

STATEMENT OF REPRESENTATIVE JOHN SHIMKUS OF ILLINIOS

**Senate Commerce, Science and Transportation Committee
Subcommittee on Science, Technology and Space**

Hearing on

S. 2537/H.R. 3833 The “Dot Kids Implementation and Efficiency Act of 2002”

Senate Russell Building Room 253

2:30pm

September 12, 2002

Introduction

Thank you, Chairman Dorgan and members of the committee. It is an honor to be here this afternoon to testify on S. 2537/ H.R. 3833, The “Dot Kids Implementation and Efficiency Act.”

I would like to thank you and Senator Ensign as the Senate sponsors of this bill, as well as Congressman Ed Markey and the Telecom Subcommittee Chairman Fred Upton for their tireless effort and leadership on this project.

The World Wide Web is a mixed blessing. On one hand it holds a wealth of information and is quickly becoming an essential educational tool. On the other hand, it has a dark underside that is capable of harming our children. Pornography and violence are just a few keystrokes away, and children can easily expose themselves to serious physical and financial risk – all in the comfort of their own living rooms. Dangerous prescription drugs and online

gambling sites can be accessed at the click of a hyperlink and personal information can easily be given to the wrong people. Most disturbing are the all too frequent stories we read of children abducted and harmed by bad actors who lured them in Internet chatrooms.

Unfortunately, little can be done to clean up the seedy aspects of the web. While I praise the Department of Justice for increased prosecution of online child pornographers, law enforcement still remains ill equipped to police illicit activity on the Internet. The FTC and FBI are buried in cases of online fraud and identity theft. Meanwhile, the Supreme Court recently ruled that virtual child pornography is protected speech under the First Amendment. Add to this the borderless nature of the Internet. We can pass all of the Internet laws we want, but they cannot be enforced on sites that are located outside of the United States.

When it comes to Internet safety, nothing can replace parental supervision. Yet parents are desperate for more tools to help keep their children safe on this new electronic medium. That is why my colleagues and I have taken a positive approach to the problem by introducing the “Dot Kids Implementation and Efficiency Act.” This bill has been endorsed by the National Center for Missing and Exploited Children, the National Law Center for Children and Families, a Safer America for Everyone (SAFE) as well as by the Family Research Council.

The Legislation Explained

Just like a children’s section of the library, The Dot Kids Act establishes a child-friendly

secondary domain, within the “.us” country-code, that is intended for children 12 and under. Therefore, all sites on this subdomain would have the suffix “kids.us” instead of “.com” or “.org.” The U.S. Department of Commerce’s National Telecommunications Information Administration (NTIA) would oversee the implementation of “kids.us.” The bill sets out the content goal posts of “not harmful to minors” and “suitable for minors.” However, the specific written content standards will be established by the private sector under the direction of the registry (Neustar), which is currently administering our nation’s country-code.

Placing this child friendly site within the “.us” country-code is a brilliant strategy that avoids the traditional pitfalls. First, it does not affect anyone’s right to free speech. Use of the domain is strictly voluntary. Sites can choose to locate there and parents can choose to utilize it alone, or in conjunction with other safety technologies. While “kids.us” will have only content that is child-friendly, all types of speech can be placed anywhere else on the Internet – on “.com,” “.org”, etc., and even on the rest of the “.us” space.

Secondly, the subdomain will be as safe as it can possibly be. In addition to the application of the Child Online Privacy Protection Act (COPPA) standards, a number of additional safeguards were put into this bill. “Kids.us” will be effectively monitored. Should objectionable material appear it will be taken down immediately. The bill bans hyperlinks that would take children outside of the “kids.us” space and into an unsecured area. Similarly, the use of chatrooms and instant messaging services are restricted *unless* the registry certifies that

they will be done without putting children at risk. (I am told that a number of technologies are being developed that will enable these interactive services to be done safely.) Moreover, on the remote chance that “kids.us” degenerates into a place with harmful material, the bill calls for the Department of Commerce to “pull the plug” on the space.

Thirdly, knowing that this space could be a target for inappropriate material, the Dot Kids Act provides the “kids.us” registry, registrars and third party contractors with liability protection that Internet Service Providers currently enjoy. The bill extends to these entities the protections of the “Good Samaritan Clause” in Section 230 (c) of the Communications Act. This would prevent, for example, a pornographer from suing the registry if he or she wanted to post smut on “kids.us” and was told no. We feel good about giving this level of protection to Neustar because Section 230 (c) has survived numerous court challenges.

Finally, the “kids.us” domain will come at no additional burden to American taxpayers. I would like to emphasize a little-known fact about our taxpayer-funded country-code. The Department of Commerce gave away the administration of our nation’s resource in cyberspace – the “.us” country-code -- *for free*. This means that Neustar is profiting from all those who register sites on “.us” without paying one cent to the taxpayers for that privilege. The Dot Kids Act simply requires a “kids.us” subdomain to be added to our nation’s country-code. The legislation still allows Neustar to profit from the sale of every single one of the “kids.us” registrations and even goes further to allow Neustar to get out of administering “kids.us” if it

causes them “financial hardship.” We have worked long and hard with Neustar to accommodate them with this bill. To be honest with the committee, I have never seen a sweeter deal than the one Neustar has received. This country-code is an incredibly valuable public resource, which was given to them. In light of this, creating and operating the “kids.us” domain is a perfectly appropriate cost of doing business.

Conclusion

I would like to conclude by asking the question: How can we stand by and do nothing in the face of this known threat to our children? The creation of a “kids.us” domain will not only help parents navigate the web for their young children, it will serve to raise awareness of the dangers lurking on the Internet and motivate parents, educators and caregivers to be more vigilant in protecting children. In addition, I believe that the new domain will encourage the proliferation of sites that are entertaining and educational for children, which can only have a positive effect on our culture. I urge the committee to swiftly pass this legislation and send it to the President in this short window before the end of the 107th Congress.

Thank you for the opportunity to appear before you today. I am happy to answer any questions you may have.