

111TH CONGRESS
1ST SESSION

H. R. 3222

To promote Internet safety education and cybercrime prevention initiatives,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2009

Ms. WASSERMAN SCHULTZ (for herself and Mr. CULBERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To promote Internet safety education and cybercrime
prevention initiatives, and for other purposes.

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 “Adolescent Web
5 Awareness Requires Education Act” or the “AWARE
6 Act”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The Internet is an invaluable tool that is
10 critical to the ability of the Nation to compete in a

1 global economy. The Internet provides instant access
2 to research and boundless information and connects
3 individuals around the world.

4 (2) About 93 percent of youth ages 12 through
5 17 years use online services regularly and nearly 45
6 percent of children ages 3 to 11 years will use the
7 Internet on a monthly basis in 2009. Eighty-nine
8 percent of teens have a profile on social networking
9 sites. Eighty percent of teens ages 13 through 17
10 years use cell phones, most of which have built-in
11 cameras.

12 (3) Bullying in schools can take many forms,
13 including sending insulting, threatening, or offensive
14 messages via Internet sites, email, instant mes-
15 saging, cell phone text messaging, telephone, or any
16 other electronic messaging system.

17 (4) In a recent survey, 1 in 5 teenagers stated
18 that they had used their cell phones to send explicit
19 photos of themselves to a peer, a practice commonly
20 known as “sexting”. In most States, such conduct
21 can subject young adults to felony child pornography
22 charges and the potential punishment of registering
23 as a sex offender.

24 (5) The Internet has facilitated the growth of
25 a multibillion dollar global market for child pornog-

1 raphy, far exceeding the capacity of law enforcement
2 to respond at the Federal, State, and local level.

3 (6) Internet safety education, coupled with
4 technology tools, is the most effective way to resolve
5 and prevent these crimes and other dangers com-
6 mitted on the Internet and in other new media.

7 (7) According to an empirical study of 1,379
8 fourth grade students in Virginia, the first State to
9 mandate Internet safety education in its schools, the
10 students improved their responses to 8 of 10 Inter-
11 net safety scenarios after completing an Internet
12 safety education program, with the greatest improve-
13 ment in uncomfortable content and cyberbullying.

14 (8) The enactment of the Children's Internet
15 Protection Act (Public Law 106-554; 114 Stat.
16 2763A-336) mandated that schools implement
17 Internet safety policies and technology protection
18 measures in order to receive discounts to obtain af-
19 fordable telecommunications and Internet access.
20 Most schools have now developed acceptable use poli-
21 cies and have implemented filtering and other tech-
22 nology-based solutions to help protect children.

23 (9) However, less than 25 percent of educators
24 feel comfortable teaching students how to protect
25 themselves from online predators, bullies, and iden-

1 tivity thieves, according to a recent study by the Na-
2 tional Cyber Security Alliance and Educational
3 Technology Policy, Research, and Outreach. The
4 same study found that 90 percent of educators have
5 received less than 6 hours of professional develop-
6 ment on issues related to online security in the past
7 year. As a result, many students receive little or no
8 education on safe and responsible use of the Internet
9 and other new media.

10 (10) The widespread use of the Internet, cell
11 phones, interactive gaming, and other electronic
12 communication devices by children both inside and
13 outside of schools suggests that acceptable use poli-
14 cies and filtering alone cannot resolve Internet safe-
15 ty concerns and that a greater focus on education
16 would be beneficial.

17 (11) In a national poll on children's health, par-
18 ents ranked Internet safety fifth among their top
19 health concerns for children. Yet according to a
20 Common Sense Media poll conducted in 2006, al-
21 most 90 percent of parents say that they lack the
22 knowledge about how to protect their children on-
23 line. For this reason, educating parents about Inter-
24 net safety is key to empowering them to understand

1 actual risks and to take an active role in protecting
2 their children.

3 (12) The problem of online harassment, or
4 cyberbullying, of youth by other youths is wide-
5 spread and results in a range of children's experi-
6 ences from minor irritation to severe emotional
7 harm. The Bureau of Justice Statistics has found
8 that online harassment tends to begin in third and
9 fourth grade, peaks in seventh and eighth grade,
10 and continues in reduced amounts throughout high
11 school, college, and professional school.

12 (13) Gang members increasingly are using the
13 Internet as a recruitment tool to entice would-be
14 members and as an intimidation tool to threaten
15 rival gangs. Gang members use the Internet, in par-
16 ticular, to promote their message.

17 (14) More research is needed in several areas of
18 youth online safety, including—

19 (A) the prevention of minor-to-minor solici-
20 tation and other inappropriate use of the Inter-
21 net;

22 (B) the prevention of the creation of prob-
23 lematic content by youths;

1 (C) the protection of lesbian, gay, bisexual,
2 and transgender youth and youth with disabili-
3 ties that may be particularly vulnerable;

4 (D) the interplay between socioeconomic
5 class and risk factors;

6 (E) the role that pervasive digital image
7 and video capture devices play in harassment of
8 youth by other youth and youth production of
9 problematic content;

10 (F) the intersection of different mobile and
11 Internet-based technologies; and

12 (G) the online activities of registered sex
13 offenders.

