance and the purpose of the project. The method of study will describe the design of the project. This chapter also includes definitions of terms.

Chapter Two:

Chapter Two of this thesis includes a review of related literature including theories and research from Gardner, Bruer, Vygotsky, Bevevino, Bruer, and other scholars. Chapter Two also includes information from educational experts who specialize in all aspects of WebQuests.

Chapter Three:

Chapter Three of this thesis describes how a WebQuest Depository is made. This chapter also explains to teachers how to write a WebQuest of their own. In addition, Chapter Three describes effective practices of using WebQuests in the classroom. Finally, this chapter explains that the use of WebQuests as part of the curriculum can assist students in developing of higher order thinking skills

Chapter Four:

Chapter Four of this thesis provides ideas and suggestions for promoting a curriculum that develops higher-order thinking skills. This chapter describes important elements of a technology rich classroom conducive to WebQuests.

Chapter Five:

Chapter Five of this thesis provides a summary and conclusions.

Chapter II

Review of Literature Related to Topic

This chapter examines literature that concentrates on constructivist views of learning. This chapter also reveals the benefits of using WebQuests as a primary means of integrating technology into the classroom to create a constructivist learning environment that is conducive for teaching and learning higher order thinking skills.

Academic institutions are criticized for not taking advantage of the technological advancements that have been made available to schools. For example, Zaraza and Fisher wrote, "Teachers are among the most 'conservative' professionals. While they are extremely creative in their classrooms, and tremendous risk takers in the way they work with students, they remain staunchly conservative and protective of their subject matter. Changes in instruction that threaten a teacher's ability to present the great bulk of material they feel they must cover will be met with resistance." This perceived resistance to change among teachers may lie in the fundamental alteration of the classroom dynamics from curriculum-centered instruction to student-centered instruction (Sandholtz, Rigstaff, and Dwyer, 1997).

In the Book Learning From The Past, David Tyack explains that politicians and business men would like to transform America's schools. (191) He takes issue against leaders who propose to do this by circumventing educators and turning to business and technology. He talks extensively about technology in education

from the introduction of the blackboard in 1841 to instructional television in the seventies. He talks about how reformers are disappointed with teachers who are “laggard and fearful, if not incompetent.” He also discusses problems with hardware being broken and the setup time to use it. In addition, radio programming, television programming, and computer software have been incompatible with curriculum. The types of technology that have been successfully received have been those that are structural, or those that help the teachers to solve instructional problems. They correlated well with procedures and routines. Some of those technologies that have been readily acceptable are blackboards/whiteboards, paper, ballpoint pens, indoor plumbing, heat, and telephones. (Tyack and Cuban, 1999)

Many technologies have been introduced into the classroom. Some have endured because they helped teachers solve instructional problems. Others have faded from the scene because they did not. Some technologies that have been introduced into the classroom are listed in the chart below. It was hoped that these technologies would help solve instructional problems.

Technological Advancements

<u>Invention</u>	<u>Year</u>
Film	1891
Sound recording	1899
Radio	1901
Television	1930
Computer	1944
Cable	1951
Videotape	1956
Satellite	1962
Fiber Optics	1966
Internet	1969
Microcomputers	1971

Laser Disc	1979
CD-ROM	1985
DVD	1996

Often, companies used sales methods that declared that a given technology might replace textbooks as well as teachers, but there were many problems using these new technologies in schools. Teachers complained that they did not have adequate training to operate them, hardware was expensive to purchase and to repair, and finally, it was difficult to find appropriate courseware. (Ravitch and Vinovskis, 1995)

As an example, radio was introduced in classrooms in 1945. In addition to the expense of purchasing and the upkeep of equipment, the reception was poor, and there was no coordination of radio programs with the curriculum. The gadget went by the wayside.

In the 1950's reformers claimed that instructional television would be different. Despite the grants from private organizations and the federal government, the machines sat idle throughout the 1970's. Again, there was not enough hardware, or it was broken. It was difficult to arrange for the use of a television and the programming was inappropriate to the curriculum. (Ravitch and Vinovskis, 1995) Mary Ann Zehr,

According to Tyack and Cuban, the types of technology integrations that work the best are those that are beneficial to the teacher for solving instructional problems. In order to integrating technology into the classroom, teachers must incorporating technology, the learning environment, curriculum requirements, and teaching methods all into a new entity.

Many technological advances have been introduced into the classroom but were not practical for instructional use. Some were too technical and difficult to use while others were frivolous. If the introduced technology doesn't work directly to solve instructional problems, it will not be used by teachers for instructional purposes.

Learning theorists have long since understood that technological advances can enhance a school's curriculum. Their theories are conducive with that of integrating technology into the curriculum and supports the use of WebQuests as a constructivist approach to assist children to acquire higher order thinking skills.

Lev Vygotsky, (2000) purports that higher types of academic concepts can't arise in the child's mind unless the child has an existing lower, rudimentary type of generalization. The child can't have concepts deposited into the consciousness from the outside.

John Bruer's, (2000) Brain Based Education model utilizes a constructivist, active learning model. It asserts that students are actively engaged in learning and in guiding their own education. Teachers need to teach for meaning and understanding. Students should be encouraged to generate and use imagery as well as to have many opportunities to read, write, and compute. An effective brain based educational approach attempts to provide opportunities in which students make connections and integrate parts and wholes.

Jerome Bruner, (1995), states that when children use discovery learning to figure out the answers for themselves, there is an effect of making material more

accessible in memory. He observed that children construct their own meaning out of the stimuli and resources provided by teachers.

According to Mary Bevevino's, *Constructivist Theory in the Classroom*, (2000) teachers can make learning meaningful when they employ activities that call on students to use prior knowledge and experiences to construct their own frames of thought. Inquiry lessons that encourage students to develop their own frames of thought are complicated and time consuming, but effective in the classroom.

Sellwood, Todd, and Vickers (1995) suggest that in order to obtain technological literacy there must be a wide range of opportunities for students to interact with a variety of tools and resources. This would allow students to develop a level of competence that will allow them to use technology effectively and productively in the workplace.

WebQuests use a constructivist approach to teaching and learning. According to Gardner, 1991, constructivist teaching practices help the learner to internalize and transform new information. The transformation takes place when new understanding occurs, which in turn results in the emergence of new cognitive structures.

According to Dodge, original developer of Webquests, "a WebQuest is an inquiry-oriented activity in which most or all of the information used by learners is drawn from the Web. WebQuests are designed to use learners' time well, to focus on using information rather than looking for it, and to support learners' thinking at the levels of analysis, synthesis, and evaluation" (Dodge,1995).

Primarily, a WebQuest is built around an engaging and doable task that elicits higher order thinking. The students use the information to produce projects, for example, role playing, written work, oral presentations or computer presentations. One important benefit of using WebQuests is that it puts responsibility on the learner. They have to organize themselves in order to create a project that would make any student proud.

A second important benefit to using WebQuests is that they are designed to make the best use of the learner's time. They provide guidance and structure for students and Teachers. Students should not be surfing the Web without a clear task in mind. Students receive scaffolding practice in the area of selecting valid web resources. They are exposed to different sources of new information as opposed to textbooks and accommodating the opinions of others. In addition, students also receive practice in making sense of new information.

One major concern that educators have about students using the Internet revolve around problems that the students have finding appropriate information. They can spend thirty to forty minutes searching for data and not find anything. The students become frustrated and do not want to work on the task. Searching in this manner wastes valuable classroom time. Seymour Papert (1966), programmed Logo, has advocated for computer and Internet integration with curriculum. However, he advises against Internet surfing as it may result in a "grasshopper" method to intellectual activities. March, editor of Ozline.com, states that WebQuests were designed to bring together the most effective instructional practices into one integrated student activity.

“WebQuests lend themselves particularly well to topics that require higher-level thinking and tasks with many possible end results.” WebQuests put the responsibility on the learners themselves. Students receive experience when they use scaffolding to help them make sense of new information, using data that doesn’t come from a textbook, exposure to opinions of others, and organizing themselves to produce an exceptional project. When students are responsible for their own learning, teachers can shift their role from being the center of the class where student learning comes from the teacher, to a facilitator. Instead of leading learning, the teacher is guiding learning.

Marsh states that WebQuests use scaffolding. A prompting which facilitates advanced thinking. WebQuests divide tasks into “chunks.” Students are required to perform sub-tasks. In this way, a WebQuest provides the required steps for students to follow in order to obtain the goals of the task. A WebQuest guides students through the type of thinking process that expert learners use (1998).

There are two types of WebQuests, short term and long term. The short term WebQuest can be completed in one to three class periods. The purpose of a short term WebQuest is knowledge acquisition. Students will need to create a schema for the vast amount of information that they will see for the first time. This is a great introductory exercise as it assists students in making sense out the new information. Students will use knowledge, understanding, and application levels of thinking that are discussed in Bloom’s Taxonomy (1957).

