

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**§ 7122. Authorization of appropriations****(a) In general**

There are authorized to be appropriated to carry out this subpart \$1,650,000,000 for fiscal year 2017 and \$1,600,000,000 for each of fiscal years 2018 through 2020.

**(b) Forward funding**

Section 1223 of this title shall apply to this subpart.

(Pub. L. 89-10, title IV, § 4112, as added Pub. L. 114-95, title IV, § 4101, Dec. 10, 2015, 129 Stat. 1982.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 4112 of Pub. L. 89-10 was classified to section 7112 of this title, prior to the general amendment of this subpart by Pub. L. 114-95.

Another prior section 4112 of Pub. L. 89-10 was classified to section 7112 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**SUBPART 2—INTERNET SAFETY****Editorial Notes****CODIFICATION**

Pub. L. 114-95, title II, § 2001(a)(4)(A)-(C), title IV, § 4001(a)(5)(C), Dec. 10, 2015, 129 Stat. 1913, 1966, redesignated subpart 4 (§ 6777) of part D of subchapter II of this chapter as subpart 2 of part A of this subchapter.

**PRIOR PROVISIONS**

A prior subpart 2, consisting of sections 7131 to 7140 of this title, related to national programs, prior to repeal by Pub. L. 114-95, title IV, § 4001(a)(5)(B), Dec. 10, 2015, 129 Stat. 1966.

**§ 7131. Internet safety****(a) In general**

No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of title 47 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—

(1)(A) 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—

- (i) obscene;
- (ii) child pornography; or
- (iii) harmful to minors; and

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

(2)(A) 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

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

**(b) Timing and applicability of implementation****(1) In general**

The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next program funding year under this chapter following December 21, 2000, and for each subsequent program funding year thereafter.

**(2) Process****(A) Schools with Internet safety policies and technology protection measures in place**

A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this chapter.

**(B) Schools without Internet safety policies and technology protection measures in place****(i) Certification**

A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

(I) for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this chapter, 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 December 21, 2000, in which the local educational agency is applying for funds for such school under this chapter, shall certify that such school is in compliance with such requirements.

**(ii) Ineligibility**

Any school covered by subsection (a) for which the local educational agency con-

cerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

**(C) Waivers**

Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

**(c) Disabling during certain use**

An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

**(d) Noncompliance**

**(1) Use of General Education Provisions Act remedies**

Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

- (A) withhold further payments to the recipient under this part;
- (B) issue a complaint to compel compliance of the recipient through a cease and desist order; or
- (C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in<sup>1</sup> 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, 1234e, 1234f].

**(2) Recovery of funds prohibited**

The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

**(3) 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 para-

graph (1)(A) 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 paragraph.

**(e) Definitions**

In this subpart:

**(1) 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.

**(2) 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 that has access to the Internet.

**(3) Acquisition or operation**

An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

- (A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or
- (B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

**(4) Minor**

The term “minor” means an individual who has not attained the age of 17.

**(5) Child pornography**

The term “child pornography” has the meaning given that term in section 2256 of title 18.

**(6) 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.

**(7) Obscene**

The term “obscene” has the meaning applicable to that term under section 1460 of title 18.

**(8) Sexual act and sexual contact**

The terms “sexual act” and “sexual contact” have the meanings given those terms in section 2246 of title 18.

**(f) Severability**

If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.

<sup>1</sup> So in original. Probably should be followed by “the”.

(Pub. L. 89–10, title IV, §4121, formerly title II, §2441, as added Pub. L. 107–110, title II, §201, Jan. 8, 2002, 115 Stat. 1686; renumbered title IV, §4161, renumbered §4121, Pub. L. 114–95, title II, §2001(a)(4)(A), (B), (D), title IV, §4001(a)(5)(D), Dec. 10, 2015, 129 Stat. 1913, 1966.)

#### Editorial Notes

##### CODIFICATION

Section was classified to section 6777 of this title prior to renumbering by Pub. L. 114–95.

##### PRIOR PROVISIONS

Prior sections 7131 to 7140 were repealed by Pub. L. 114–95, §5, title IV, §4001(a)(5)(B), Dec. 10, 2015, 129 Stat. 1806, 1966, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 7131, Pub. L. 89–10, title IV, §4121, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1751, related to Federal activities.

