

In the Senate of the United States,

November 13, 2002.

Resolved, That the bill from the House of Representatives (H.R. 3833) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) *FINDINGS.*—*The Congress finds that—*

3 (1) *the World Wide Web presents a stimulating*
4 *and entertaining opportunity for children to learn,*
5 *grow, and develop educationally and intellectually;*

6 (2) *Internet technology also makes available an*
7 *extensive amount of information that is harmful to*
8 *children, as studies indicate that a significant portion*
9 *of all material available on the Internet is related to*
10 *pornography;*

11 (3) *young children, when trying to use the World*
12 *Wide Web for positive purposes, are often presented—*
13 *either mistakenly or intentionally—with material*
14 *that is inappropriate for their age, which can be ex-*
15 *tremely frustrating for children, parents, and edu-*
16 *cators;*

17 (4) *exposure of children to material that is inap-*
18 *propriate for them, including pornography, can dis-*
19 *tort the education and development of the Nation’s*
20 *youth and represents a serious harm to American*
21 *families that can lead to a host of other problems for*
22 *children, including inappropriate use of chat rooms,*
23 *physical molestation, harassment, and legal and fi-*
24 *nancial difficulties;*

25 (5) *young boys and girls, older teens, troubled*
26 *youth, frequent Internet users, chat room partici-*

1 *pants, online risk takers, and those who communicate*
2 *online with strangers are at greater risk for receiving*
3 *unwanted sexual solicitation on the Internet;*

4 *(6) studies have shown that 19 percent of youth*
5 *(ages 10 to 17) who used the Internet regularly were*
6 *the targets of unwanted sexual solicitation, but less*
7 *than 10 percent of the solicitations were reported to*
8 *the police;*

9 *(7) children who come across illegal content*
10 *should report it to the congressionally authorized*
11 *CyberTipline, an online mechanism developed by the*
12 *National Center for Missing and Exploited Children,*
13 *for citizens to report sexual crimes against children;*

14 *(8) the CyberTipline has received more than*
15 *64,400 reports, including reports of child pornog-*
16 *raphy, online enticement for sexual acts, child moles-*
17 *tation (outside the family), and child prostitution;*

18 *(9) although the computer software and hard-*
19 *ware industries, and other related industries, have de-*
20 *veloped innovative ways to help parents and edu-*
21 *cators restrict material that is harmful to minors*
22 *through parental control protections and self-regula-*
23 *tion, to date such efforts have not provided a national*
24 *solution to the problem of minors accessing harmful*
25 *material on the World Wide Web;*

1 (10) the creation of a “green-light” area within
2 the United States country code Internet domain, that
3 will contain only content that is appropriate for chil-
4 dren under the age of 13, is analogous to the creation
5 of a children’s section within a library and will pro-
6 mote the positive experiences of children and families
7 in the United States; and

8 (11) while custody, care, and nurture of the child
9 reside first with the parent, the protection of the phys-
10 ical and psychological well-being of minors by shield-
11 ing them from material that is harmful to them is a
12 compelling governmental interest.

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

14 (1) to facilitate the creation of a second-level do-
15 main within the United States country code Internet
16 domain for the location of material that is suitable
17 for minors and not harmful to minors; and

18 (2) to ensure that the National Telecommuni-
19 cations and Information Administration oversees the
20 creation of such a second-level domain and ensures
21 the effective and efficient establishment and operation
22 of the new domain.

1 **SEC. 3. NTIA AUTHORITY.**

2 *Section 103(b)(3) of the National Telecommunications*
 3 *and Information Administration Organization Act (47*
 4 *U.S.C. 902(b)(3)) is amended—*

5 *(1) in subparagraph (A), by striking “and” at*
 6 *the end;*

7 *(2) in subparagraph (B), by striking the period*
 8 *at the end and inserting “; and”; and*

9 *(3) by adding at the end the following new sub-*
 10 *paragraph:*

11 *“(C) shall assign to the NTIA responsibility*
 12 *for providing for the establishment, and over-*
 13 *seeing operation, of a second-level Internet do-*
 14 *main within the United States country code do-*
 15 *main in accordance with section 157.”.*

16 **SEC. 4. CHILD-FRIENDLY SECOND-LEVEL INTERNET DO-**
 17 **MAIN.**

18 *The National Telecommunications and Information*
 19 *Administration Organization Act (47 U.S.C. 901 et seq.)*
 20 *is amended in part C by adding at the end the following*
 21 *new section:*

22 **“SEC. 157. CHILD-FRIENDLY SECOND-LEVEL INTERNET DO-**
 23 **MAIN.**

24 *“(a) RESPONSIBILITIES.—The NTIA shall require the*
 25 *registry selected to operate and maintain the United States*
 26 *country code Internet domain to establish, operate, and*

1 *maintain a second-level domain within the United States*
2 *country code domain that provides access only to material*
3 *that is suitable for minors and not harmful to minors (in*
4 *this section referred to as the ‘new domain’).*