14 (b) PURPOSES.—The purposes of this Act are to—

15 (1) facilitate research and identify best prac-
16 tices in Internet safety education for youth, parents,
17 and education officials; and

18 (2) establish a competitive grant program for
19 State education agencies, local educational agencies,
20 and nonprofit organizations to institute best prac-
21 tices relating to Internet education and the research-
22 based recommendations derived from the study con-
23 ducted under this Act.

24 **SEC. 3. GRANT PROGRAM.**

25 (a) AUTHORITY TO MAKE GRANTS.—

1 (1) IN GENERAL.—Subject to subsection (e)(1),
2 the Attorney General, after consultation with the
3 Secretary of Education and the Secretary of Health
4 and Human Services, shall make grants to eligible
5 entities to carry out an Internet safety education
6 program.

7 (2) PERIOD.—A grant under this section shall
8 be for a 2-year period.

9 (b) APPLICATION.—An eligible entity desiring a grant
10 under this section shall submit an application to the Attor-
11 ney General, which shall include—

12 (1) a description of the partnership arrange-
13 ments, if any, of the eligible entity relating to the
14 activities to be carried out with the grant;

15 (2) a description of the measurable goals of the
16 eligible entity relating to the activities to be carried
17 out with the grant;

18 (3) a description of how the Internet safety
19 education program of the eligible entity shall achieve
20 the measurable goals described in paragraph (2);

21 (4) a description of the plan of the eligible enti-
22 ty to continue to implement the Internet safety edu-
23 cation program after the grant under this section
24 ends;

1 (5) a description of how funds under the grant
2 may be used and coordinated with Internet safety
3 education programs being carried out on the date of
4 enactment of this Act or other Internet safety edu-
5 cation programs established with grants under this
6 section;

7 (6) a description of the target audience under
8 the proposed Internet safety education program;

9 (7) a certification that the eligible entity en-
10 forces the operation of technology protection meas-
11 ures under section 254(h)(5) of the Communications
12 Act of 1934 (47 U.S.C. 254(h)(5)) if the eligible en-
13 tity provides Internet access to minors; and

14 (8) any other information or assurances re-
15 quired by the Attorney General.

16 (c) PRIORITIZATION.—In making grants under this
17 section, the Attorney General shall give priority to an eligi-
18 ble entity that—

19 (1) identifies and targets at-risk children;

20 (2) works in partnership with the private sec-
21 tor, law enforcement, the philanthropic community,
22 the media, researchers, social services organizations,
23 or other community-based groups;

24 (3) provides Internet safety education programs
25 at no cost to students or schools;

1 (4) accommodates different languages and lan-
2 guage proficiencies;

3 (5) accommodates differing levels of techno-
4 logical sophistication; or

5 (6) has a viable plan to sustain the Internet
6 safety education program after the grant program
7 ends.

8 (d) USE OF FUNDS.—An eligible entity may use a
9 grant under this section to—

10 (1) identify, develop, and implement Internet
11 safety education programs, including educational
12 technology, multimedia and interactive applications,
13 online resources, and lesson plans;

14 (2) provide professional training to elementary
15 and secondary school teachers, administrators, and
16 other staff on Internet safety and new media lit-
17 eracy;

18 (3) educate parents about teaching their chil-
19 dren how to use the Internet and new media safely
20 and responsibly and help parents identify and pro-
21 tect their children from risks relating to use of the
22 Internet and new media;

23 (4) develop online risk prevention programs for
24 children;

1 (5) train and support peer-driven Internet safe-
2 ty education initiatives;

3 (6) coordinate and fund research initiatives that
4 investigate online risks to children and Internet safe-
5 ty education; or

6 (7) develop and implement public education
7 campaigns to promote awareness of online risks to
8 children and Internet safety education.

9 (e) GRANT GUIDANCE.—

10 (1) IN GENERAL.—Before making grants under
11 this section, and not later than 1 month after the
12 date on which the study under paragraph (3)(A) is
13 completed, the applicable agency heads, in consulta-
14 tion with education groups, internet safety groups,
15 and other relevant experts in the field of new media
16 and child safety, shall issue detailed guidance for the
17 grant program under this section.

18 (2) CONTENTS OF GUIDANCE.—The grant guid-
19 ance shall be implemented by the Attorney General
20 in accordance with best practices relating to Internet
21 education and the research-based recommendations
22 derived from the study conducted under paragraph
23 (3)(A).

24 (3) INTERNET SAFETY RESEARCH.—

1 (A) INITIAL RESEARCH.—The Attorney
2 General shall enter into contracts with 1 or
3 more private companies, government agencies,
4 or nonprofit organizations to complete a study,
5 not later than 6 months after the date of enact-
6 ment of this Act, regarding—

7 (i) the nature, prevalence, and quality
8 of Internet safety education programs and
9 any evidence-based research conducted re-
10 lating to the programs;

11 (ii) findings regarding which children
12 are most at risk;

13 (iii) gaps in Internet safety education
14 and youth online risk research; and

15 (iv) any other area determined appro-
16 priate by the Attorney General.

