

data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) **LIMITATION.**—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this title and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) an entity that is either—

(i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State;

(ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) is the single eligible entity in the State that has been designated by the State to receive a grant under this section.

(j) **NO REGULATORY AUTHORITY.**—Nothing in this section shall be construed as giving any public or private entity established or affected by this title any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

## TITLE II—PROTECTING CHILDREN

### SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Protecting Children in the 21st Century Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.

#### SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 211. Internet safety.

Sec. 212. Public awareness campaign.

Sec. 213. Annual reports.

Sec. 214. Online safety and technology working group.

Sec. 215. Promoting online safety in schools.

Sec. 216. Definitions.

#### SUBTITLE B—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 221. Child pornography prevention; forfeitures related to child pornography violations.

#### SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

### SEC. 211. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

### SEC. 212. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public

awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

### SEC. 213. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 103 by the Commission during the preceding calendar year.

### SEC. 214. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) **ESTABLISHMENT.**—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) **REPORT.**—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) **FACA NOT TO APPLY TO WORKING GROUP.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

### SEC. 215. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking “and” after the semicolon in clause (i);

(2) by striking “minors.” in clause (ii) and inserting “minors; and”; and

(3) by adding at the end the following:

“(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.”

### SEC. 216. DEFINITIONS.

In this title:

(1) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(2) **INTERNET.**—The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

## TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

### SEC. 221. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) **IN GENERAL.**—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended by striking “or 1464” in subparagraph (D) and inserting “1464, or 2252”.

## INDIAN LEASE ACT

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1041, S. 3192.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3192) to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by inserting “, land held in trust for the Cow Creek Band of Umpqua Indians of Oregon, land held in trust for the Coquille Tribe of Oregon, and land held in trust for the Confederated Tribes of the Siletz Reservation, Oregon” after “Devils Lake Sioux Reservation”; and

(2) by inserting “and except leases of land held in trust for the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, which may be for a term not to exceed 50 years,” before “and except”.

Amend the title so as to read: "A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 99-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land."

Mr. WHITEHOUSE. I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the title amendment be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3192), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read:

"A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 99-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land."

#### PRESIDENTIAL HISTORICAL RECORDS PRESERVATION ACT OF 2008

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1088, S. 3477.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 3477) to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

There being no objection, the Senate proceed to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with amendments, as follows:

[Omit the part within boldface brackets and insert the part printed in italic]

S. 3477

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Historical Records Preservation Act of 2008".

#### SEC. 2. GRANT PROGRAM.

Section 2504 of title 44, United States Code, is amended by—

(1) redesignating subsection (f) as subsection (g); and

[(2) amending subsection (g)(1) (as so redesignated by paragraph (1))—

[(A) in subparagraph (R), by striking "and";

[(B) in subparagraph (S), by striking the period and inserting "; and"; and

[(C) by adding at the end the following:

["(T) \$15,000,000 for fiscal year 2010."; and

[(3) inserting after subsection (e), the following:]

(2) *inserting after subsection (e) the following:*  
"(f) GRANTS FOR PRESIDENTIAL CENTERS OF HISTORICAL EXCELLENCE.—

"(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, [shall] may make grants, on a competitive basis and in accordance with this subsection, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to section 2112 (commonly known as the 'Presidential Libraries Act of 1955').

"(2) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is—

"(A) an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

"(B) a State or local government of the United States.

"(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records or historical documents relating to any former President covered under paragraph (1).

"(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records or historical documents relating to any former President covered under paragraph (1).

"(5) APPLICATION.—

"(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit to the Commission an application at such time, in such manner, and containing or accompanied by such information as the Commission may require, including a description of the activities for which a grant under this subsection is sought.

"(B) APPROVAL OF APPLICATION.—The Commission shall not consider or recommend a grant application submitted under subparagraph (A) unless an eligible entity establishes that such entity—

"(i) possesses, with respect to any former President covered under paragraph (1), historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense;

"(ii) has appropriate facilities and space for preservation of, and public access to, the historical works and collections of historical sources;

"(iii) shall ensure preservation of, and public access to, such historical works and collections of historical sources at no charge to the public;

"(iv) has educational programs that make the use of such documents part of the mission of such entity;

"(v) has raised funds from non-Federal sources in support of the efforts of the entity to promote the historical preservation of, and public access to, such historical works and collections of historical sources in an amount equal to the amount of the grant the entity seeks under this subsection;

"(vi) shall coordinate with any relevant Federal program or activity, including programs and activities relating to Presidential archival depositories;

"(vii) shall coordinate with any relevant non-Federal program or activity, including programs and activities conducted by State and local governments and private educational historical entities; and

"(viii) has a workable plan for preserving and providing public access to such historical works and collections of historical sources."

#### SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS; RECUSAL.

(a) TERM LIMITS.—

(1) IN GENERAL.—Section 2501(b)(1) of title 44, United States Code, is amended—

(A) by inserting "not more than 2" after "subsection (a) shall be appointed for"; and

(B) in subparagraph (A), by striking "a term" and inserting "not more than 4 terms".

(2) EFFECTIVE DATE.—The restrictions on the terms of members of the National Historical Publications and Records Commission provided in the amendments made by paragraph (1) shall apply to members serving on or after the date of enactment of this Act.

(b) RECUSAL.—

(1) IN GENERAL.—Section 2501 of title 44, United States Code, is amended by adding at the end the following:

"(d) RECUSAL.—Members of the Commission shall recuse themselves from voting on any matter that poses, or could potentially pose, a conflict of interest, including a matter that could benefit them or an entity they represent."

(2) EFFECTIVE DATE.—The requirement of recusal provided in the amendment made by paragraph (1) shall apply to members of the National Historical Publications and Records Commission serving on or after the date of enactment of this Act.

#### SEC. 4. ONLINE ACCESS OF FOUNDING FATHERS DOCUMENTS; TRANSFER OF FUNDS.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after section 2119 the following:

##### "§2120. Online access of founding fathers documents

"The Archivist may enter into a cooperative agreement to provide online access to the published volumes of the papers of—

"(1) George Washington;

"(2) Alexander Hamilton;

"(3) Thomas Jefferson;

"(4) Benjamin Franklin;

"(5) John Adams;

"(6) James Madison; and

"(7) other prominent historical figures, as determined appropriate by the Archivist of the United States."

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Archivist of the United States, in the role as chairman of the National Historical Publications and Records Commission may enter into cooperative agreements pursuant to section 6305 of title 31, United States Code, that involve the transfer of funds from the National Historical Publications and Records Commission to State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Code.

(2) REPORT.—Not later than December 31st of each year, the Archivist of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by paragraph (1) during the preceding fiscal year.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by adding after the item relating to section 2119 the following: