

By: West

H.C.R. No. 13

CONCURRENT RESOLUTION

1 WHEREAS, A 2000 sample survey of 1,501 of the nearly 24
2 million school-aged children regularly using the Internet in the
3 United States found that approximately one out of every four
4 children in that sample had experienced unwanted exposure to sexual
5 images while on-line; and

6 WHEREAS, The development of the Internet is widely regarded
7 as the most profound change in the way people communicate since the
8 invention of the printing press, but as remarkable as it may be,
9 there are risks to children that are unique to such a pervasive and
10 accessible medium; with the development of newer and increasingly
11 invasive technologies that can deliver or disguise unwanted
12 material through direct marketing e-mails, or "spam" mailings, the
13 risks are even more pronounced and difficult to detect; and

14 WHEREAS, Compounding the challenge of protecting minors from
15 inappropriate material on-line is the fact that children often
16 understand more about the Internet than their parents, teachers,
17 and other caregivers; in addition, common sense measures used to
18 secure a child's environment in the "physical world" are not
19 feasible in cyberspace; and

20 WHEREAS, In a bipartisan effort to address these concerns,
21 congress passed the Communications Decency Act of 1996 (CDA) and
22 the Child Online Protection Act (COPA) and, in doing so,
23 criminalized Internet transmission of indecent materials to
24 minors; however, the Supreme Court ruled in 1997 that certain

1 provisions of the CDA were unconstitutional and in 2002 upheld a
2 district court's temporary injunction against enforcement of COPA
3 on the same grounds; and

4 WHEREAS, Recognizing the need to make children's on-line
5 experiences safe, educational, and entertaining while honoring
6 constitutional safeguards, the 107th Congress is considering
7 legislation that would address specific questions posed by the
8 Supreme Court without discouraging the evolution of the Internet
9 or violating the First Amendment; and

10 WHEREAS, Modeled after existing law that regulates the
11 identification of sexually explicit advertisements sent via U.S.
12 mail, House Resolution 2472 requires the National Institute of
13 Standards and Technology to prescribe an electronic tag that would
14 identify sexually oriented messages and allow parents to use the
15 filtering tools already available on e-mail programs to block
16 messages bearing the tag; the legislation is a balanced and
17 realistic solution to the complexities of protecting free speech
18 and children on-line; now, therefore, be it

19 RESOLVED, That the 78th Legislature of the State of Texas
20 hereby respectfully urge the Congress of the United States to enact
21 the Protect Children From E-Mail Smut Act of 2001; and, be it
22 further

23 RESOLVED, That the Texas secretary of state forward official
24 copies of this resolution to the president of the United States, the
25 speaker of the house of representatives and the president of the
26 senate of the United States Congress, and all the members of the
27 Texas delegation to the congress with the request that this

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1 resolution be officially entered in the Congressional Record as a
2 memorial to the Congress of the United States of America.