5 “(b) *CONDITIONS OF CONTRACTS.—*

6 “(1) *INITIAL REGISTRY.—The NTIA shall not ex-*
7 *ercise any option periods under any contract between*
8 *the NTIA and the initial registry to operate and*
9 *maintain the United States country code Internet do-*
10 *main unless the initial registry agrees, during the 90-*
11 *day period beginning upon the date of the enactment*
12 *of the Dot Kids Implementation and Efficiency Act of*
13 *2002, to carry out, and to operate the new domain in*
14 *accordance with, the requirements under subsection*
15 *(c). Nothing in this subsection shall be construed to*
16 *prevent the initial registry of the United States coun-*
17 *try code Internet domain from participating in the*
18 *NTIA’s process for selecting a successor registry or to*
19 *prevent the NTIA from awarding, to the initial reg-*
20 *istry, the contract to be successor registry subject to*
21 *the requirements of paragraph (2).*

22 “(2) *SUCCESSOR REGISTRIES.—The NTIA shall*
23 *not enter into any contract for operating and main-*
24 *taining the United States country code Internet do-*
25 *main with any successor registry unless such registry*

1 *enters into an agreement with the NTIA, during the*
2 *90-day period after selection of such registry, that*
3 *provides for the registry to carry out, and the new do-*
4 *main to operate in accordance with, the requirements*
5 *under subsection (c).*

6 *“(c) REQUIREMENTS OF NEW DOMAIN.—The registry*
7 *and new domain shall be subject to the following require-*
8 *ments:*

9 *“(1) Written content standards for the new do-*
10 *main, except that the NTIA shall not have any au-*
11 *thority to establish such standards.*

12 *“(2) Written agreements with each registrar for*
13 *the new domain that require that use of the new do-*
14 *main is in accordance with the standards and re-*
15 *quirements of the registry.*

16 *“(3) Written agreements with registrars, which*
17 *shall require registrars to enter into written agree-*
18 *ments with registrants, to use the new domain in ac-*
19 *cordance with the standards and requirements of the*
20 *registry.*

21 *“(4) Rules and procedures for enforcement and*
22 *oversight that minimize the possibility that the new*
23 *domain provides access to content that is not in ac-*
24 *cordance with the standards and requirements of the*
25 *registry.*

1 “(5) A process for removing from the new do-
2 main any content that is not in accordance with the
3 standards and requirements of the registry.

4 “(6) A process to provide registrants to the new
5 domain with an opportunity for a prompt, expedi-
6 tious, and impartial dispute resolution process re-
7 garding any material of the registrant excluded from
8 the new domain.

9 “(7) Continuous and uninterrupted service for
10 the new domain during any transition to a new reg-
11 istry selected to operate and maintain new domain or
12 the United States country code domain.

13 “(8) Procedures and mechanisms to promote the
14 accuracy of contact information submitted by reg-
15 istrants and retained by registrars in the new do-
16 main.

17 “(9) Operationality of the new domain not later
18 than one year after the date of the enactment of the
19 Dot Kids Implementation and Efficiency Act of 2002.

20 “(10) Written agreements with registrars, which
21 shall require registrars to enter into written agree-
22 ments with registrants, to prohibit two-way and
23 multiuser interactive services in the new domain, un-
24 less the registrant certifies to the registrar that such
25 service will be offered in compliance with the content

1 standards established pursuant to paragraph (1) and
2 is designed to reduce the risk of exploitation of minors
3 using such two-way and multiuser interactive serv-
4 ices.

5 “(11) Written agreements with registrars, which
6 shall require registrars to enter into written agree-
7 ments with registrants, to prohibit hyperlinks in the
8 new domain that take new domain users outside of
9 the new domain.

10 “(12) Any other action that the NTIA considers
11 necessary to establish, operate, or maintain the new
12 domain in accordance with the purposes of this sec-
13 tion.

14 “(d) *OPTION PERIODS FOR INITIAL REGISTRY.*—The
15 NTIA shall grant the initial registry the option periods
16 available under the contract between the NTIA and the ini-
17 tial registry to operate and maintain the United States
18 country code Internet domain if, and may not grant such
19 option periods unless, the NTIA finds that the initial reg-
20 istry has satisfactorily performed its obligations under this
21 Act and under the contract. Nothing in this section shall
22 preempt or alter the NTIA’s authority to terminate such
23 contract for the operation of the United States country code
24 Internet domain for cause or for convenience.