A long term WebQuest will require between one and four weeks to complete. Its instructional goals are more intense. It is designed to help students to develop higher order thinking skills that Bloom has categorized as analysis, synthesis, and evaluation levels. Students use the collected data to produce a project that can be shared with and evaluated by a group of peers. The project could be role playing a person from history, written report, debate, oral presentation and other projects limited only by the imagination. The projects allow students to demonstrate their understanding of the new knowledge. These type of thinking skills are referred to as higher order thinking or critical thinking (Dodge 1995).

Whether the type of WebQuest is short term or long term, it is designed to optimize the student's time well. Enormous amounts of time can be lost surfing the web when students don't have a clear task to accomplish. In order to achieve such precision and efficiency a Rowan University WebQuest Depository WebQuests contain the following components:

1. Introduction – First the introduction serves as an advanced organizer for students. It gives them insight for what will be expected of them. Next, the introduction should capture the user's interest. One way this can be done is by making the topic relevant to the student's own life. The topic should build on the student's schema and relate to their goals.
2. Task – A description of what the end project will be. The task is limited only by the imagination. Some examples include: could be

a mystery to solve, role playing a character from history, design a project, or a written project.

3. Process – List the steps that the students are required to complete in order for the students to accomplish the task. Make sure the steps are written in a clear and concise manner. The task needs to be divided into subtasks and the students need a description of their roles.
4. Resources – On this page, provide students with a complete list of resources that will assist them in accomplishing their task. The list should include both electronic and non-electronic resources. The Internet resource list will keep the students from idly surfing the Internet. This can waste valuable time.
5. Evaluation – The evaluation component serves two purposes. First, it helps the teacher to justify the Expense of using the Internet in the classroom for instruction. Second, it provides an alternative to traditional assessments. It is difficult to evaluate student learning at the higher end of Bloom's Taxonomy using multiple choice/ true – false questions.
6. Conclusion – The conclusion brings closure to the quest and reminds the students of their discoveries and accomplishments. The conclusion encourages students to use their new and revised schemata in their lives every day.

7. Credits and References – Instruct the students to thank people who helped them with their project. This page is also a bibliography. Students need to list their resources that they used to complete their project. These would include all textual references, and graphics and sound clips that the students used.
8. Standards – The government provides standards for schools to follow in writing their curriculum. Teachers need to identify the curriculum covered in the WebQuest and match it to the standards. This permits educators to determine if your WebQuest is appropriate for their curriculum. Sometimes educators can use your WebQuest “as is,” or they can make some adaptations.
9. WebQuest Cover Page – The cover page is similar to a submission form. . The cover page must include the title, the author’s name, the author’s email address, the core curriculum standard, the subject, and grade level. In addition, the cover page must specify if the WebQuest is a long-term or short-term quest. Each WebQuest must be labeled in a manner in which it is to be alphabetized on the academic page. This information assists the review team in categorizing the WebQuest and also in contacting the author.

The purpose of this review is to establish a background for WebQuest use in classrooms. It is intended that information contained in this direct paper will help teachers understand, develop, and share WebQuests with other professionals

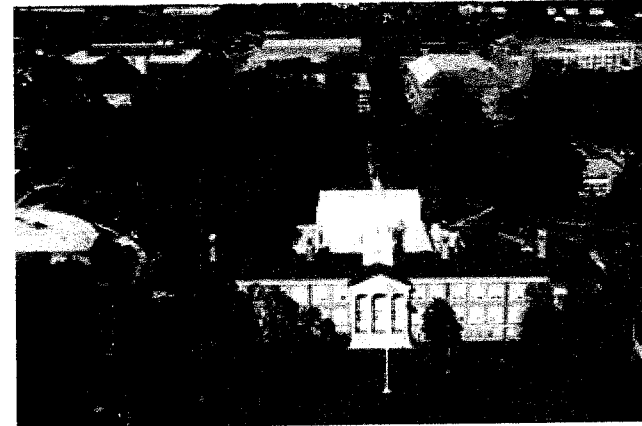
in the field. This project will establish a central agency that will be used to collect, and dispense the WebQuest technique.

Chapter III

Method of Study

This handbook was developed to assist teachers to integrate technology into the classroom and to establish a classroom environment that promotes a constructivist learning environment that is conducive for teaching and learning higher order thinking skills. Teachers who use this handbook will be able to utilize best teaching practices that have been researched and promoted by in their classrooms. This chapter features a hard copy of the WebQuest site and a cd-rom that contains the WebQuest Depository that has been uploaded to the Rowan University Department of Elementary Education's web site. Teacher can utilize this site to assist them in creating their own WebQuests. They can submit their WebQuest to the depository for the purpose of being published and uploaded to the Rowan University Department of Elementary Education's WebQuest Depository.

Rowan University



By: Ella Lee

Under Construction!!!

The WebQuest Depository

What is a WebQuest?	Exemplary Examples of WebQuests
How To Write A WebQuest	Rowan's WebQuest Matrix
WebQuest Designer Resources	Rowan's Hot List

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What is a WebQuest?

Bernie Dodge and Tom Marsh developed WebQuests in 1995. According to Dodge, "a WebQuest is an inquiry-oriented activity in which most or all of the information used by the learners is drawn from the Web. WebQuests are designed to use learners' time well, to focus on using information rather than looking for it, and to support learners' thinking at the levels of analysis, synthesis, and evaluation."


Dodge differentiates between two types of WebQuests: Short-term and Long-term. A short-term WebQuest is designed to be completed in three class periods. A short-term WebQuest requires students to use knowledge, understanding, and application levels of thinking. Its purpose is to help students make sense of a large amount of information. This type of WebQuest is great for introducing units. A long-term WebQuest can take from a few weeks to a month to complete. This type of WebQuest requires the student to use analysis, synthesis, and evaluation levels of thinking. Its purpose is to encourage students to compile the collected data and transform it into a project. Among other activities, students could participate in a forum, develop a survey, or even role play a character from history.

A WebQuest and a lesson plan are quite similar. Initially the WebQuest is more work; however, once completed, the WebQuest only requires that it be maintained. It will be an activity that will always be available. Using a WebQuest requires that the students have basic Internet skills. For example, students need to be able to type an address correctly. As with any other lesson, a student needs some advance preparation. Students need to have an interesting problem to solve that would be appropriate for their ability level. Students need some guidance to complete the task, a resource list, and they need to know how they will be evaluated. Finally, the lesson needs to be summarized and extended.

WebQuests assist students in developing higher order thinking skills. Through engaging students in a problem solving process, requiring them to use past experiences and a vast amount of Internet information, students are required to use critical thinking skills to complete the WebQuest task.

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Most WebQuests are cooperative learning activities. Students are encouraged to take ownership of their learning, fostering an intrinsic desire to learn. WebQuests foster a positive social and educational environment. Students rely on each other for their learning. They should have many opportunities for brain storming and idea exchanges. Students learn and practice, listening, cooperating, getting along with each other, receiving constructive criticism, and expressing themselves.

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How to Write a WebQuest

A WebQuest can be written using any word processor. However, to publish your WebQuest on the WebQuest Depository, it must be written using an html editor. The web page editor will convert your WebQuest into html for you. PageMill and Dreamweaver are excellent choices. Both the PC and Imac computers will support Dreamweaver. PageMill is an Adobe html editor and is supported by Imac only. It has been bundled with the Imac. Your WebQuest needs to have the following components:

Introduction

Task

Process

Resources

Evaluation



Conclusion

Credits and References

Standards

WebQuest Cover Page

For further explanation, click on the pointer finger.


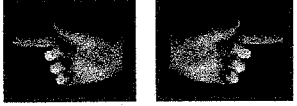
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Introduction

?

This is the first page that the students will see. It is important to capture their interest. Do that here. •Write a couple of sentences to introduce the lesson topic and explain the WebQuest process.

- Give the students a sneak peek at the activity.
- What is the big point that the WebQuest is centered on?
- Set up the activity and provide a brief overview.
- If the WebQuest is about a person, give a description about the person that will give some background to the students.
- If you are going to assign the students the role of being detectives, describe the scenario.

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The Task

Explain the task to the students. Why is this task necessary? What are the students expected to learn? Provide the students with guiding questions to facilitate them throughout their quest. Assign roles to the students.

Describe to the student what they will accomplish during the WebQuest. What will their project look like when they are finished? The task could include:

- a multimedia project, for example: movie or a power point presentation
- an oral presentation
- a summary
- a creative work
- design a product

If you want your students to use the Apple Works Presentation program, Hyperstudio, the Internet, camera or any other type of tool or equipment, point it out here.

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The Process


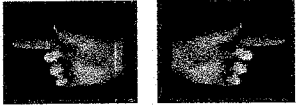
Make a list of steps that the learner must go through in order to accomplish the task. Usually, the project is a cooperative activity. Give a description of each job and the students responsibilities for their individual assignments.

