

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2417
OFFERED BY M.**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Dot Kids Domain
3 Name Act of 2001”.

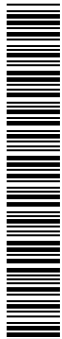
4 SEC. 2. ESTABLISHMENT OF KIDS-FRIENDLY DOMAIN.

5 (a) NTIA ACTION.—Within 30 days after the date
6 of the enactment of this Act, the Secretary of Commerce,
7 acting through the National Telecommunications and In-
8 formation Administration, shall—

9 (1) develop a plan in accordance with section 3
10 of this Act to establish the new domain in accord-
11 ance with the requirements under subsection (b) of
12 this section;

13 (2) upon completion of the development of such
14 plan, make the plan publicly available; and

15 (3) enter into any memorandums of under-
16 standing, agreements, and contracts, and any
17 amendments to existing such memorandums, agree-
18 ments, and contracts, as may be necessary to carry
19 out such plan.



1 (b) REQUIREMENTS FOR NEW DOMAIN.—The new
2 domain shall be subject to the following requirements:

3 (1) SECONDARY DOMAIN WITHIN THE U.S.
4 COUNTRY CODE.—The new domain shall be estab-
5 lished as a secondary domain within the “usTLD”
6 domain and having a name for the domain that is
7 appropriate for its purpose.

8 (2) GREEN LIGHT APPROACH.—The new do-
9 main shall be available for voluntary use as a loca-
10 tion only of material that is considered suitable for
11 minors and shall not be available for use as a loca-
12 tion of any material that is harmful to minors.

13 (3) OPERATOR OF DOMAIN.—The entity se-
14 lected pursuant to section 3 to establish, operate,
15 and maintain the new domain shall—

16 (A) establish, operate, and maintain the
17 domain in accordance with the requirements
18 under this subsection;

19 (B) provide for the creation of an inde-
20 pendent board, with diverse membership, which
21 shall be responsible for—

22 (i) establishing written criteria for ac-
23 cepting registrants for the new domain and
24 for any limitations applicable to the new
25 domain, which shall include a requirement



1 that any registrant agree to use the new
2 domain in accordance with paragraph (2);
3 and

4 (ii) ensuring that subscription rates or
5 fees for obtaining a new domain name are
6 as minimal as possible; and

7 (C) be responsible for enforcing the criteria
8 established under subparagraph (B)(i), includ-
9 ing exercising the authority to suspend or ter-
10 minate a registrant for failure to comply with
11 such criteria or to use the domain in accordance
12 with paragraph (2).

13 (4) CONSULTATION.—In carrying out the estab-
14 lishment, operation, and maintenance of the new do-
15 main, the Secretary of Commerce, acting through
16 the National Telecommunications and Information
17 Administration, shall consult with representatives of
18 family organizations.

19 (5) CONTINUOUS MONITORING.—Continuous mon-
20 itoring shall be conducted to ensure compliance with
21 requirements, registration criteria, and limitations
22 applicable to the new domain.

23 (6) REVIEW OF EXCLUSION.—A registrant to
24 the new domain, or an applicant for registration,
25 shall have the opportunity for an impartial hearing



1 regarding any material excluded from the domain or
2 any denial, suspension, or termination of registra-
3 tion.

4 (7) OTHER.—Any other requirements that may
5 be established under the plan developed pursuant to
6 subsection (a).

7 **SEC. 3. SELECTION PROCESS FOR OPERATOR OF NEW DO-**
8 **MAIN.**

9 (a) APPLICATION PROCESS.—A plan in accordance
10 with this section shall establish a process for soliciting ap-
11 plications for establishment of the new domain, which
12 process shall—

13 (1) commence and complete not later than 60
14 days after the expiration of the 30-day period re-
15 ferred to in section 2(a); and

16 (2) provide adequate notice to prospective appli-
17 cants of—

18 (A) the opportunity to submit such an ap-
19 plication; and

20 (B) the criteria for selection under sub-
21 section (b)(1).

22 (b) SELECTION PROCESS.—A plan in accordance
23 with this section shall establish a process for selection,
24 from applications submitted pursuant to the process under
25 subsection (a), of an application for the establishment of



1 the new domain in accordance with the requirements
2 under section 2(b). Such selection process shall comply
3 with the following requirements:

4 (1) CRITERIA.—The selection shall be made
5 pursuant to written, objective criteria designed to
6 ensure—

7 (A) that the new domain is established, op-
8 erated, and maintained in accordance with the
9 requirements under section 2(b); and

10 (B) that the entity selected to establish,
11 operate, and maintain the domain is the appli-
12 cant most capable and qualified to do so.

13 (2) INITIAL REVIEW.—Not more than 60 days
14 after the conclusion of the application period pursu-
15 ant to subsection (a)(1), the Secretary of Commerce,
16 acting through the National Telecommunications
17 and Information Administration, shall—

18 (A) review and apply the selection criteria
19 established under paragraph (1) to each appli-
20 cation submitted; and

21 (B) based upon such criteria, select an ap-
22 plication and award to the applicant a contract
23 for establishment, operation, and maintenance
24 of the new domain, unless the Secretary of
25 Commerce, acting through the National Tele-



1 communications and Information Administra-
2 tion, determines that no applicant could mini-
3 mally provide for establishment, operation, and
4 maintenance of the new domain in accordance
5 with the requirements under section 2(b).

