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(Original Signature of Member)

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. \_\_\_\_\_

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SHIMKUS (for himself, Mr. MARKEY, and Mr. UPTON) introduced the following bill; which was referred to the Committee on

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# A BILL

To facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, 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,*



1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dot Kids Implementa-  
3 tion and Efficiency Act of 2002”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

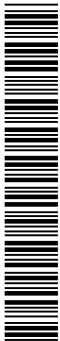
5 (a) FINDINGS.—The Congress finds that—

6 (1) the World Wide Web presents a stimulating  
7 and entertaining opportunity for children to learn,  
8 grow, and develop educationally and intellectually;

9 (2) Internet technology also makes available an  
10 extensive amount of information that is harmful to  
11 children, as studies indicate that a significant por-  
12 tion of all material available on the Internet is re-  
13 lated to pornography;

14 (3) young children, when trying to use the  
15 World Wide Web for positive purposes, are often  
16 presented—either mistakenly or intentionally—with  
17 material that is inappropriate for their age, which  
18 can be extremely frustrating for children, parents,  
19 and educators;

20 (4) exposure of children to material that is in-  
21 appropriate for them, including pornography, can  
22 distort the education and development of the Na-  
23 tion’s youth and represents a serious harm to Amer-  
24 ican families that can lead to a host of other prob-  
25 lems for children, including inappropriate use of



1 chat rooms, physical molestation, harassment, and  
2 legal and financial difficulties;

3 (5) although the computer software and hard-  
4 ware industries, and other related industries, have  
5 developed innovative ways to help parents and edu-  
6 cators restrict material that is harmful to minors  
7 through parental control protections and self-regula-  
8 tion, to date such efforts have not provided a na-  
9 tional solution to the problem of minors accessing  
10 harmful material on the World Wide Web;

11 (6) the creation of a “green-light” area within  
12 the United States country code Internet domain,  
13 that will contain only content that is appropriate for  
14 children under the age of 13, is analogous to the  
15 creation of a children’s section within a library and  
16 will promote the positive experiences of children and  
17 families in the United States;

18 (7) while custody, care, and nurture of the child  
19 reside first with the parent, the protection of the  
20 physical and psychological well-being of minors by  
21 shielding them from material that is harmful to  
22 them is a compelling governmental interest; and

23 (8) the creation—as facilitated by this Act—of  
24 a safe place on the Internet for children, use of  
25 which is completely at the discretion of individual



1 parents, families, and children, is a narrowly tailored  
2 solution that is least restrictive of protected speech  
3 while still allowing for alternative avenues of com-  
4 munication within the United States country code  
5 domain, as well as the World Wide Web.

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

7 (1) to facilitate the creation of second-level do-  
8 main within the United States country code domain  
9 for the location of material that is suitable for mi-  
10 nors and not harmful to minors; and

11 (2) to ensure that the National Telecommuni-  
12 cations and Information Administration oversees the  
13 creation of such a second-level domain and ensures  
14 the effective and efficient establishment and oper-  
15 ation of the new domain.

16 **SEC. 3. NTIA AUTHORITY.**

17 Section 103(b)(3) of the National Telecommuni-  
18 cations and Information Administration Organization Act  
19 (47 U.S.C. 902(b)(3)) is amended—

20 (1) in subparagraph (A), by striking “and” at  
21 the end;

22 (2) in subparagraph (B), by striking the period  
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following new sub-  
25 paragraph:



1           “(C) shall assign to the NTIA responsi-  
2           bility for providing for the establishment, and  
3           overseeing operation, of a second-level Internet  
4           domain within the United States country code  
5           domain in accordance with section 157.”.

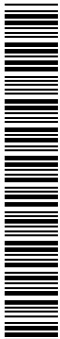
6 **SEC. 4. CHILD-FRIENDLY SECOND-LEVEL INTERNET DO-**  
7           **MAIN.**

8           The National Telecommunications and Information  
9           Administration Organization Act (47 U.S.C. 901 et seq.)  
10          is amended in part C by adding at the end the following  
11          new section:

12 **“SEC. 157. CHILD-FRIENDLY SECOND-LEVEL INTERNET DO-**  
13           **MAIN.**

14          “(a) RESPONSIBILITIES.—The NTIA shall require  
15          the registry selected to operate and maintain the United  
16          States country code Internet domain to establish, operate,  
17          and maintain a second-level domain within the United  
18          States country code domain that provides access only to  
19          material that is suitable for minors and not harmful to  
20          minors (in this section referred to as the ‘new domain’).

21          “(b) CONDITIONS OF CONTRACT RENEWAL.—The  
22          NTIA may not renew any contract with the initial reg-  
23          istry, or enter into any contract with a successor registry,  
24          that is selected to operate and maintain the new domain  
25          unless, during the 12-month period beginning upon such



1 selection, such registry enters into an agreement with the  
2 NTIA to provide, and does implement, the following:

3 “(1) Written content standards for the new do-  
4 main, except that the NTIA shall not have any au-  
5 thority to establish such standards.

6 “(2) Written agreements with each registrar for  
7 the new domain that ensure use of the new domain  
8 is in accordance with the standards and rules of the  
9 registry.

10 “(3) Registrars to enter into written agree-  
11 ments with registrants to use the new domain in ac-  
12 cordance with the standards and rules of the reg-  
13 istry.

