

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.

(Pub. L. 89-10, title II, §2441, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1686.)

**SUBCHAPTER III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS**

**CODIFICATION**

Title III of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat.

27, amended, and subsequently revised, restated, and amended by other public laws. Title III is shown, herein, as having been added by Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

**§ 6801. Authorizations of appropriations; condition on effectiveness of parts**

**(a) Authorizations of appropriations**

**(1) In general**

Subject to subsection (b) of this section, there are authorized to be appropriated to carry out this subchapter, except for subpart 4 of part B, \$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

**(2) Emergency immigrant education program**

There are authorized to be appropriated to carry out subpart 4 of part B of this subchapter (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

**(b) Conditions on effectiveness of parts A and B**

**(1) Part A**

Part A of this subchapter shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) of this section equals or exceeds \$650,000,000.

**(2) Part B**

Part B of this subchapter shall be in effect only for a fiscal year for which part A of this subchapter is not in effect.

**(c) References**

In any fiscal year for which part A of this subchapter is in effect, references in Federal law (other than this subchapter) to part B of this subchapter shall be considered to be references to part A of this subchapter. In any fiscal year for which part B of this subchapter is in effect, references in Federal law (other than this subchapter) to part A of this subchapter shall be considered to be references to part B of this subchapter.

(Pub. L. 89-10, title III, §3001, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689.)

**PRIOR PROVISIONS**

A prior section 6801, Pub. L. 89-10, title III, §3101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3636, set out Short Title of prior subchapter III as the Technology for Education Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3001 of Pub. L. 89-10 was classified to section 3021 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

**PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT**

**§ 6811. Short title**

This part may be cited as the “English Language Acquisition, Language Enhancement, and Academic Achievement Act”.

(Pub. L. 89-10, title III, §3101, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1690.)