17 (B) ADDITIONAL RESEARCH.—Subject to
18 the availability of appropriations, the Attorney
19 General shall enter into contracts with private
20 companies, government agencies, or nonprofit
21 organizations to conduct additional research re-
22 garding the issues described in subparagraph
23 (A). Any research conducted under this sub-
24 paragraph shall be included in the reports
25 under subsection (g)(3).

1 (f) TECHNICAL ASSISTANCE.—The Attorney General
2 shall provide technical assistance to eligible entities that
3 receive a grant under this section, which may include
4 maintaining a Web site to facilitate outreach and commu-
5 nication among the eligible entities that receive a grant
6 under this section.

7 (g) REPORTS.—

8 (1) ELIGIBLE ENTITIES.—An eligible entity
9 that receives a grant under this section shall submit
10 to the Attorney General and make public an annual
11 report regarding the activities carried out using
12 funds made available under the grant, which shall
13 include—

14 (A) a description of how the eligible entity
15 implemented the Internet safety education pro-
16 gram carried out with the grant;

17 (B) a detailed description of the audience
18 reached;

19 (C) an analysis of whether and to what de-
20 gree the goals for the Internet safety education
21 program were met;

22 (D) an analysis of the challenges, if any,
23 that interfered with achieving the goals de-
24 scribed in subparagraph (C);

1 (E) plans for future Internet safety pro-
2 grams; and

3 (F) an accounting of the funds used.

4 (2) COMPILATION OF ANNUAL REPORTS FOR
5 REVISED GRANT GUIDANCE.—The Attorney General
6 shall—

7 (A) review the report under paragraph (1)
8 submitted by each eligible entity that receives a
9 grant under this section during the first fiscal
10 year for which grants under this section are
11 made; and

12 (B) not later than 6 months after the date
13 on which all reports described in subparagraph
14 (A) are submitted, modify, as appropriate, the
15 grant guidance based on the reports after con-
16 sultation with the Secretary of Education and
17 the Secretary of Health and Human Services.

18 (3) REPORTS TO CONGRESS.—Not later than
19 27 months after the date on which the Attorney
20 General makes the first grant under this section,
21 and annually thereafter, the applicable agency heads
22 shall submit to Congress a report regarding the
23 grant program under this section, which shall in-
24 clude—

1 (A) a compilation of the information and
2 findings of the annual reports submitted under
3 paragraph (1);

4 (B) the findings and conclusions of the ap-
5 plicable agency heads, including findings and
6 conclusions relating to the effectiveness of
7 Internet safety education programs carried out
8 using a grant under this section; and

9 (C) best practices identified by the applica-
10 ble agency heads relating to Internet safety
11 education.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated to the Attorney General to carry out
15 this section \$25,000,000 for each of fiscal years
16 2010 through 2014.

17 (2) LIMITATION.—Of amounts made available
18 to carry out this section, not more than 5 percent
19 shall be available to carry out subsections (e), (f),
20 and (g)(2).

21 **SEC. 4. DEFINITIONS.**

22 In this Act, the following definitions apply:

23 (1) APPLICABLE AGENCY HEADS.—The term
24 “applicable agency heads” means the Attorney Gen-
25 eral, after consultation with the Secretary of Edu-

1 cation and the Secretary of Health and Human
2 Services.

3 (2) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means—

5 (A) a partnership between a State edu-
6 cational agency and 1 or more local educational
7 agencies (as those terms are defined in section
8 9101 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7801)) of the
10 State;

11 (B) a local educational agency;

12 (C) a nonprofit organization; or

13 (D) a consortium of elementary schools or
14 secondary schools (as those terms are defined in
15 section 9101 of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 7801)) col-
17 laborating with an entity described in subpara-
18 graph (A), (B), or (C).

19 (3) GRANT GUIDANCE.—The term “grant guid-
20 ance” means the grant guidance issued under sec-
21 tion 3(e)(1).

22 (4) INTERNET SAFETY EDUCATION PROGRAM.—
23 The term “Internet safety education program”
24 means an age-appropriate, research-based program
25 that encourages safe and responsible use of the

1 Internet, promotes an informed, critical under-
2 standing of Internet dangers, and educates children,
3 parents, and communities about how to prevent or
4 respond to problems or dangers related to the Inter-
5 net or new media.

6 (5) NEW MEDIA.—The term “new media”—

7 (A) means emerging digital, computerized,
8 or networked information and communication
9 technologies that often have interactive capabili-
10 ties; and

11 (B) includes email, instant messaging, text
12 messaging, Web sites, blogs, interactive gaming,
13 social media, cell phones, and mobile devices.

14 (6) NONPROFIT.—The term “nonprofit” means
15 an organization that is described in section 501(c) of
16 the Internal Revenue Code of 1986 and exempt from
17 tax under section 501(a) of that Code.

○