The students will be using the Internet web sites and other types of resources that you have provided in your resource list. It is helpful for the student to understand how to organize the information that they will gather.

Provide organizational structures to assist your student. Some examples are:

- flow charts
- data collection worksheets
- concept maps
- spreadsheet.
- summary tables

Any guides that you have prepared on-line for the purpose of helping students with specific skills needed for this lesson should be linked to this section.

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Resource List

It isn't wise to have your students surfing the web for their own resources. It is easy for them to spend precious time looking for resources instead of working on the task at hand.

In this section, the teacher will list the resources to be used by the students to assist them in accomplishing the task. The teacher might want to assign cooperative learning groups particular jobs. If you decide to use cooperative learning groups for this activity you might want to assign a separate list of resources for each group.

Keep in mind that web sites are not the only resource. There are books, video tapes, distance learning opportunities, and perhaps even interviews. These resources should also be listed on the Resource list.

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Evaluation

Provide students with the grading criteria which will be used to evaluate their performance. It is a good idea to make an online grading rubric for students so they will know what grading criteria will be used. Use the evaluation rubrics to evaluate student learning as opposed to a traditional grading method.

WebQuest activities assist students in developing knowledge, understanding, application, analysis, synthesis, and evaluation thinking skills. The evaluation section allows a teacher to justify the use of the Internet for classroom learning and to measure student outcomes from using WebQuests. Listed are evaluation rubrics sample. You can use one from the links listed below or you can make you own.




Evaluation Matrix

Comparative Study Rubric

Product Rubric

Group Presentation Rubric

Individual Assignment Rubric
Individual Participation Rubric
A Rubric for Evaluating WebQuests



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Conclusion

Acknowledge the students discoveries and accomplishments. Help them summarize their experience. You could encourage your students to think beyond the lesson into other content. Are there other ways to expand on the project? Additional Internet sites could be listed here for that purpose.

You want the students to reflect on their experience. For example, additional questions could be asked here.

- What new questions did you have when you answered the original question. How was that question important in answering the original question?
- How did you get along with the other students in your group? Did everyone compromise to resolve problems? Did people in the group give in to peer pressure? How did all this effect the outcome of your project or activity?

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Credits and References

Make sure that students list their bibliography here. In addition to listing books and other analog media, they need to include images, music, or any text that they used.

Instruct students to thank any people who may have directly assisted them in their quest.

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Standards

Teachers need to list the core curriculum standards here. This assists other teachers to select WebQuests that will meet their needs. The links will assist you in gathering the standards that you need for your lesson.

New Jersey Core Curriculum Standards

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WebQuest Cover Page

The committee assigned to review your WebQuest for publishing on the WebQuest Depository will require pertinent information that you will provide on this page. E-mail your WebQuest to: molinaril@rowan.edu.

Authors Name

E-mail Address



Long Term or Short Term WebQuest

Title of the WebQuest

Grade Level

Standards

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WebQuest Designer Resources

Below is a resource list. These resources provide directions on how to write a WebQuest. It can be used to assist you in writing the WebQuest.

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The Rowan University WebQuest Depository Matrix

Written by Students

The matrix below displays how many WebQuests are available by grade level for each subject area. The number that is listed in the matrix is linked to that grade level and subject area.

Subject Area	Elementary School	Middle School	High School
Language Arts	#	#	#
Math	#	#	#
Science	#	#	#
Social Studies	#	#	#

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
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
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
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
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
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
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
Rowan's Hot List

Listed below are additional resources. They should make finding information much easier.

We need search engines to help us find appropriate web sites for our students. They can use the web sites to assist them in completing their task. The search engines are quick and usually return with the hits you are looking for at the top of the list.

Also listed are some sites to make finding graphics and backgrounds much easier. When you write a WebQuest you will need to use graphics and backgrounds to illustrate your quest. Sometimes it is difficult to find what you need due to copyright restrictions.

Table of Contents	Search Engines	Graphics/Backgrounds
What is a WebQuest	Alta Vista	School Discovery
How to write a WebQuest	Google	Web Diner
Examples of WebQuests	Lycos	Downloads
Rowan's WebQuest Matrix	Northern Lights	Ditto
Rowan's Hot List		Philip's Backgrounds

<p>WebQuest Designer Resources</p>  <p>Home</p> <p>Return to Rowan University home page Rowan University</p> <p>Return to Elementary Education home page Elementary Education</p>	<p>HOTDOOT</p> <p>Excite</p> <p>Metacrawler</p> <p>Dogpile</p> <p>Go.com</p> <p>Infoseek</p> <p>Mamma</p> <p>37.com</p>	<p>Free Backgrounds</p> <p>Being Creative Backgrounds</p>
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Chapter IV

Analysis of the Project

This project is intended to give teachers a means by which to integrate advances in educational technology into the classroom and to create a constructivist environment conducive for developing higher order thinking skills. This accompanying handbook serves as a guide for using and writing exemplar WebQuests for use in the classroom. Teachers and students alike can easily write their own WebQuests when using the companion web page.

Usually, WebQuests are used as an authentic constructivist learning tool. The big question of a WebQuest is authentic. The question will meet the needs of the core curriculum standards as well as the curricular requirements. It will be an interesting question that is relevant to the student's life.

Writing and submitting a WebQuest to Rowan University WebQuest Depository can be fairly straightforward when following the directions that are posted on the site:

1. Posted on the web site is a presentation which is entitled, "How To Write a WebQuest." Before writing a WebQuest, one must decide which tool will be used to create their WebQuest. Options include, Word, Netscape Communicator, HTML, and various web site editors. The Rowan University Department of Elementary Education WebQuest Depository was written using Netscape Communicator, Dreamweaver, and Page Mill 3.0 editors. Once an editor is

web page editor. A WebQuest could be written using Word or Apple Works and then saved in an html format. However, when it is uploaded some of the format may be lost. PowerPoint presentations must be saved as a PDF. Once the PDF is uploaded the color scheme may not be desirable. Once an editor is selected, a WebQuest can be written using the directions that are in the presentation, "How to write a WebQuest."

2. Directions for submitting a WebQuest are also posted on the Depository's web site. Each WebQuest requires a cover page. The cover page must include the title, the author's name, the author's email address, the core curriculum standard, the subject, and grade level. In addition, the cover page must specify if the WebQuest is a long-term or short-term quest. Each WebQuest must be labeled in a manner in which it is to be alphabetized on the academic page. Each WebQuest is categorized according to its subject and grade. Finally, it is alphabetized. To submit your WebQuest for publishing, e-mail it to molinaril@rowan.edu.

In summary, an educator or student must first select an appropriate web page editor. Then by following the directions that are discussed in the presentation entitled, "How to Write a WebQuest," which is posted on the web site, a student or teacher can write an authentic WebQuest for their class. The WebQuest can be submitted to the depository. Upon approval of the WebQuest, it will be published to the depository where it can be shared with other educators.

Chapter V

Recommendations

There are some recommendations and some considerations that require attention for this project. The web site will require someone to attend to it. In addition, a committee will need to be assembled to determine if a submitted WebQuest is to be approved for publishing.

A graduate student would be a likely candidate for over seeing the web site. That person would be responsible for uploading the approved WebQuests. To do this, log onto the earth net server. Open the Lee folder and then the public.www folder. Each grade level has its own folder. All approved WebQuests will be copied to these folders. Open the web page where the WebQuest is to be stored in Dreamweaver or PageMill. Click on the alphabet letter where the WebQuest is to be stored and make a link to the WebQuest.

A naming protocol for the WebQuest Depository web pages has been established. All words in each page's title are capitalized and are followed by a dot and html. It is highly recommended that this protocol be followed.

The graduate student would also be in charge of making any necessary changes and additions. Some modifications would include structural changes to the site, and periodic checks to the links on the posted WebQuests. The WebQuest Depository would want to ensure that all posted WebQuests contain current resources. The web site could be upgraded to include a template for writing a WebQuest.

Appendix A. These laws are designed to protect children. For example, COPPA protects a child's identity and privacy. CIPA mandates schools and libraries to use Internet filtering software to protect children from viewing inappropriate sites. FERPA was designed to protect a child's educational records.

Copyright and Fair Use laws protect the authors of literary, dramatic, musical, artistic, and other intellectual works. They ensure that children are taught how to cite references. It is imperative that children understand that information, pictures, and sounds that they utilize in their projects are the property of other people. See Appendix B.

One additional legal consideration is Section 508. This law protects handicapped persons. There are four parts to this law. In Subpart D, Web-based Intranet and Internet Information and Applications (1194.22) protects people with vision problems. Visually impaired people use screen readers to translate what is on a computer screen into audible output and braille displays. The purpose of this standard is to ensure that information such as animations, graphics, and frames are available in an assessable format. See Appendix C.