1 “(e) *TREATMENT OF REGISTRY AND OTHER ENTI-*
2 *TIES.*—

3 “(1) *IN GENERAL.*—*Only to the extent that such*
4 *entities carry out functions under this section, the fol-*
5 *lowing entities are deemed to be interactive computer*
6 *services for purposes of section 230(c) of the Commu-*
7 *nications Act of 1934 (47 U.S.C. 230(c)):*

8 “(A) *The registry that operates and main-*
9 *tains the new domain.*

10 “(B) *Any entity that contracts with such*
11 *registry to carry out functions to ensure that*
12 *content accessed through the new domain com-*
13 *plies with the limitations applicable to the new*
14 *domain.*

15 “(C) *Any registrar for the registry of the*
16 *new domain that is operating in compliance*
17 *with its agreement with the registry.*

18 “(2) *SAVINGS PROVISION.*—*Nothing in para-*
19 *graph (1) shall be construed to affect the applicability*
20 *of any other provision of title II of the Communica-*
21 *tions Act of 1934 to the entities covered by subpara-*
22 *graph (A), (B), or (C) of paragraph (1).*

23 “(f) *EDUCATION.*—*The NTIA shall carry out a pro-*
24 *gram to publicize the availability of the new domain and*
25 *to educate the parents of minors regarding the process for*

1 *utilizing the new domain in combination and coordination*
2 *with hardware and software technologies that provide for*
3 *filtering or blocking. The program under this subsection*
4 *shall be commenced not later than 30 days after the date*
5 *that the new domain first becomes operational and acces-*
6 *sible by the public.*

7 “(g) *COORDINATION WITH FEDERAL GOVERNMENT.—*
8 *The registry selected to operate and maintain the new do-*
9 *main shall—*

10 “(1) *consult with appropriate agencies of the*
11 *Federal Government regarding procedures and actions*
12 *to prevent minors and families who use the new do-*
13 *main from being targeted by adults and other chil-*
14 *dren for predatory behavior, exploitation, or illegal*
15 *actions; and*

16 “(2) *based upon the consultations conducted pur-*
17 *suant to paragraph (1), establish such procedures and*
18 *take such actions as the registry may deem necessary*
19 *to prevent such targeting.*

20 *The consultations, procedures, and actions required under*
21 *this subsection shall be commenced not later than 30 days*
22 *after the date that the new domain first becomes operational*
23 *and accessible by the public.*

24 “(h) *COMPLIANCE REPORT.—The registry shall pre-*
25 *pare, on an annual basis, a report on the registry’s moni-*

1 toring and enforcement procedures for the new domain. The
2 registry shall submit each such report, setting forth the re-
3 sults of the review of its monitoring and enforcement proce-
4 dures for the new domain, to the Committee on Energy and
5 Commerce of the House of Representatives and the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate.

8 “(i) *SUSPENSION OF NEW DOMAIN.*—If the NTIA
9 finds, pursuant to its own review or upon a good faith peti-
10 tion by the registry, that the new domain is not serving
11 its intended purpose, the NTIA shall instruct the registry
12 to suspend operation of the new domain until such time
13 as the NTIA determines that the new domain can be oper-
14 ated as intended.

15 “(j) *DEFINITIONS.*—For purposes of this section, the
16 following definitions shall apply:

17 “(1) *HARMFUL TO MINORS.*—The term ‘harmful
18 to minors’ means, with respect to material, that—

19 “(A) the average person, applying contem-
20 porary community standards, would find, taking
21 the material as a whole and with respect to mi-
22 nors, that it is designed to appeal to, or is de-
23 signed to pander to, the prurient interest;

24 “(B) the material depicts, describes, or rep-
25 resents, in a manner patently offensive with re-

1 *spect to minors, an actual or simulated sexual*
2 *act or sexual contact, an actual or simulated*
3 *normal or perverted sexual act, or a lewd exhibi-*
4 *tion of the genitals or post-pubescent female*
5 *breast; and*

6 *“(C) taken as a whole, the material lacks se-*
7 *rious, literary, artistic, political, or scientific*
8 *value for minors.*

9 *“(2) MINOR.—The term ‘minor’ means any per-*
10 *son under 13 years of age.*

11 *“(3) REGISTRY.—The term ‘registry’ means the*
12 *registry selected to operate and maintain the United*
13 *States country code Internet domain.*

14 *“(4) SUCCESSOR REGISTRY.—The term ‘successor*
15 *registry’ means any entity that enters into a contract*
16 *with the NTIA to operate and maintain the United*
17 *States country code Internet domain that covers any*
18 *period after the termination or expiration of the con-*
19 *tract to operate and maintain the United States*
20 *country code Internet domain, and any option peri-*
21 *ods under such contract, that was signed on October*
22 *26, 2001.*

23 *“(5) SUITABLE FOR MINORS.—The term ‘suitable*
24 *for minors’ means, with respect to material, that it—*

1 “(A) is not psychologically or intellectually
2 inappropriate for minors; and
3 “(B) serves—
4 “(i) the educational, informational, in-
5 tellectual, or cognitive needs of minors; or
6 “(ii) the social, emotional, or enter-
7 tainment needs of minors.”.

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 3833

AMENDMENT