
HOUSE RESOLUTION

URGING TO CREATE A TASK FORCE THAT WILL ENSURE THE PROTECTION OF
CHILD EXPLOITATION FROM ONLINE RESEARCH DATABASES.

1 WHEREAS, children are the future of our State, and as they
2 continue their education online amidst COVID-19, they are at
3 greater risk of exposure to the harmful effects of pornography
4 that is easily accessible on school devices and online research
5 databases; and

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7 WHEREAS, large corporate technology companies that provide
8 online research database services include, but are not limited
9 to EBSCO, ProQuest, Gale, Explora, Academic OneFile, MAS Ultra,
10 and MasterFile, are heavily relied upon by K-12 schools for
11 student research purposes and online distance learning across
12 the United States; and

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14 WHEREAS, EBSCO and Gale are primarily used by Hawaii's
15 schools; and

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17 WHEREAS, online research databases like EBSCO and Gale have
18 facilitated and attributed to the rapid ascent of online sexual
19 exploitation in K-12 schools and libraries via conducting
20 innocent searches by children, resulting in easy access to
21 pornography sites and extreme graphic sexual content; and

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23 WHEREAS, according to the National Center for Missing and
24 Exploited Children (NCMEC), more than 21.7 million cases were
25 reported in the United States in 2020 related to apparent child
26 sexual abuse material, online enticement, child sex trafficking
27 and child sexual molestation, with 304,299 of those reports were
28 from the public and 21.4 million were from electronic service
29 providers; and

30
31 WHEREAS, despite existing federal laws and regulations
32 enacted by Congress such as The Children's Internet Protection
33 Act ("CIPA"), which aims to protect children from obscene or



H.R. NO. 109

1 harmful content on the Internet, and Racketeer Influenced and
2 Corrupt Organizations Act ("The RICO Act"), which prohibits the
3 use of income derived from a "pattern of racketeering activity"
4 that includes offenses relating to sexual exploitation of
5 children and dealing in obscene matter; and
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7 WHEREAS, the U.S. Supreme Court has repeatedly upheld
8 obscenity laws against First Amendment challenges, and allows
9 Congress to have authority to require public schools and
10 libraries to receive e-Rate discounts to install web filtering
11 software as a condition of receiving federal funding (*United*
12 *States v. American Library Association*, 539 U.S. 193, 201 F.
13 *Supp 2d 401 (2003)*); there are virtually no preventive measures
14 nor incentives in place to encourage large technology
15 corporations to make their online databases adequately consumer
16 safe, especially for the protection of children from online
17 sexual exploitation due to the broad interpretation of the
18 Communications Decency Act Section 230 (c)(1) ("CDA"); and
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20 WHEREAS, Section 230 (c)(1) of the CDA has permitted large
21 technology corporations nearly absolute legal immunity from tort
22 (and criminal) liability even when their services and platforms
23 are used to inflict harm; and as a result, left a gap in child
24 protection; and
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26 WHEREAS, at least 27 states like Utah, Tennessee, Colorado,
27 Idaho, Georgia, Texas, Indiana, and Minnesota have taken
28 initiative and filed online database legislation, with Colorado
29 actually having filed a lawsuit, and California and Delaware
30 have enacted Internet filtering laws that prohibits operators of
31 websites that use online computing services or mobile
32 applications directed at children from marketing or advertising
33 products or services inappropriate for children's viewing, such
34 as alcohol, tobacco, firearms, or pornography; and now,
35 therefore,
36

37 BE IT RESOLVED by the House of Representatives of the
38 Thirty-first Legislature of the State of Hawaii, Regular Session
39 of 2021, the State's Department of Education is urged to create
40 a task force that will ensure that Hawaii is in compliance with
41 the federal laws and regulations relating to the protection of



H.R. NO. 109

1 child exploitation from online research database companies such
2 as EBSCO and Gale; and

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4 BE IT FURTHER RESOLVED that the State's Department of
5 Education work with the Department of Justice Child Exploitation
6 and Obscenity Section (CEOS), Health and Human Services, the
7 Federal Communication Commission) including the Office of
8 Educational Technology that oversees CIPA, and other relevant
9 agency personnel to develop best practices to prevent sexual
10 exploitation in Hawaii's educational system ; and

11
12 BE IT FURTHER RESOLVED that the State's Department of
13 Education establish guidelines for online research database
14 companies used by K-12 schools to require removal of harmful
15 sexual content and accessibility to pornographic websites; and

16
17 BE IT FURTHER RESOLVED that the State's Department of
18 Education encourage Congress to consider the evolving laws of
19 technology over the past decade, and ensure these databases do
20 not bypass Internet filters subject to CIPA and Section 230
21 (c) (1) of the CDA ; and

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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Governor of the State of
25 Hawaii, the Vice President of the United States, Lieutenant
26 Governor of the State of Hawaii, Director of the Department of
27 Justice, Director of the Hawaii State Department of Education,,
28 Mayor of the County of Hawaii, Mayor of the County of Maui,
29 Mayor of the City & County of Honolulu, and Mayor of the County
30 of Kauai.

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OFFERED BY: 

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