Conclusions

This book has been created out of concern that advances being made in educational technology are not being used. In fact, computers are sitting idle in some classrooms. Many teachers don't use projectors, cameras and many other types of media. This project is intended to convince teachers that they should use WebQuests as an integral part of their lessons with students. The WebQuest can be a primary means to integrate technology into the classroom. In addition, they help to create a constructivist

learning environment that is conducive for teaching and learning higher order thinking skills.

Appendix A



Children's Online Privacy Protection Act of 1998 (COPPA)

October 23, 1998

The final rule [.pdf] as implemented by the Federal Trade Commission is also available.

TITLE XIII-CHILDREN'S ONLINE PRIVACY PROTECTION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Children's Online Privacy Protection Act of 1998".

SEC. 1302. DEFINITIONS.

In this title:

(1) CHILD.—The term "child" means an individual under the age of 13.

(2) OPERATOR.—The term "operator"—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(4) DISCLOSURE.—The term "disclosure" means, with respect to personal information—

(A) the release of personal information collected from a child in identifiable form by an operator for any purpose, except where such information is provided to a person other than the operator who provides support for the internal operations of the website and does not disclose or use that information for any other purpose; and

(B) making personal information collected from a child by a website or online service directed to children or with actual knowledge that such information was collected from a child, publicly available in identifiable form, by any means including by a public posting, through the Internet, or through—

(i) a home page of a website;

(ii) a pen pal service;

(iii) an electronic mail service;

(iv) a message board; or

(v) a chat room.

(5) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(6) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/ Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(7) PARENT.—The term "parent" includes a legal guardian.

(8) PERSONAL INFORMATION.—The term "personal information" means individually identifiable information about an individual collected online, including—

(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or

(G) information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier described in this paragraph.

(9) **VERIFIABLE PARENTAL CONSENT.**—The term "verifiable parental consent" means any reasonable effort (taking into consideration available technology), including a request for authorization for future collection, use, and disclosure described in the notice, to ensure that a parent of a child receives notice of the operator's personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected from that child.

(10) **WEBSITE OR ONLINE SERVICE DIRECTED TO CHILDREN.**—

(A) **IN GENERAL.**—The term "website or online service directed to children" means—

(i) a commercial website or online service that is targeted to children; or

(ii) that portion of a commercial website or online service that is targeted to children.

(B) **LIMITATION.**—A commercial website or online service, or a portion of a commercial website or online service, shall not be deemed directed to children solely for referring or linking to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

(11) **PERSON.**—The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

(12) **ONLINE CONTACT INFORMATION.**—The term "online contact information" means an e-mail address or an other substantially similar identifier that permits direct contact with a person online.

SEC. 1303. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE COLLECTION AND USE OF PERSONAL INFORMATION FROM AND ABOUT CHILDREN ON THE INTERNET.

(a) **ACTS PROHIBITED.**—

(1) **IN GENERAL.**—It is unlawful for an operator of a website or online service directed to

children, or any operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under subsection (b).

(2) DISCLOSURE TO PARENT PROTECTED.—Notwithstanding paragraph (1), neither an operator of such a website or online service nor the operator's agent shall be held to be liable under any Federal or State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under subsection (b)(1)(B)(iii) to the parent of a child.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate under section 553 of title 5, United States Code, regulations that—

(A) require the operator of any website or online service directed to children that collects personal information from children or the operator of a website or online service that has actual knowledge that it is collecting personal information from a child—

(i) to provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information; and

(ii) to obtain verifiable parental consent for the collection, use, or disclosure of personal information from children;

(B) require the operator to provide, upon request of a parent under this subparagraph whose child has provided personal information to that website or online service, upon proper identification of that parent, to such parent—

(i) a description of the specific types of personal information collected from the child by that operator;

(ii) the opportunity at any time to refuse to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal information from that child; and

(iii) notwithstanding any other provision of law, a means that is reasonable under the circumstances for the parent to obtain any personal information collected from that child;

(C) prohibit conditioning a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity; and

(D) require the operator of such a website or online service to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

(2) WHEN CONSENT NOT REQUIRED.—The regulations shall provide that verifiable parental consent under paragraph (1)(A)(ii) is not required in the case of—

(A) online contact information collected from a child that is used only to respond directly on a one-time basis to a specific request from the child and is not used to recontact the child and is not maintained in retrievable form by the operator;

(B) a request for the name or online contact information of a parent or child that is used for the sole purpose of obtaining parental consent or providing notice under this section and where such information is not maintained in retrievable form by the operator if parental consent is not obtained after a reasonable time;

(C) online contact information collected from a child that is used only to respond more than once directly to a specific request from the child and is not used to recontact the child beyond the scope of that request—

(i) if, before any additional response after the initial response to the child, the operator uses reasonable efforts to provide a parent notice of the online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(ii) without notice to the parent in such circumstances as the Commission may determine are appropriate, taking into consideration the benefits to the child of access to information and services, and risks to the security and privacy of the child, in regulations promulgated under this subsection;

(D) the name of the child and online contact information (to the extent reasonably necessary to protect the safety of a child participant on the site)—

(i) used only for the purpose of protecting such safety;

(ii) not used to recontact the child or for any other purpose; and

(iii) not disclosed on the site, if the operator uses reasonable efforts to provide a parent notice of the name and online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(E) the collection, use, or dissemination of such information by the operator of such a website or online service necessary—

- (i) to protect the security or integrity of its website;
- (ii) to take precautions against liability;
- (iii) to respond to judicial process; or
- (iv) to the extent permitted under other provisions of law, to provide information to law enforcement agencies or for an investigation on a matter related to public safety.

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(3) **TERMINATION OF SERVICE.**—The regulations shall permit the operator of a website or an online service to terminate service provided to a child whose parent has refused, under the regulations prescribed under paragraph (1)(B)(ii), to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal information from that child.

(c) **ENFORCEMENT.**—Subject to sections 1304 and 1306, a violation of a regulation prescribed under subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(d) **INCONSISTENT STATE LAW.**—No State or local government may impose any liability for commercial activities or actions by operators in interstate or foreign commerce in connection with an activity or action described in this title that is inconsistent with the treatment of those activities or actions under this section.

SEC. 1304. SAFE HARBORS.

(a) **GUIDELINES.**—An operator may satisfy the requirements of regulations issued under section 1303(b) by following a set of self-regulatory guidelines, issued by representatives of the marketing or online industries, or by other persons, approved under subsection (b).

(b) **INCENTIVES.**—

(1) **SELF-REGULATORY INCENTIVES.**—In prescribing regulations under section 1303, the Commission shall provide incentives for self-regulation by operators to implement the protections afforded children under the regulatory requirements described in subsection (b) of that section.

(2) **DEEMED COMPLIANCE.**—Such incentives shall include provisions for ensuring that a person will be deemed to be in compliance with the requirements of the regulations under section 1303 if that person complies with guidelines that, after notice and comment, are approved by the Commission upon making a determination that the guidelines meet the requirements of the regulations issued under section 1303.

(3) **EXPEDITED RESPONSE TO REQUESTS.**—The Commission shall act upon requests for safe harbor treatment within 180 days of the filing of the request, and shall set forth in writing its conclusions with regard to such requests.

(c) **APPEALS.**—Final action by the Commission on a request for approval of guidelines, or the failure to act within 180 days on a request for approval of guidelines, submitted under subsection (b) may be appealed to a district court of the United States of appropriate jurisdiction as provided for in section 706 of title 5, United States Code.

SEC. 1305. ACTIONS BY STATES.

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates any regulation of the Commission prescribed under section 1303(b), the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

- (A) enjoin that practice;
- (B) enforce compliance with the regulation;
- (C) obtain damage, restitution, or other compensation on behalf of residents of the State; or
- (D) obtain such other relief as the court may consider to be appropriate.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

- (i) written notice of that action; and
- (ii) a copy of the complaint for that action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(3) AMICUS CURIAE.—Upon application to the court, a person whose self-regulatory guidelines have been approved by the Commission and are relied upon as a defense by any defendant to a proceeding under this section may file amicus curiae in that proceeding.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of any regulation prescribed under section 1303, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that regulation.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

(d) **ACTIONS BY THE COMMISSION.**—The Commission shall prevent any person from violating a rule of the Commission under section 1303 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title. Any entity that violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title.

(e) **EFFECT ON OTHER LAWS.**—Nothing contained in the Act shall be construed to limit the authority of the Commission under any other provisions of law.

SEC. 1307. REVIEW.

Not later than 5 years after the effective date of the regulations initially issued under section 1303, the Commission shall—

- (1) review the implementation of this title, including the effect of the implementation of this title on practices relating to the collection and disclosure of information relating to children, children's ability to obtain access to information of their choice online, and on the availability of websites directed to children; and
- (2) prepare and submit to Congress a report on the results of the review under paragraph (1).

