



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 19, 2014

The Honorable Michael Honda
U.S. House of Representatives
1713 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Honda:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

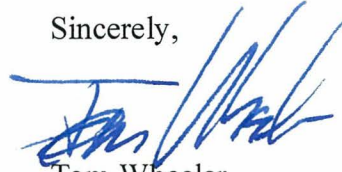
Importantly, CIPA mandates that the determination of what material is "inappropriate to minors" must be made at the local level. Congress explicitly prohibited "any agency or instrumentality of the U.S. Government" from establishing criteria for, reviewing, or considering the criteria employed in determining what is "inappropriate." Rather, this determination lies solely with the school board, local educational agency, library, or other authority receiving discounted Internet services under the E-rate program. These local entities are required to provide notice and hold at least one public hearing or meeting to address any proposed Internet safety policy.

Thus, while I share your outrage that any schools or libraries would use CIPA to block certain content simply because it is supportive of Lesbian, Gay, Bisexual, and Transgender students and adults, the Commission is bound by Congress's strict determination that, for purposes of CIPA compliance, decisions about what material is "inappropriate for minors" be made at the local level. Unless and until Congress makes changes to this law, the Commission cannot review the decisions made at the local level.

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I appreciate your interest in this matter and hope this information is helpful to you in understanding the interplay between CIPA and the E-rate program. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a horizontal line drawn above the first few letters.

Tom Wheeler