

107TH CONGRESS
1ST SESSION

H. R. 1846

To amend section 254 of the Communications Act of 1934 to require schools and libraries receiving universal service assistance to block access to Internet services that enable users to access the World Wide Web and transfer electronic mail in an anonymous manner.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2001

Mr. GRUCCI introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 254 of the Communications Act of 1934 to require schools and libraries receiving universal service assistance to block access to Internet services that enable users to access the World Wide Web and transfer electronic mail in an anonymous manner.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Who Is E-Mailing Our
5 Kids Act”.

1 **SEC. 2. REQUIREMENTS FOR SCHOOLS AND LIBRARIES TO**
2 **ENFORCE POLICIES AGAINST ANONYMOUS**
3 **INTERNET CONNECTION AS CONDITION OF**
4 **UNIVERSAL SERVICE DISCOUNTS.**

5 (a) SCHOOLS.—Section 254(h)(5) of the Communica-
6 tions Act of 1934 (47 U.S.C. 254(h)(5)) is amended—

7 (1) in subparagraph (A)—

8 (A) in the subparagraph heading, by in-
9 serting “AND PREVENTION OF ANONYMOUS
10 INTERNET ACCESS” after “INTERNET SAFETY”;

11 (B) in clause (i)—

12 (i) in subclause (I), by striking “and
13 (C)” and inserting “, (C), and (D)”;

14 (ii) in subclause (II), by striking
15 “and” at the end;

16 (iii) by redesignating subclause (III)
17 as subclause (IV); and

18 (iv) by inserting after subclause (II)
19 the following new subclause:

20 “(III) submits to the Commission
21 a certification that a policy of regard-
22 ing anonymous Internet connection
23 has been adopted and implemented for
24 the school under subsection (m);
25 and”;

1 (C) in the first sentence of clause (iii), by
2 inserting before the period the following: “, and
3 shall provide reasonable public notice and hold
4 at least one public hearing or meeting to ad-
5 dress the proposed policy of regarding anony-
6 mous Internet connection”;

7 (2) by redesignating subparagraphs (D), (E),
8 and (F) as subparagraphs (E), (F), and (H), respec-
9 tively;

10 (3) by inserting after subparagraph (C) the fol-
11 lowing new subparagraph:

12 “(D) CERTIFICATION REGARDING BLOCK-
13 ING ONLINE PRIVACY SERVICES.—A certifi-
14 cation under this subparagraph is a certifi-
15 cation that the school, school board, local edu-
16 cational agency, or other authority with respon-
17 sibility for administration of the school—

18 “(i) is enforcing a policy regarding
19 anonymous Internet connection that in-
20 cludes the operation of a technology pro-
21 tection measure with respect to any of its
22 computers with Internet access that pre-
23 vents use of such computers to access an
24 online privacy service that enables a user—

1 “(I) to send electronic mail anon-
2 ymously; or

3 “(II) to access the World Wide
4 Web anonymously; and

5 “(ii) is enforcing the operation of such
6 technology protection measure during any
7 use of such computers.”;

8 (4) in the heading for subparagraph (F) (as so
9 redesignated by paragraph (2) of this subsection), by
10 inserting “OF INTERNET SAFETY MEASURES” after
11 “IMPLEMENTATION”;

12 (5) by inserting after subparagraph (F) (as so
13 redesignated by paragraph (2) of this subsection)
14 the following new subparagraph:

15 “(G) TIMING OF IMPLEMENTATION OF
16 MEASURES TO PREVENT ANONYMOUS INTERNET
17 ACCESS.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), in the case of any school covered by
20 this paragraph as of the effective date of
21 this paragraph under section 2(e) of the
22 Who Is E-Mailing Our Kids Act, the cer-
23 tification under subparagraph (D) shall be
24 made—

1 “(I) with respect to the first pro-
2 gram funding year under this sub-
3 section following such effective date,
4 not later than 120 days after the be-
5 ginning of such program funding year;
6 and

7 “(II) with respect to any subse-
8 quent program funding year, as part
9 of the application process for such
10 program funding year.