SEC. 1308. EFFECTIVE DATE. Sections 1303(a), 1305, and 1306 of this title take effect on the later of—

- (1) the date that is 18 months after the date of enactment of this Act; or
- (2) the date on which the Commission rules on the first application filed for safe harbor treatment under section 1304 if the Commission does not rule on the first such application within one year after the date of enactment of this Act, but in no case later than the date that is 30 months after the date of enactment of this Act.

Other Privacy Issues

INTERNET FREE EXPRESSION ALLIANCE

CHILDREN'S INTERNET PROTECTION ACT (Pub. L. 106-554)

TITLE XVII--CHILDREN'S INTERNET PROTECTION

SEC. 1701. SHORT TITLE.

This title may be cited as the "Children's Internet Protection Act".

SEC. 1702. DISCLAIMERS.

DISCLAIMER REGARDING CONTENT.--Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, elementary or secondary school, or library from blocking access on the Internet on computers owned or operated by that agency, school, or library to any content other than content covered by this title or the amendments made by this title.

(b) **DISCLAIMER REGARDING PRIVACY.**--Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user.

SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES.

IN GENERAL.--Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of--

- (1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;
- (2) making recommendations on how to foster the development of measures that meet such needs; and
- (3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

DEFINITIONS.--In this section:

TECHNOLOGY PROTECTION MEASURE.--The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are--

- (A) obscene, as that term is defined in section 1460 of title 18, United States Code;
- (B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or
- (C) harmful to minors.

(2) HARMFUL TO MINORS.--The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that--

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(3) SEXUAL ACT; SEXUAL CONTACT.--The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.

Subtitle A--Federal Funding for Educational Institution Computers

SEC. 1711. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART F--LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS

"SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

"(a) INTERNET SAFETY.--

(1) IN GENERAL.--No funds made available under this title to a local educational agency for an elementary or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934, as added by section 1721 of Children's Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both--

“(A)(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are&endash;

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

“(B)(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are&endash;

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(2) **TIMING AND APPLICABILITY OF IMPLEMENTATION.**--

“(A) **IN GENERAL.**--The local educational agency with responsibility for a school covered by paragraph (1) shall certify the compliance of such school with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this section, and for each subsequent program funding year thereafter.

“(B) **PROCESS.**&endash;

“(i) **SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**--A local educational agency with responsibility for a school covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

“(ii) **SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**--A local educational agency with responsibility for a school covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)&endash;

“(I) for the first program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

“(II) for the second program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

Any school covered by paragraph (1) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this title for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

“(iii) **WAIVERS.**--Any school subject to a certification under clause (ii)(II) for which the local educational agency concerned cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The local educational agency concerned shall notify the Secretary of the applicability of that clause to the school. Such notice shall certify that the school will be brought into compliance with the requirements in paragraph (1) before the start of the third program year after the effective date of this section in which the school is applying for funds under this title.

“(3) **DISABLING DURING CERTAIN USE.**--An administrator, supervisor, or person authorized by the responsible authority under paragraph (1) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

“(4) **NONCOMPLIANCE.**&endash;

“(A) **USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.**--Whenever the Secretary has reason to believe that any recipient of funds under this title is failing to comply substantially with the requirements of this subsection, the Secretary may&endash;

“(i) withhold further payments to the recipient under this title,

“(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

“(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act (20 U.S.C. 1234d).

“(B) **RECOVERY OF FUNDS PROHIBITED.**--The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this subsection, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

“(C) **RECOMMENCEMENT OF PAYMENTS.**--Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that subparagraph.

“(5) **DEFINITIONS.**--In this section:

“(A) **COMPUTER.**--The term ‘computer’ includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

“(B) **ACCESS TO INTERNET.**--A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.

“(C) **ACQUISITION OR OPERATION.**--A elementary or secondary school shall be considered to have received funds under this title for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly&endash;

“(i) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

“(ii) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

“(D) **MINOR.**--The term ‘minor’ means an individual who has not attained the age of 17.

“(E) **CHILD PORNOGRAPHY.**--The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

“(F) **HARMFUL TO MINORS.**--The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that&endash;

“(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(G) **OBSCENE.**--The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

“(H) **SEXUAL ACT; SEXUAL CONTACT.**--The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

“(b) **EFFECTIVE DATE.**--This section shall take effect 120 days after the date of the enactment of the Children's Internet Protection Act.

“(c) **SEPARABILITY.**--If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.”

SEC. 1712. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR LIBRARIES.

AMENDMENT.--Section 224 of the Museum and Library Services Act (20 U.S.C. 9134(b)) is amended&endash;

(1) in subsection (b)--

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) provide assurances that the State will comply with subsection (f); and”; and

by adding at the end the following new subsection:

“(f) **INTERNET SAFETY.**&endash;

“(1) **IN GENERAL.**--No funds made available under this Act for a library described in section 213(2)(A) or (B) that does not receive services at discount rates under section 254(h)(6) of the Communications Act of 1934, as added by section 1721 of this Children's Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless&endash;

“(A) such library&endash;

“(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are&endash;

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

“(B) such library&endash;

“(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(2) **ACCESS TO OTHER MATERIALS.**--Nothing in this subsection shall be construed to prohibit a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (II), and (III) of paragraph (1)(A)(i).

“(3) **DISABLING DURING CERTAIN USE.**--An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research or other lawful purposes.

“(4) **TIMING AND APPLICABILITY OF IMPLEMENTATION.**&endash;

“(A) **IN GENERAL.**--A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this subsection, and for each subsequent program funding year thereafter.

“(B) **PROCESS.**&endash;

“(i) **LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**--A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

“(ii) **LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**--A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)&endash;

“(I) for the first program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

“(II) for the second program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this Act for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

“(iii) **WAIVERS.**--Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute

of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this Act.

“(5) NONCOMPLIANCE.&endash;

“(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.--Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this Act is failing to comply substantially with the requirements of this subsection, the Director may&endash;

“(i) withhold further payments to the recipient under this Act,

“(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

“(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

“(B) RECOVERY OF FUNDS PROHIBITED.--The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

“(C) RECOMMENCEMENT OF PAYMENTS.--Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

“(6) SEPARABILITY.--If any provision of this subsection is held invalid, the remainder of this subsection shall not be affected thereby.

“(7) DEFINITIONS.--In this section:

“(A) CHILD PORNOGRAPHY.--The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

“(B) HARMFUL TO MINORS.--The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that&endash;

“(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(C) **MINOR.**--The term ‘minor’ means an individual who has not attained the age of 17.

“(D) **OBSCENE.**--The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

“(E) **SEXUAL ACT; SEXUAL CONTACT.**--The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.”

EFFECTIVE DATE.--The amendment made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle B--Universal Service Discounts

SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO ENFORCE INTERNET SAFETY POLICIES WITH TECHNOLOGY PROTECTION MEASURES FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

SCHOOLS.--Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended&endash;

(1) by redesignating paragraph (5) as paragraph (7); and

by inserting after paragraph (4) the following new paragraph (5):

“(5) **REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS.**&endash;

“(A) **INTERNET SAFETY.**&endash;

“(i) **IN GENERAL.**--Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school&endash;

“(I) submits to the Commission the certifications described in subparagraphs (B) and (C);

“(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the school under subsection (1); and

“(III) ensures the use of such computers in accordance with the certifications.

“(ii) **APPLICABILITY.**--The prohibition in clause (i) shall not apply with respect to a school

that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

“(iii) PUBLIC NOTICE; HEARING.--An elementary or secondary school described in clause (i), or the school board, local educational agency, or other authority with responsibility for administration of the school, shall provide reasonable public notice and hold at least 1 public hearing or meeting to address the proposed Internet safety policy. In the case of an elementary or secondary school other than an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), the notice and hearing required by this clause may be limited to those members of the public with a relationship to the school.

“(B) CERTIFICATION WITH RESPECT TO MINORS.--A certification under this subparagraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school&endash;

“(i) is enforcing a policy of Internet safety for minors that includes monitoring the online activities of minors and the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are&endash;

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

“(C) CERTIFICATION WITH RESPECT TO ADULTS.--A certification under this paragraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school&endash;

“(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are&endash;

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(D) DISABLING DURING ADULT USE.--An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

“(E) TIMING OF IMPLEMENTATION.&endash;

“(i) IN GENERAL.--Subject to clause (ii) in the case of any school covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made&endash;

“(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

“(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

“(ii) PROCESS.&endash;

“(I) SCHOOLS WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.--A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

“(II) SCHOOLS WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.--A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)--

“(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

“(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any school that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such school comes into compliance with this paragraph.

“(III) WAIVERS.--Any school subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year program may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A school, school board, local educational agency, or other authority with responsibility for administration of the school shall

notify the Commission of the applicability of such subclause to the school. Such notice shall certify that the school in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the school is applying for funds under this subsection.

“(F) NONCOMPLIANCE.&endash;

“(i) FAILURE TO SUBMIT CERTIFICATION.--Any school that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

“(ii) FAILURE TO COMPLY WITH CERTIFICATION.--Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse any funds and discounts received under this subsection for the period covered by such certification.