6 (3) SECOND APPLICATION PERIOD.—If no ap-
7 plicant is selected pursuant to paragraph (2), not
8 later than 30 days after the expiration of the 60-day
9 period under paragraph (2), the Secretary of Com-
10 merce, acting through the National Telecommuni-
11 cations and Information Administration, shall com-
12 mence another application and selection process that
13 complies with the requirements under subsection (a)
14 and this subsection.

15 (4) REPORT.—If the second application and se-
16 lection process pursuant to paragraph (3) does not
17 result in the award of a contract for establishment,
18 operation, and maintenance of the new domain, not
19 later than 30 days after the conclusion of such sec-
20 ond 60-day period under paragraph (2), the Sec-
21 retary of Commerce, acting through the National
22 Telecommunications and Information Administra-
23 tion, shall notify the Congress in writing of such
24 failure to award a contract and submit to the Con-
25 gress a report describing the application and selec-



1 tion process and setting forth the reasons for such
2 failure to award a contract.

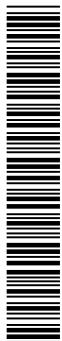
3 (c) FULL OPERATION.—A plan in accordance with
4 this section shall provide for the Secretary of Commerce,
5 acting through the National Telecommunications and In-
6 formation Administration, to take all actions necessary to
7 facilitate the full operation of the new domain within 6
8 months after the award of the contract for establishment,
9 operation, and maintenance of the domain.

10 **SEC. 4. LIABILITY PROTECTIONS.**

11 (a) TREATMENT OF PUBLISHER OR SPEAKER.—No
12 person or entity that operates or maintains the new do-
13 main shall be treated as the publisher or speaker of any
14 information provided by another registrant for the do-
15 main.

16 (b) CIVIL LIABILITY.—No person or entity that oper-
17 ates or maintains the new domain shall be held liable be-
18 cause of—

19 (1) any action voluntarily taken in good faith to
20 restrict access through the new domain to, or avail-
21 ability through the new domain of, material that
22 such person or entity considers to be harmful to mi-
23 nors, obscene, lewd, lascivious, filthy, excessively vio-
24 lent, harassing, or otherwise objectionable, whether
25 or not such material is constitutionally protected, ex-



1 cept that any action taken to exclude specific mate-
2 rial from the new domain shall be subject to the pro-
3 visions of section 2(b)(6); or

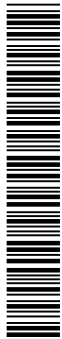
4 (2) any action taken to enable or make avail-
5 able to registrants to the new domain or others the
6 technical means to restrict access by minors to ma-
7 terial described in paragraph (1).

8 **SEC. 5. EDUCATION AND OVERSIGHT.**

9 (a) EDUCATION.—The Secretary of Commerce, act-
10 ing through the National Telecommunications and Infor-
11 mation Administration, shall carry out a program to pub-
12 licize the availability of the new domain and to educate
13 the parents of minors regarding the process for utilizing
14 the domain in combination and coordination with hard-
15 ware and software technologies that provide for filtering
16 or blocking of unsuitable content. The program under this
17 subsection shall be commenced not later than 30 days
18 after the date that the new domain first becomes oper-
19 ational and accessible by the public.

20 (b) OVERSIGHT.—The Secretary of Commerce, acting
21 through the National Telecommunications and Informa-
22 tion Administration, and the entity selected to operate and
23 maintain the new domain shall—

24 (1) consult with the Attorney General regarding
25 appropriate procedures and actions to prevent mi-



1 nors and families who use the new domain from
2 being targeted by adults and other children for pred-
3 atory behavior, exploitation, or illegal actions; and

4 (2) establish such procedures and take such ac-
5 tions as may be necessary to prevent such targeting.

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 (c) ANNUAL OVERSIGHT.—The Secretary of Com-
11 merce, acting through the National Telecommunications
12 and Information Administration, shall, on an annual basis,
13 review the actions of the entity selected to establish, oper-
14 ate, and maintain the new domain to ensure that such en-
15 tity is complying with the requirements of section 2(b).
16 The Secretary shall annually report to Congress on the
17 results of such review.

18 **SEC. 6. DEFINITIONS.**

19 For purposes of this Act:

20 (1) MATERIAL THAT IS HARMFUL TO MI-
21 NORS.—The term “material that is harmful to mi-
22 nors” means any communication, picture, image,
23 graphic image file, article, recording, writing, or
24 other matter of any kind that is obscene or that—



1 (A) the average person, applying contem-
2 porary community standards, would find, taking
3 the material as a whole and with respect to mi-
4 nors, is designed to appeal to, or is designed to
5 pander to, the prurient interest;

6 (B) depicts, describes, or represents, in a
7 manner patently offensive with respect to mi-
8 nors, an actual or simulated sexual act or sex-
9 ual contact, an actual or simulated normal or
10 perverted sexual act, or a lewd exhibition of the
11 genitals or post-pubescent female breast; and

12 (C) taken as a whole, lacks serious literary,
13 artistic, political, or scientific value for minors.

14 (2) MINOR.—The term “minor” means any per-
15 son under 13 years of age.

16 (3) NEW DOMAIN.—The term “new domain”
17 means the Internet domain established pursuant to
18 this Act.

Amend the title of the bill to read as follows: “A bill
to facilitate the creation of a new Internet domain that
will be a haven for material that will promote positive ex-
periences of children and families using the Internet, to
provide a safe online environment for children, and to
help prevent children from being exposed to harmful ma-
terial on the Internet, and for other purposes.