14 “(4) Rules and procedures for enforcement and  
15 oversight that minimize the possibility that the new  
16 domain provides access to content that is not in ac-  
17 cordance with the standards and rules of the reg-  
18 istry.

19 “(5) A process for removing from the new do-  
20 main any content that is not in accordance with the  
21 standards and rules of the registry.

22 “(6) A process to provide registrants to the new  
23 domain with an opportunity for an impartial dispute  
24 resolution process regarding any material of the reg-  
25 istrant excluded from the new domain.



1           “(7) Continuous and uninterrupted service for  
2           the new domain during any transition to a new reg-  
3           istry selected to operate and maintain the United  
4           States country code domain.

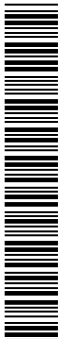
5           “(8) Taking any other action that the NTLA  
6           considers necessary to establish, operate, or main-  
7           tain the new domain in accordance with the pur-  
8           poses of this section.

9           “(c) TREATMENT OF REGISTRY AND OTHER ENTI-  
10          TIES.—

11           “(1) IN GENERAL.—Only to the extent that  
12           such entities carry out functions under this section,  
13           the following entities are deemed to be interactive  
14           computer services for purposes of section 230(c) of  
15           the Communications Act of 1934 (47 U.S.C.  
16           230(c)):

17           “(A) The registry that operates and main-  
18           tains the new domain.

19           “(B) Any entity that contracts with such  
20           registry to carry out functions to ensure that  
21           content accessed through the new domain com-  
22           plies with the limitations applicable to the new  
23           domain.



1           “(C) Any registrar for the registry of the  
2           new domain that is operating in compliance  
3           with its agreement with the registry.

4           “(2) SAVINGS PROVISION.—Nothing in para-  
5           graph (1) shall be construed to affect the applica-  
6           bility of any other provision of title II of the Com-  
7           munications Act of 1934 to the entities covered by  
8           subparagraph (A), (B), or (C) of paragraph (1).

9           “(d) EDUCATION.—The NTIA shall carry out a pro-  
10          gram to publicize the availability of the new domain and  
11          to educate the parents of minors regarding the process  
12          for utilizing the new domain in combination and coordina-  
13          tion with hardware and software technologies that provide  
14          for filtering or blocking. The program under this sub-  
15          section shall be commenced not later than 30 days after  
16          the date that the new domain first becomes operational  
17          and accessible by the public.

18          “(e) COORDINATION WITH FEDERAL GOVERN-  
19          MENT.—The registry selected to operate and maintain the  
20          new domain shall—

21                 “(1) consult with the other appropriate agencies  
22                 of the Federal Government regarding appropriate  
23                 procedures and actions to prevent minors and fami-  
24                 lies who use the new domain from being targeted by



1 adults and other children for predatory behavior, ex-  
2 ploitation, or illegal actions; and

3 “(2) establish such procedures and take such  
4 actions as may be necessary to prevent such tar-  
5 geting.

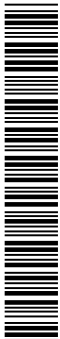
6 The consultations, procedures, and actions required under  
7 this subsection shall be commenced not later than 30 days  
8 after the date that the new domain first becomes oper-  
9 ational and accessible by the public.

10 “(f) COMPLIANCE REPORT.—Not less often than an-  
11 nually, the Comptroller General of the United States  
12 shall—

13 “(1) conduct a review of the registry selected to  
14 operate and maintain the new domain to ensure  
15 compliance with the provisions of subsection (b);

16 “(2) conduct a review of a sample of the con-  
17 tent made available through the new domain to en-  
18 sure compliance with the standards and rules of the  
19 registry; and

20 “(3) submit a report to the Committee on En-  
21 ergy and Commerce of the House of Representatives  
22 and the Committee on Commerce, Science, and  
23 Transportation of the Senate regarding the results  
24 of such reviews.



1           “(g) DEFINITIONS.—For purposes of this section, the  
2 following definitions shall apply:

3           “(1) HARMFUL TO MINORS.—The term ‘harm-  
4 ful to minors’ means, with respect to material,  
5 that—

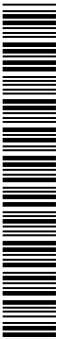
6           “(A) the average person, applying contem-  
7 porary community standards, would find, taking  
8 the material as a whole and with respect to mi-  
9 nors, that it is designed to appeal to, or is de-  
10 signed to pander to, the prurient interest;

11           “(B) the material depicts, describes, or  
12 represents, in a manner patently offensive with  
13 respect to minors, an actual or simulated sexual  
14 act or sexual contact, an actual or simulated  
15 normal or perverted sexual act, or a lewd exhi-  
16 bition of the genitals or post-pubescent female  
17 breast; and

18           “(C) taken as a whole, the material lacks  
19 serious, literary, artistic, political, or scientific  
20 value for minors.

21           “(2) MINOR.—the term ‘minor’ means any per-  
22 son under 13 years of age.

23           “(3) SUITABLE FOR MINORS.—The term ‘suit-  
24 able for minors’ means, with respect to material,



1       that it is not psychologically or intellectually inap-  
2       propriate for the age of the targeted audience.”.