“(iii) REMEDY OF NONCOMPLIANCE.&endash;

“(I) FAILURE TO SUBMIT.--A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the school shall be eligible for services at discount rates under this subsection.

“(II) FAILURE TO COMPLY.--A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the school shall be eligible for services at discount rates under this subsection.”.

LIBRARIES.--Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

“(6) REQUIREMENTS FOR CERTAIN LIBRARIES WITH COMPUTERS HAVING INTERNET ACCESS.&endash;

“(A) INTERNET SAFETY.&endash;

“(i) IN GENERAL.--Except as provided in clause (ii), a library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library&endash;

“(I) submits to the Commission the certifications described in subparagraphs (B) and (C); and

“(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the library under subsection (1); and

“(III) ensures the use of such computers in accordance with the certifications.

“(ii) APPLICABILITY.--The prohibition in clause (i) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

“(iii) PUBLIC NOTICE; HEARING.--A library described in clause (i) shall provide reasonable public notice and hold at least 1 public hearing or meeting to address the proposed Internet safety policy.

“(B) CERTIFICATION WITH RESPECT TO MINORS.--A certification under this subparagraph is a certification that the library--

“(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

“(C) CERTIFICATION WITH RESPECT TO ADULTS.--A certification under this paragraph is a certification that the library--

“(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(D) DISABLING DURING ADULT USE.--An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

“(E) TIMING OF IMPLEMENTATION.--

“(i) IN GENERAL.--Subject to clause (ii) in the case of any library covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made--

“(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

“(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

“(ii) **PROCESS.**&endash;

“(I) **LIBRARIES WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**--A library covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

“(II) **LIBRARIES WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.**--A library covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)&endash;

“(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

“(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

“(III) **WAIVERS.**--Any library subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A library, library board, or other authority with responsibility for administration of the library shall notify the Commission of the applicability of such subclause to the library. Such notice shall certify that the library in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the library is applying for funds under this subsection.

“(F) **NONCOMPLIANCE.**&endash;

“(i) **FAILURE TO SUBMIT CERTIFICATION.**--Any library that knowingly fails to comply

with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

“(ii) FAILURE TO COMPLY WITH CERTIFICATION.--Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse all funds and discounts received under this subsection for the period covered by such certification.

“(iii) REMEDY OF NONCOMPLIANCE.&endash;

“(I) FAILURE TO SUBMIT.--A library that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the library shall be eligible for services at discount rates under this subsection.

“(II) FAILURE TO COMPLY.--A library that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the library shall be eligible for services at discount rates under this subsection.”.

DEFINITIONS.--Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

“(D) MINOR.--The term ‘minor’ means any individual who has not attained the age of 17 years.

“(E) OBSCENE.--The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

“(F) CHILD PORNOGRAPHY.--The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

“(G) HARMFUL TO MINORS.--The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that&endash;

“(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(H) SEXUAL ACT; SEXUAL CONTACT.--The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

“(I) TECHNOLOGY PROTECTION MEASURE.--The term ‘technology protection

measure' means a specific technology that blocks or filters Internet access to the material covered by a certification under paragraph (5) or (6) to which such certification relates."

(d) **CONFORMING AMENDMENT.**--Paragraph (4) of such section is amended by striking "paragraph (5)(A)" and inserting "paragraph (7)(A)".

(e) **SEPARABILITY.**--If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) **REGULATIONS.**&endash;

(1) **REQUIREMENT.**--The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) **DEADLINE.**--Notwithstanding any other provision of law, the Commission shall prescribe regulations under paragraph (1) so as to ensure that such regulations take effect 120 days after the date of the enactment of this Act.

(g) **AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES.**

(1) **IN GENERAL.**--Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

(2) **TECHNOLOGY PROTECTION MEASURE DEFINED.**--In this section, the term "technology protection measure" has the meaning given that term in section 1703.

(h) **EFFECTIVE DATE.**--The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle C--Neighborhood Children's Internet Protection

SEC. 1731. SHORT TITLE.

This subtitle may be cited as the "Neighborhood Children's Internet Protection Act".

SEC. 1732. INTERNET SAFETY POLICY REQUIRED.

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

“(1) INTERNET SAFETY POLICY REQUIREMENT FOR SCHOOLS AND LIBRARIES.&endash;

“(1) IN GENERAL.--In carrying out its responsibilities under subsection (h), each school or library to which subsection (h) applies shall&endash;

“(A) adopt and implement an Internet safety policy that addresses&endash;

“(i) access by minors to inappropriate matter on the Internet and World Wide Web;

“(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

“(iii) unauthorized access, including so-called ‘hacking’, and other unlawful activities by minors online;

“(iv) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

“(v) measures designed to restrict minors' access to materials harmful to minors; and

“(B) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy.

“(2) LOCAL DETERMINATION OF CONTENT.--A determination regarding what matter is inappropriate for minors shall be made by the school board, local educational agency, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may&endash;

“(A) establish criteria for making such determination;

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

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

“(3) AVAILABILITY FOR REVIEW.--Each Internet safety policy adopted under this subsection shall be made available to the Commission, upon request of the Commission, by the school, school board, local educational agency, library, or other authority responsible for adopting such Internet safety policy for purposes of the review of such Internet safety policy by the Commission.

“(4) EFFECTIVE DATE.--This subsection shall apply with respect to schools and libraries on

or after the date that is 120 days after the date of the enactment of the Children's Internet Protection Act."

SEC. 1733. IMPLEMENTING REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations for purposes of section 254(I) of the Communications Act of 1934, as added by section 1732 of this Act.

Subtitle D--Expedited Review

SEC. 1741. EXPEDITED REVIEW.

(a) **THREE-JUDGE DISTRICT COURT HEARING.**--Notwithstanding any other provision of law, any civil action challenging the constitutionality, on its face, of this title or any amendment made by this title, or any provision thereof, shall be heard by a district court of 3 judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

(b) **APPELLATE REVIEW.**--Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of 3 judges in an action under subsection (a) holding this title or an amendment made by this title, or any provision thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.

This Act may be cited as the 'Miscellaneous Appropriations Act, 2001



Family Policy Compliance Office

Family Educational Rights & Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is a Federal law designed to protect the privacy of a student's education records. The law applies to all schools which receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student, or former student, who has reached the age of 18 or is attending any school beyond the high school level. Students and former students to whom the rights have transferred are called eligible students.

- Parents or eligible students have the right to inspect and review all of the student's education records maintained by the school. Schools are not required to provide copies of materials in education records unless, for reasons such as great distance, it is impossible for parents or eligible students to inspect the records. Schools may charge a fee for copies.
- Parents and eligible students have the right to request that a school correct records believed to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record commenting on the contested information in the record.
- Generally, schools must have written permission from the parent or eligible student before releasing any information from a student's record. However, the law allows schools to disclose records, without consent, to the following parties:
 - School employees who have a need to know;
 - Other schools to which a student is transferring;
 - Certain government officials in order to carry out lawful functions;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for the school;
 - Accrediting organizations;
 - Individuals who have obtained court orders or subpoenas;
 - Persons who need to know in cases of health and safety emergencies; and State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may also disclose, without consent, "directory" type information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

For additional information or technical assistance, you may call (202) 260-3887 or TDD (202) 260-8956 or contact:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605**



Office of Management's Homepage

This page last updated 11/29/2001 (*dtm*)

Send questions or comments to: om@ed.gov

Appendix B

V. ADDITIONAL PROVISIONS OF THE DIGITAL MILLENNIUM
COPYRIGHT ACT¹

SECTION 1. SHORT TITLE.

This Act may be cited as the “Digital Millennium Copyright Act”.

TITLE I—WIPO TREATIES IMPLEMENTATION

SEC. 101. SHORT TITLE.

This title may be cited as the “WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998”.

* * * * *

SEC. 104. EVALUATION OF IMPACT OF COPYRIGHT LAW AND AMENDMENTS ON ELECTRONIC COMMERCE AND TECHNOLOGICAL DEVELOPMENT.

(a) EVALUATION BY THE REGISTER OF COPYRIGHTS AND THE ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION.—The Register of Copyrights and the Assistant Secretary for Communications and Information of the Department of Commerce shall jointly evaluate—

(1) the effects of the amendments made by this title and the development of electronic commerce and associated technology on the operation of sections 109 and 117 of title 17, United States Code; and

(2) the relationship between existing and emergent technology and the operation of sections 109 and 117 of title 17, United States Code.

(b) REPORT TO CONGRESS.—The Register of Copyrights and the Assistant Secretary for Communications and Information of the Department of Commerce shall, not later than 24 months after the date of the enactment of this Act, submit to the Congress a joint report on the evaluation conducted under subsection (a), including any legislative recommendations the Register and the Assistant Secretary may have.