11 “(ii) PROCESS.—

12 “(I) SCHOOLS WITH POLICY AND
13 TECHNOLOGY PROTECTION MEASURES
14 IN PLACE FOR PREVENTING ANONY-
15 MOUS INTERNET ACCESS.—A school
16 covered by clause (i) that has in place
17 a policy regarding anonymous Inter-
18 net connection and technology protec-
19 tion measures that meet the require-
20 ments necessary for certification
21 under subparagraph (D) shall certify
22 its compliance with subparagraph (D)
23 during each annual program applica-
24 tion cycle under this subsection, ex-
25 cept that with respect to the first pro-

1 gram funding year after the effective
2 date of this paragraph under section
3 2(e) of the Who Is E-Mailing Our
4 Kids Act, the certifications shall be
5 made not later than 120 days after
6 the beginning of such first program
7 funding year.

8 “(II) SCHOOLS WITHOUT POLICY
9 AND TECHNOLOGY PROTECTION MEAS-
10 URES IN PLACE FOR PREVENTING
11 ANONYMOUS INTERNET ACCESS.—A
12 school covered by clause (i) that does
13 not have in place a policy regarding
14 anonymous Internet connection and
15 technology protection measures that
16 meet the requirements necessary for
17 certification under subparagraph
18 (D)—

19 “(aa) for the first program
20 year after the effective date of
21 this subsection in which it is ap-
22 plying for funds under this sub-
23 section, shall certify that it is un-
24 dertaking such actions, including
25 any necessary procurement pro-

1 cedures, to put in place a policy
2 and technology protection meas-
3 ures meeting the requirements
4 necessary for certification under
5 subparagraph (D); and

6 “(bb) for the second pro-
7 gram year after the effective date
8 of this subsection in which it is
9 applying for funds under this
10 subsection, shall certify that it is
11 in compliance with subparagraph
12 (D).

13 Any school that is unable to certify
14 compliance with such requirements in
15 such second program year shall be in-
16 eligible for services at discount rates
17 or funding in lieu of services at such
18 rates under this subsection for such
19 second year and all subsequent pro-
20 gram years under this subsection,
21 until such time as such school comes
22 into compliance with this paragraph.

23 “(III) WAIVERS.—Any school
24 subject to subclause (II) that cannot
25 come into compliance with subpara-

1 graph (D) in such second year pro-
2 gram may seek a waiver of subclause
3 (II)(bb) if State or local procurement
4 rules or regulations or competitive
5 bidding requirements prevent the
6 making of the certification otherwise
7 required by such subclause. A school,
8 school board, local educational agency,
9 or other authority with responsibility
10 for administration of the school shall
11 notify the Commission of the applica-
12 bility of such subclause to the school.
13 Such notice shall certify that the
14 school in question will be brought into
15 compliance before the start of the
16 third program year after the effective
17 date of this subsection in which the
18 school is applying for funds under this
19 subsection.”; and

20 (6) in subparagraph (H)(ii) (as so redesignated
21 by paragraph (2) of this subsection), by striking
22 “subparagraphs (B) and (C)” and inserting “sub-
23 paragraph (B), (C), or (D)”.

24 (b) LIBRARIES.—Section 254(h)(6) of the Commu-
25 nications Act of 1934 (47 U.S.C. 254(h)(6)) is amended—

1 (1) in subparagraph (A)—

2 (A) in the subparagraph heading, by in-
3 sserting “AND PREVENTION OF ANONYMOUS
4 INTERNET ACCESS” after “INTERNET SAFETY”;

5 (B) in clause (i)—

6 (i) in subclause (I), by striking “and
7 (C)” and inserting “, (C), and (D)”;

8 (ii) in subclause (II), by striking
9 “and” at the end;

10 (iii) by redesignating subclause (III)
11 as subclause (IV); and

12 (iv) by inserting after subclause (II)
13 the following new subclause:

14 “(III) submits to the Commission
15 a certification that a policy regarding
16 anonymous Internet connection has
17 been adopted and implemented for the
18 library under subsection (m); and”;
19 and

20 (B) in the first sentence of clause (iii), by
21 inserting before the period the following: “, and
22 shall provide reasonable public notice and hold
23 at least one public hearing or meeting to ad-
24 dress the proposed policy regarding anonymous
25 Internet connection”;

1 (2) by redesignating subparagraphs (D), (E),
2 and (F) as subparagraphs (E), (F), and (H), respec-
3 tively;

4 (3) by inserting after subparagraph (C) the fol-
5 lowing new subparagraph:

6 “(D) CERTIFICATION REGARDING BLOCK-
7 ING ONLINE PRIVACY SERVICES.—A certifi-
8 cation under this subparagraph is a certifi-
9 cation that the library—

10 “(i) is enforcing a policy regarding
11 anonymous Internet connection that in-
12 cludes the operation of a technology pro-
13 tection measure with respect to any of its
14 computers with Internet access that pre-
15 vents use of such computers to access an
16 online privacy service that enables a user—

17 “(I) to send electronic mail anon-
18 ymously; or

19 “(II) to access the World Wide
20 Web anonymously; and

21 “(ii) is enforcing the operation of such
22 technology protection measure during any
23 use of such computers.”;

24 (4) in the heading for subparagraph (F) (as so
25 redesignated by paragraph (2) of this subsection), by

1 inserting “OF INTERNET SAFETY MEASURES” after
2 “IMPLEMENTATION”;

3 (5) by inserting after subparagraph (F) (as so
4 redesignated by paragraph (2) of this subsection)
5 the following new subparagraph:

6 “(G) TIMING OF IMPLEMENTATION OF
7 MEASURES TO PREVENT ANONYMOUS INTERNET
8 ACCESS.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii), in the case of any library covered by
11 this paragraph as of the effective date of
12 this paragraph under section 2(e) of the
13 Who Is E-Mailing Our Kids Act, the cer-
14 tification under subparagraph (D) shall be
15 made—

16 “(I) with respect to the first pro-
17 gram funding year under this sub-
18 section following such effective date,
19 not later than 120 days after the be-
20 ginning of such program funding year;
21 and

22 “(II) with respect to any subse-
23 quent program funding year, as part
24 of the application process for such
25 program funding year.

1 “(ii) PROCESS.—

2 “(I) LIBRARIES WITH POLICY
3 AND TECHNOLOGY PROTECTION MEAS-
4 URES IN PLACE FOR PREVENTING
5 ANONYMOUS INTERNET ACCESS.—A
6 library covered by clause (i) that has
7 in place a policy regarding anonymous
8 Internet connection and technology
9 protection measures that meet the re-
10 quirements necessary for certification
11 under subparagraph (D) shall certify
12 its compliance with subparagraph (D)
13 during each annual program applica-
14 tion cycle under this subsection, ex-
15 cept that with respect to the first pro-
16 gram funding year after the effective
17 date of this paragraph under section
18 2(e) of the Who Is E-Mailing Our
19 Kids Act, the certifications shall be
20 made not later than 120 days after
21 the beginning of such first program
22 funding year.

23 “(II) LIBRARIES WITHOUT POL-
24 ICY AND TECHNOLOGY PROTECTION
25 MEASURES IN PLACE FOR PRE-

1 VENTING ANONYMOUS INTERNET AC-
2 CESS.—A library covered by clause (i)
3 that does not have in place a policy
4 regarding anonymous Internet connec-
5 tion and technology protection meas-
6 ures that meet the requirements nec-
7 essary for certification under subpara-
8 graph (D)—

9 “(aa) for the first program
10 year after the effective date of
11 this subsection in which it is ap-
12 plying for funds under this sub-
13 section, shall certify that it is un-
14 dertaking such actions, including
15 any necessary procurement pro-
16 cedures, to put in place a policy
17 and technology protection meas-
18 ures meeting the requirements
19 necessary for certification under
20 subparagraph (D); and

21 “(bb) for the second pro-
22 gram year after the effective date
23 of this subsection in which it is
24 applying for funds under this
25 subsection, shall certify that it is

1 in compliance with subparagraph
2 (D).

3 Any library that is unable to certify
4 compliance with such requirements in
5 such second program year shall be in-
6 eligible for services at discount rates
7 or funding in lieu of services at such
8 rates under this subsection for such
9 second year and all subsequent pro-
10 gram years under this subsection,
11 until such time as such library comes
12 into compliance with this paragraph.

13 “(III) WAIVERS.—Any library
14 subject to subclause (II) that cannot
15 come into compliance with subpara-
16 graph (D) in such second year pro-
17 gram may seek a waiver of subclause
18 (II)(bb) if State or local procurement
19 rules or regulations or competitive
20 bidding requirements prevent the
21 making of the certification otherwise
22 required by such subclause. A library,
23 library board, or other authority with
24 responsibility for administration of the
25 library shall notify the Commission of

1 the applicability of such subclause to
2 the library. Such notice shall certify
3 that the library in question will be
4 brought into compliance before the
5 start of the third program year after
6 the effective date of this subsection in
7 which the library is applying for funds
8 under this subsection.”; and

9 (6) in subparagraph (H)(ii) (as so redesignated
10 by paragraph (2) of this subsection), by striking
11 “subparagraphs (B) and (C)” and inserting “sub-
12 paragraph (B), (C), or (D)”.

