

Congress of the United States

Washington, DC 20515

September 25, 2014

Hon. Tom Wheeler, Chairman
Hon. Mignon Clyburn
Hon. Jessica Rosenworcel
Hon. Ajit Pai
Hon. Michael O'Rielly

1066

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Implementation of Blocking Requirements for E-rate Program (WC Docket No. 13-184)

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, and Commissioner O'Rielly:

As Members of Congress concerned with ensuring that our public schools and libraries provide resources for all students and community members, we are writing to make you aware of troubling implementation of online content filtering policies for students and citizens of all ages within public schools and libraries that receive E-rate funding, and to urge you to take action to ensure access to important Lesbian, Gay, Bisexual and Transgender (LGBT) resources for library patrons and high school students.

Under 47 U.S.C. § 254(h)(5) and the Commission's implementing rules,¹ schools and libraries are required to establish policies and filters for content considered "obscene; child pornography; or harmful to minors." Regrettably, Internet content-filtering software can—intentionally or unintentionally—be used to block access to particular viewpoints in a discriminatory manner.

For example, in 2011, the American Civil Liberties Union filed a lawsuit against the Camdenton R-III School District in Camdenton, Missouri for blocking access to content supportive of Lesbian, Gay, Bisexual and Transgender (LGBT) youth and adults. In this egregious case, the filter was configured such that anti-LGBT content was not blocked. Thankfully, a federal judge in February 2012 ruled in favor of the ACLU and ordered the school district to stop using the discriminatory filter. We know from Camdenton that this problem exists, yet there are few institutional resources to guide public schools and libraries to ensure LGBT content is not intentionally or unintentionally blocked.

The Internet has the potential to help LGBT people cope with discrimination, isolation and stigma they may face in their everyday lives. A 2013 Pew Research Center report and a national survey of LGBT adults found: 39% have been rejected by friends or family because of their sexual or gender identity; 30% have been physically attacked or threatened; 21% have been treated unfairly by an employer; and, only 56% have told their mother about their sexual or gender identity. This report also found that 80% of the LGBT community participates in a social

¹ See 47 C.F.R. § 54.520.

networking site, such as Facebook, compared to just 58% of the general public—highlighting the importance of technology for the LGBT community. A 2014 report by the LGBT Technology Partnership & Institute “Vision for Inclusion: An LGBT Broadband Future” concluded that LGBT people are dependent on the Internet to meet a range of individual and social needs, which also makes them especially vulnerable to discriminatory Internet policies enacted by schools and libraries.

In an age when high-speed broadband is transforming almost every aspect of our lives, we must ensure online access to every adult and child. We are aware that you are in the midst of a proceeding to modernize the E-rate program. We encourage you to consider this problem in the course of this proceeding and adopt a solution to end this practice. For example, the Commission’s regulations could make clear that LGBT educational content should not be filtered in a discriminatory manner.

Thank you again for your consideration.

Sincerely,



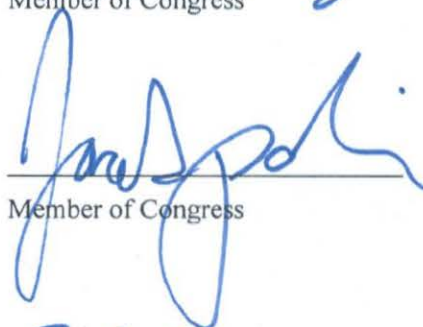
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Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, and Commissioner O'Rielly:

We write in support of the enclosed letter from Members of Congress. We want to ensure that our public schools and libraries provide access to resources for all students and community members, especially those who identify as lesbian, gay, bisexual and transgender (LGBT).

Earlier this summer, the LGBT Technology Partnership & Institute published a research paper entitled "Vision for Inclusion: An LGBT Broadband Future" outlining the unique needs of the LGBT community around broadband access. One of the recommendations specifically addresses access to LGBT resources in our public schools and libraries.

Although our organizations are diverse with respect to mission, focus and approach, we all share a similar commitment to improving the lives of LGBT individuals and support the request by Members of Congress to the FCC seeking to end the practice of discriminatory filtering.

Sincerely,

LGBT Technology Partnership & Institute
Human Rights Campaign
American Civil Liberties Union
All Under One Roof
Bradbury-Sullivan LGBT Community Center,
Allentown, PA
CenterLink: The Community of LGBT Centers
GLAAD
GLSEN
Health IT Now
Kalamazoo Gay Lesbian Community Center
Lesbians Who Tech
Los Angeles LGBT Center
Mary's House for Older Adults, Inc.

National Gay and Lesbian Task Force Action
Fund
Resource Center (Dallas LGBT Center)
Sacramento LGBT Community Center
Santa Clara County Library District
The Center: 7 Rivers LGBTQ Connection
The Trevor Project
Christopher Wolf - *Chair, National Civil Rights
Committee, Anti-Defamation League*
Lara Calvert-York - *President of Fremont
Unified School District*
Jules Polonetsky - *former SVP Consumer
Advocacy, AOL, former Consumer Affairs
Commissioner, NYC*
Wendy Gudalewicz - *Superintendent of
Cupertino Union School District*

Alethea Lewis

From: Robert Lucas <robert.lucas@mail.house.gov>
Sent: Monday, October 06, 2014 1:06 PM
To: Alethea Lewis
Subject: Signatories on Congressman Honda's letter

Alethea:

Thanks for your call. Attached is the final list of signatories. There are several signatories that were not included in the mailing, but the digital copy is linked below.

Digital Copy: <https://www.scribd.com/doc/241003489/Congressional-Letter-to-the-FCC-regarding-LGBT-Content-Filtering-in-Public-Schools-and-Libraries>

List of signatories:

- ✓ 1. Honda
- ✓ 2. Blumenauer
- ✓ 3. Cicilline
- ✓ 4. Ellison
- ✓ 5. Grijalva
- ✓ 6. Holt
- 7. Lee
- ✓ 8. Lowenthal
- ✓ 9. McDermott
- ✓ 10. Meeks
- 11. Nadler
- ✓ 12. Pocan
- ✓ 13. Polis
- ✓ 14. Rangel
- ✓ 15. Schiff
- 16. Slaughter
- 17. Speier
- ✓ 18. Takano.

Let me know if you have any questions.

Robert Lucas
Legislative Correspondent | Online Communications & Technology Director
Congressman Mike Honda (CA17-Silicon Valley)
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