SEC. 105. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS RELATING TO CERTAIN INTERNATIONAL AGREEMENTS.—(1) The following shall take effect upon the entry into force of the WIPO Copyright Treaty with respect to the United States:

(A) Paragraph (5) of the definition of “international agreement” contained in section 101 of title 17, United States Code, as amended by section 102(a)(4) of this Act.

(B) The amendment made by section 102(a)(6) of this Act.

(C) Subparagraph (C) of section 104A(h)(1) of title 17, United States Code,

as amended by section 102(c)(1) of this Act.

(D) Subparagraph (C) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this Act.

(2) The following shall take effect upon the entry into force of the WIPO Performances and Phonograms Treaty with respect to the United States:

(A) Paragraph (6) of the definition of “international agreement” contained in section 101 of title 17, United States Code, as amended by section 102(a)(4) of this Act.

(B) The amendment made by section 102(a)(7) of this Act.

(C) The amendment made by section 102(b)(2) of this Act.

(D) Subparagraph (D) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(1) of this Act.

(E) Subparagraph (D) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this Act.

(F) The amendments made by section 102(c)(3) of this Act.

* * * * *

TITLE II—ONLINE COPYRIGHT INFRINGEMENT
LIABILITY LIMITATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Online Copyright Infringement Liability Limitation Act”.

* * * * *

SEC. 203. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

* * * * *

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. PROVISIONS RELATING TO THE COMMISSIONER OF PATENTS
AND TRADEMARKS AND THE REGISTER OF COPYRIGHTS

(a) COMPENSATION.—(1) Section 3(d) of title 35, United States Code, is amended by striking “prescribed by law for Assistant Secretaries of Commerce” and inserting “in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code”.

* * * * *

(3) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

“Register of Copyrights.”.

* * * * *

SEC. 403. LIMITATIONS ON EXCLUSIVE RIGHTS; DISTANCE EDUCATION.

(a) RECOMMENDATIONS BY REGISTER OF COPYRIGHTS.—Not later than 6 months after the date of the enactment of this Act, the Register of Copyrights, after consultation with representatives of copyright owners, nonprofit educational institutions, and nonprofit libraries and archives, shall submit to the Congress recommendations on how to promote distance education through digital technologies, including interactive digital networks, while maintaining an appropriate balance between the rights of copyright owners and the needs of users of copyrighted works. Such recommendations shall include any legislation the Register of Copyrights considers appropriate to achieve the objective described in the preceding sentence.

(b) FACTORS.—In formulating recommendations under subsection (a), the Register of Copyrights shall consider—

- (1) the need for an exemption from exclusive rights of copyright owners for distance education through digital networks;
- (2) the categories of works to be included under any distance education exemption;
- (3) the extent of appropriate quantitative limitations on the portions of works that may be used under any distance education exemption;
- (4) the parties who should be entitled to the benefits of any distance education exemption;
- (5) the parties who should be designated as eligible recipients of distance education materials under any distance education exemption;
- (6) whether and what types of technological measures can or should be employed to safeguard against unauthorized access to, and use or retention of, copyrighted materials as a condition of eligibility for any distance education exemption, including, in light of developing technological capabilities, the exemption set out in section 110(2) of title 17, United States Code;
- (7) the extent to which the availability of licenses for the use of copyrighted works in distance education through interactive digital networks should be considered in assessing eligibility for any distance education exemption; and
- (8) such other issues relating to distance education through interactive digital networks that the Register considers appropriate.

* * * * *

SEC. 405. SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS; EPHEMERAL RECORDINGS.

(a) SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS.

* * * * *

(5) The amendment made by paragraph (2)(B)(i)(III) of this subsection shall be deemed to have been enacted as part of the Digital Performance Right in Sound Recordings Act of 1995, and the publication of notice of proceedings under section 114(f)(1) of title 17, United States Code, as in effect upon the effective date of that Act, for the determination of royalty payments shall be deemed to have been made for the period beginning on the effective date of that Act and ending on December 1, 2001.

(6) The amendments made by this subsection do not annul, limit, or otherwise impair the rights that are preserved by section 114 of title 17, United States Code, including the rights preserved by subsections (c), (d)(4), and (i) of such section.

* * * * *

(c) SCOPE OF SECTION 112(A) OF TITLE 17 NOT AFFECTED.—

Nothing in this section or the amendments made by this section shall affect the scope of section 112(a) of title 17, United States Code, or the entitlement of any person to an exemption thereunder.

* * * * *

SEC. 406. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

“Sec. 4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

“§4001. Assumption of contractual obligations related to transfers of rights in motion pictures

“(a) ASSUMPTION OF OBLIGATIONS.—(1) In the case of a transfer of copyright ownership under United States law in a motion picture (as the terms ‘transfer of copyright ownership’ and ‘motion picture’ are defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this chapter and is not limited to public performance rights, the transfer instrument shall be deemed to

incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

“(A) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

“(B) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

“(2) For purposes of paragraph (1)(A), ‘knows or has reason to know’ means any of the following:

“(A) Actual knowledge that the collective bargaining agreement was or will be applicable to the motion picture.

“(B)(i) Constructive knowledge that the collective bargaining agreement was or will be applicable to the motion picture, arising from recordation of a document pertaining to copyright in the motion picture under section 205 of title 17 or from publication, at a site available to the public on-line that is operated by the relevant union, of information that identifies the motion picture as subject to a collective bargaining agreement with that union, if the site permits commercially reasonable verification of the date on which the information was available for access.

“(ii) Clause (i) applies only if the transfer referred to in subsection (a)(1) occurs—

“(I) after the motion picture is completed, or

“(II) before the motion picture is completed and—

“(aa) within 18 months before the filing of an application for copyright registration for the motion picture under section 408 of title 17, or

“(bb) if no such application is filed, within 18 months before the first publication of the motion picture in the United States.

“(C) Awareness of other facts and circumstances pertaining to a particular transfer from which it is apparent that the collective bargaining agreement was or will be applicable to the motion picture.

“(b) SCOPE OF EXCLUSION OF TRANSFERS OF PUBLIC PERFORMANCE RIGHTS.—For purposes of this section, the exclusion under subsection (a) of transfers of copyright ownership in a motion picture that are limited to public performance rights includes transfers to a terrestrial broadcast station, cable system, or programmer to the extent that the station, system, or programmer is functioning as an exhibitor of the motion picture, either by exhibiting the motion picture on its own network, system, service, or station,

or by initiating the transmission of an exhibition that is carried on another network, system, service, or station. When a terrestrial broadcast station, cable system, or programmer, or other transferee, is also functioning otherwise as a distributor or as a producer of the motion picture, the public performance exclusion does not affect any obligations imposed on the transferee to the extent that it is engaging in such functions.

“(c) EXCLUSION FOR GRANTS OF SECURITY INTERESTS.—Subsection (a) shall not apply to—

“(1) a transfer of copyright ownership consisting solely of a mortgage, hypothecation, or other security interest; or

“(2) a subsequent transfer of the copyright ownership secured by the security interest described in paragraph (1) by or under the authority of the secured party, including a transfer through the exercise of the secured party’s rights or remedies as a secured party, or by a subsequent transferee.

The exclusion under this subsection shall not affect any rights or remedies under law or contract.

“(d) DEFERRAL PENDING RESOLUTION OF BONA FIDE DISPUTE.—

A transferee on which obligations are imposed under subsection (a) by virtue of paragraph (1) of that subsection may elect to defer performance of such obligations that are subject to a bona fide dispute between a union and a prior transferor until that dispute is resolved, except that such deferral shall not stay accrual of any union claims due under an applicable collective bargaining agreement.

“(e) SCOPE OF OBLIGATIONS DETERMINED BY PRIVATE AGREEMENT.—Nothing in this section shall expand or diminish the rights, obligations, or remedies of any person under the collective bargaining agreements or assumption agreements referred to in this section.

“(f) FAILURE TO NOTIFY.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(1)(B), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

“(g) DETERMINATION OF DISPUTES AND CLAIMS.—Any dispute concerning the application of subsections (a) through (f) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney’s fee to the prevailing party as part of the costs.

“(h) STUDY.—The Comptroller General, in consultation with the Register of Copyrights, shall conduct a study of the conditions in the motion picture industry that gave rise to this section, and the impact of this section on the motion picture industry. The Comptroller General shall report the findings of the study to the Congress within 2 years after the effective date of this chapter.”.

* * * * *

SEC. 407. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by

this title shall take effect on the date of the enactment of this Act.

* * * * *

TITLE V—PROTECTION OF CERTAIN ORIGINAL DESIGNS

SEC. 501. SHORT TITLE.

This Act may be referred to as the “Vessel Hull Design Protection Act”.

* * * * *

SEC. 503. CONFORMING AMENDMENTS.

* * * * *

(b) JURISDICTIONS OF DISTRICT COURTS OVER DESIGN ACTIONS.—(1) Section 1338(c) of title 28, United States Code, is amended by inserting “, and to exclusive rights in designs under chapter 13 of title 17,” after “title 17”.