A prior section 7131, Pub. L. 89–10, title IV, §4121, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3686, related to Federal activities, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 7132, Pub. L. 89–10, title IV, §4122, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1752, related to impact evaluation.

A prior section 7132, Pub. L. 89–10, title IV, §4122, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3687, related to grants to institutions of higher education, prior to repeal by Pub. L. 105–244, §3, title IX, §981, Oct. 7, 1998, 112 Stat. 1585, 1837, effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244.

Section 7133, Pub. L. 89–10, title IV, §4123, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1752, related to hate crime prevention.

A prior section 7133, Pub. L. 89–10, title IV, §4123, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3687, related to hate crime prevention, prior to the general amendment of this subchapter by Pub. L. 107–110.

Section 7134, Pub. L. 89–10, title IV, §4124, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1754, related to the Safe and Drug-Free Schools and Communities Advisory Committee.

Section 7135, Pub. L. 89–10, title IV, §4125, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1755, related to the National Coordinator Program.

Section 7136, Pub. L. 89–10, title IV, §4126, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1756, related to community service grant programs.

Section 7137, Pub. L. 89–10, title IV, §4127, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1756, related to the School Security Technology and Resource Center.

Section 7138, Pub. L. 89–10, title IV, §4128, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1756, related to the National Center for School and Youth Safety.

Section 7139, Pub. L. 89–10, title IV, §4129, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1757, authorized grants to reduce alcohol abuse.

Section 7140, Pub. L. 89–10, title IV, §4130, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1758, related to mentoring programs.

Prior sections 7141 to 7144 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 7141, Pub. L. 89–10, title IV, §4131, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3689, defined terms.

Section 7142, Pub. L. 89–10, title IV, §4132, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3689, related to materials.

Section 7143, Pub. L. 89–10, title IV, §4133, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3690, set forth prohibited uses of funds.

Section 7144, Pub. L. 89–10, title IV, §4134, as added Pub. L. 105–277, div. D, title I, §122, Oct. 21, 1998, 112

Stat. 2681–756, related to quality rating of drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools.

#### SUBPART 3—GUN POSSESSION

##### Editorial Notes

##### CODIFICATION

Subpart 3 of part A of title IV of the Elementary and Secondary Education Act, comprising this subpart, was redesignated subpart 4 of part F of title VIII of the Act by Pub. L. 114–95, title IV, §4001(a)(2)(A)–(C), title VIII, §8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to subpart 4 (§7961) of part F of subchapter VIII of this chapter.

#### **§7151. Transferred**

##### Editorial Notes

##### CODIFICATION

Section 7151, Pub. L. 89–10, title IV, §4141, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1762, which related to gun-free requirements, was renumbered section 8561 of Pub. L. 89–10 by Pub. L. 114–95, title IV, §4001(a)(2)(D), title VIII, §8001(a)(8), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7961 of this title.

#### SUBPART 4—GENERAL PROVISIONS

#### **§§7161 to 7164. Repealed. Pub. L. 114–95, title IV, §4001(a)(5)(B), Dec. 10, 2015, 129 Stat. 1966**

Section 7161, Pub. L. 89–10, title IV, §4151, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1763, defined terms.

Section 7162, Pub. L. 89–10, title IV, §4152, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1764, related to message and materials.

Section 7163, Pub. L. 89–10, title IV, §4153, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765, related to parental consent.

Section 7164, Pub. L. 89–10, title IV, §4154, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765, related to prohibited uses of funds.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

#### **§7165. Transferred**

##### Editorial Notes

##### CODIFICATION

Section, Pub. L. 89–10, title IV, §4155, as added Pub. L. 107–110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765, which related to transfer of school disciplinary records, was renumbered section 8537 of Pub. L. 89–10 by Pub. L. 114–95, title IV, §4001(a)(3), title VIII, §8001(a)(6), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, and transferred to section 7917 of this title.

#### PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

#### **§7171. Purpose; definitions**

##### (a) Purpose

The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—