13 (c) DEFINITIONS.—Section 254(h)(7) of the Commu-
14 nications Act of 1934 (47 U.S.C. 254(h)(7)) is amended—

15 (1) by redesignating subparagraphs (A) through
16 (I) as subparagraphs (B) through (J), respectively;
17 and

18 (2) by inserting before subparagraph (B) (as so
19 redesignated) the following new subparagraph:

20 “(A) ANONYMOUSLY.—The term ‘anony-
21 mously’ means—

22 “(i) with respect to sending of elec-
23 tronic mail, in a manner that prevents—

1 “(I) anyone receiving such mail
2 from accessing the electronic mail ad-
3 dress of the sender; or

4 “(II) the creation or recording,
5 by the computer used for sending the
6 electronic mail, of a record that the
7 mail was sent, of the content of the
8 mail, of the address to which the mail
9 was sent, or of the time, date, or
10 sender of the mail; and

11 “(ii) with respect to accessing the
12 World Wide Web, in a manner that pre-
13 vents the creation or recording, by the
14 computer used for such access or by the
15 network of which such computer is a part,
16 of any record of the World Wide Web sites
17 accessed by such computer or the identity
18 of the user who, or account that, accessed
19 such web sites.”.

20 (d) REQUIREMENT FOR SCHOOLS AND LIBRARIES OF
21 POLICY REGARDING ANONYMOUS INTERNET ACCESS.—
22 Section 254 of the Communications Act of 1934 (47
23 U.S.C. 254) is amended by adding at the end the following
24 new subsection:

1 “(m) REQUIREMENT FOR SCHOOLS AND LIBRARIES
2 OF POLICY REGARDING ANONYMOUS INTERNET AC-
3 CESS.—

4 “(1) IN GENERAL.—In carrying out its respon-
5 sibilities under subsection (h), each school or library
6 to which subsection (h) applies shall—

7 “(A) adopt and implement a policy regard-
8 ing anonymous Internet connection that
9 addresses—

10 “(i) the use of the computers of the
11 school or library to obtain inappropriate
12 anonymous access to the Internet and the
13 World Wide Web or to inappropriately
14 send electronic mail anonymously; and

15 “(ii) measures designed to restrict ac-
16 cess to any online privacy service that en-
17 ables a user—

18 “(I) to send electronic mail anon-
19 ymously; or

20 “(II) to access the World Wide
21 Web anonymous; and

22 “(B) provide reasonable public notice and
23 hold at least one public hearing or meeting to
24 address the proposed policy regarding anony-
25 mous Internet access.

1 “(2) LOCAL DETERMINATION OF ONLINE PRI-
2 VACY SERVICE.—A determination regarding what is
3 inappropriate anonymous access to the Internet and
4 the World Wide Web or what is inappropriate send-
5 ing of electronic mail anonymously shall be made by
6 the school board, local educational agency, library,
7 or other authority responsible for making the deter-
8 mination. No agency or instrumentality of the
9 United States Government may—

10 “(A) establish criteria for making such de-
11 termination;

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

15 “(C) consider the criteria employed by the
16 certifying school, school board, local educational
17 agency, library, or other authority in the ad-
18 ministration of subsection (h)(1)(B).

19 “(3) AVAILABILITY FOR REVIEW.—Each policy
20 regarding anonymous Internet access adopted under
21 this subsection shall be made available to the Com-
22 mission, upon request of the Commission, by the
23 school, school board, local educational agency, li-
24 brary, or other authority responsible for adopting
25 such Internet safety policy for purposes of the re-

1 view of such Internet safety policy by the Commis-
2 sion.

3 “(4) EFFECTIVE DATE.—This subsection shall
4 apply with respect to schools and libraries on or
5 after the date that is 120 days after the date of the
6 enactment of the Who Is E-Mailing Our Kids Act.”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect 120 days after the date of
9 the enactment of this Act.

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