(2)(A) The section heading for section 1338 of title 28, United States Code, is amended by inserting “designs,” after “mask works,”.

(B) The item relating to section 1338 in the table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by inserting “designs,” after “mask works,”.

(c) PLACE FOR BRINGING DESIGN ACTIONS.—(1) Section 1400(a) of title 28, United States Code, is amended by inserting “or designs” after “mask works”.

(2) The section heading for section 1400 of title 28, United States Code is amended to read as follows:

“Patents and copyrights, mask works, and designs”.

(3) The item relating to section 1400 in the table of sections at the beginning of chapter 87 of title 28, United States Code, is amended to read as follows:

“1400. Patents and copyrights, mask works, and designs.”.

(d) ACTIONS AGAINST THE UNITED STATES.—Section 1498(e) of title 28, United States Code, is amended by inserting “, and to exclusive rights in designs under chapter 13 of title 17,” after “title 17”.

SEC. 504. JOINT STUDY OF THE EFFECT OF THIS TITLE²

(a) IN GENERAL.—Not later than November 1, 2003, the Register of Copyrights and the Commissioner of Patents and Trademarks shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a joint report evaluating the effect of the amendments made by this title.

(b) ELEMENTS FOR CONSIDERATION.—In carrying out subsection (a), the Register of Copyrights and the Commissioner of Patents and Trademarks shall consider—

(1) the extent to which the amendments made by this title has been effective in suppressing infringement of the design of vessel hulls;

(2) the extent to which the registration provided for in chapter 13 of title 17,

United States Code, as added by this title, has been utilized;

(3) the extent to which the creation of new designs of vessel hulls have been encouraged by the amendments made by this title;

(4) the effect, if any, of the amendments made by this title on the price of vessels with hulls protected under such amendments; and

(5) such other considerations as the Register and the Commissioner may deem relevant to accomplish the purposes of the evaluation conducted under subsection (a).

SEC. 505. EFFECTIVE DATE.³

The amendments made by sections 502 and 503 shall take effect on the date of the enactment of this Act.

APPENDIX V ENDNOTES

¹Part V of the Appendix contains provisions from the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, that do not amend title 17 of the *United States Code*.

²The Satellite Home Viewer Improvement Act of 1999 amended section 504(a) in its entirety. Pub. L. No. 106-113, 113 Stat. 1501, app. I at 1501A-593.

³The Intellectual Property and Communications Omnibus Reform Act of 1999 amended section 505 by deleting everything at the end of the sentence, after "Act." Pub. L. No. 106-113, 113 Stat. 1501, app. I at 1501A-593.

Appendix C

PL 105-220, 1998 HR 1385
PL 105-220, enacted on August 7, 1998, 112 Stat 936
codified as: Section 504 of the Rehabilitation Act, 29 U.S.C. § 794d

WORKFORCE INVESTMENT ACT OF 1998

SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY.

(a) REQUIREMENTS FOR FEDERAL DEPARTMENTS AND AGENCIES.--

(1) ACCESSIBILITY.--

(A) DEVELOPMENT, PROCUREMENT, MAINTENANCE, OR USE OF ELECTRONIC AND INFORMATION TECHNOLOGY.--When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, including the United States Postal Service, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology--

(i) individuals with disabilities who are Federal employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and

(ii) individuals with disabilities who are members of the public seeking information or services from a Federal department or agency to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

(B) ALTERNATIVE MEANS EFFORTS.--When development, procurement, maintenance, or use of electronic and information technology that meets the standards published by the Access Board under paragraph (2) would impose an undue burden, the Federal department or agency shall provide individuals with disabilities covered by paragraph (1) with the information and data involved by an alternative means of access that allows the individual to use the information and data.

(2) ELECTRONIC AND INFORMATION TECHNOLOGY STANDARDS.--

(A) IN GENERAL.--Not later than 18 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the Architectural and Transportation Barriers Compliance Board (referred to in this section as the 'Access Board'), after consultation with the Secretary of Education, the Administrator of General Services, the Secretary of Commerce, the Chairman of the Federal Communications Commission, the Secretary of Defense, and the head of any other Federal department or agency that the Access Board determines to be appropriate, including consultation on relevant research findings, and after consultation with the electronic and information technology industry and appropriate public or nonprofit agencies or organizations, including organizations representing individuals with disabilities, shall issue and publish standards setting forth--

(i) for purposes of this section, a definition of electronic and information technology that is consistent with the definition of information technology specified in section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)); and

(ii) the technical and functional performance criteria necessary to implement the requirements set forth in paragraph (1).

(B) REVIEW AND AMENDMENT.--The Access Board shall periodically review and, as appropriate, amend the standards required under subparagraph (A) to reflect technological advances or changes in electronic and information technology.

(3) INCORPORATION OF STANDARDS.--Not later than 6 months after the Access Board publishes the standards required under paragraph (2), the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation and each Federal department or agency shall revise the Federal procurement policies and directives under the control of the department or agency to incorporate those standards. Not later than 6 months after the Access Board revises any standards required under paragraph (2), the Council shall revise the Federal Acquisition Regulation and each appropriate Federal department or agency shall revise the procurement policies and directives, as necessary, to incorporate the revisions.

(4) ACQUISITION PLANNING.--In the event that a Federal department or agency determines that compliance with the standards issued by the Access Board under paragraph (2) relating to procurement imposes an undue burden, the documentation by the department or agency supporting the procurement shall explain why compliance creates an undue burden.

(5) EXEMPTION FOR NATIONAL SECURITY SYSTEMS.--This section shall not apply to national security systems, as that term is defined in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

(6) CONSTRUCTION.--

(A) EQUIPMENT.--In a case in which the Federal Government provides access to the public to information or data through electronic and information technology, nothing in this section shall be construed to require a Federal department or agency--

(i) to make equipment owned by the Federal Government available for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public; or

(ii) to purchase equipment for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public.

(B) SOFTWARE AND PERIPHERAL DEVICES.--Except as required to comply with standards issued by the Access Board under paragraph (2), nothing in paragraph (1) requires the installation of specific accessibility-related software or the attachment of a specific accessibility-related peripheral device at a workstation of a Federal employee who is not an individual with a disability.

(b) TECHNICAL ASSISTANCE.--The Administrator of General Services and the Access Board shall provide technical assistance to individuals and Federal departments and agencies concerning the requirements of this section.

(c) AGENCY EVALUATIONS.--Not later than 6 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the head of each Federal department or agency shall evaluate the extent to which the electronic and information technology of the department or agency is accessible to and usable by individuals

with disabilities described in subsection (a)(1), compared to the access to and use of the technology by individuals described in such subsection who are not individuals with disabilities, and submit a report containing the evaluation to the Attorney General.

(d) REPORTS.--

(1) INTERIM REPORT.--Not later than 18 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the Attorney General shall prepare and submit to the President a report containing information on and recommendations regarding the extent to which the electronic and information technology of the Federal Government is accessible to and usable by individuals with disabilities described in subsection (a)(1).

(2) BIENNIAL REPORTS.--Not later than 3 years after the date of enactment of the Rehabilitation Act Amendments of 1998, and every 2 years thereafter, the Attorney General shall prepare and submit to the President and Congress a report containing information on and recommendations regarding the state of Federal department and agency compliance with the requirements of this section, including actions regarding individual complaints under subsection (f).

(e) COOPERATION.--Each head of a Federal department or agency (including the Access Board, the Equal Employment Opportunity Commission, and the General Services Administration) shall provide to the Attorney General such information as the Attorney General determines is necessary to conduct the evaluations under subsection (c) and prepare the reports under subsection (d).

(f) ENFORCEMENT.--

(1) GENERAL.--

(A) COMPLAINTS.--Effective 2 years after the date of enactment of the Rehabilitation Act Amendments of 1998, any individual with a disability may file a complaint alleging that a Federal department or agency fails to comply with subsection (a)(1) in providing electronic and information technology.

(B) APPLICATION.--This subsection shall apply only to electronic and information technology that is procured by a Federal department or agency not less than 2 years after the date of enactment of the Rehabilitation Act Amendments of 1998.

(2) ADMINISTRATIVE COMPLAINTS.--Complaints filed under paragraph (1) shall be filed with the Federal department or agency alleged to be in noncompliance. The Federal department or agency receiving the complaint shall apply the complaint procedures established to implement section 504 for resolving allegations of discrimination in a federally conducted program or activity.

(3) CIVIL ACTIONS.--The remedies, procedures, and rights set forth in sections 505(a)(2) and 505(b) shall be the remedies, procedures, and rights available to any individual with a disability filing a complaint under paragraph (1).

(g) APPLICATION TO OTHER FEDERAL LAWS.--This section shall not be construed to limit any right, remedy, or procedure otherwise available under any provision of Federal law (including sections 501 through 505) that provides greater or equal protection for the rights of individuals with disabilities than this section.

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