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S. 2537, H.R. 3833, DOT KIDS IMPLEMENTATION AND EFFICIENCY ACT OF 2002

HEARING

BEFORE THE

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

SEPTEMBER 12, 2002

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ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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THURSDAY, SEPTEMBER 12, 2002

U.S. SENATE,
SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:40 p.m. in room SR–253, Russell Senate Office Building, Hon. Byron L. Dorgan, presiding.

OPENING STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

Senator DORGAN. I will call this hearing to order. On behalf of myself and Senator Ensign, we welcome those of you who are at the hearing. We welcome Congressman Shimkus. Let me make a very brief statement, then call on my colleague, Senator Ensign, then we will hear from you, Congressman Shimkus.

As anyone who has surfed the Net knows, the development of the Internet is a wonderful opportunity for virtually all citizens to research and access new information. It is also, for children, something that we need to be very careful of, because the Internet not only has some wonderful content, it also has some rather disgusting content, and all of us are concerned about protecting children.

I have two children in school, and they do a lot of research on the Internet. I, like most parents, want to be certain that we are able to protect them by not allowing them to go to certain areas of the Internet. And there are some technical devices by which you do that. There's really no substitute for parental supervision, but there are other things we can do, and that is the purpose of this hearing today.

Just 2 weeks ago, a 7th grade girl at Erik Ramstad Middle School in North Dakota reported she had been solicited for a sexual encounter online. And in a school assembly the same day, 30 other students revealed they had been threatened online. The National Center for Missing and Exploited Children has charted 5,700 cases of online enticement in the last 4 years, and those are only the cases that were intercepted by parents.

While there's not yet any way to compile federal, state, and local cases involving sex, children, and the Internet, experts estimate

there are 4,000 to 5,000 instances each year. This is a frightening situation.

Computers, as I indicated, are wonderful. The Internet is wonderful. But the computer can become an open door for predators into the homes of children. It's necessary for us to be concerned, as parents, and to try to find ways to create safe havens online for children to use the Internet.

In addition to adult content and violence that children inadvertently stumble on as they surf the Net, the most recent study available—"Online Victimization, A Report on Our Nation's Youth," found that almost 1 out of 5 young people who use the Internet regularly were exposed to unwanted sexual solicitations or approaches, and 25 percent had been exposed to unwanted online pornography in the previous year.

Today, we have before us a piece of legislation called the Dot Kids Implementation and Efficiency Act that will try to help this situation by creating a safe haven on the Internet for children. I introduced it here in the Senate with my colleague, Senator Ensign, after it was successfully shepherded through the House of Representatives by our first witness, Congressman Shimkus, and my friend, Congressman Ed Markey, who was not able to be here today. But Congressman Shimkus and Congressman Markey have moved this through the House of Representatives. I'm hoping that Senator Ensign and I will be able to do the same in the concluding weeks here in the United States Senate.

It's a very simple concept to create a space on the Web that can be a cyber-sanctuary for kids, a place where parents and kids can be confident that every site on the Dot Kids domain contains material that is suitable for kids under the age of 13. I have a description of the way the bill will work, but I'll leave that to Congressman Shimkus to describe. I'll put my statement in the record.

[The prepared statement of Senator Dorgan follows:]

PREPARED STATEMENT OF HON. BYRON L. DORGAN,
U.S. SENATOR FROM NORTH DAKOTA

Good afternoon, the hearing will come to order.

As anyone who has surfed the net knows, the development of the Internet has been a mixed blessing. On the one hand the Internet has brought enormous benefits to adults and children alike as it appears to be revolutionizing the way we read the news, research school papers, shop, do business, and communicate with each other.

But, on the other hand, as anyone with children knows, just as the Internet portends to offer great possibilities, it also poses great risks to our children as there is no good way to protect them from the mountains of material that is inappropriate for their eyes.

Just 2 weeks ago a 7th grade girl at Erik Ramstad Middle School in North Dakota reported she had been solicited for a sexual encounter online. In a school assembly the same day 30 other students revealed that they have been threatened online.

The National Center for Missing and Exploited Kids has charted 5,700 reported cases of online enticement in the past 4 years, and those are only cases that were intercepted by parents. And while there is not yet any way to compile federal, state, and local cases involving sex, children, and the Internet, but experts estimate that there are 4,000–5,000 each year. This is a frightening situation. Computers have become an open door for predators into the homes of children. It is necessary to create a safe haven online for children to surf.

In addition to adult content and violence that kids inadvertently stumble on as they surf the net. The most recent study available ("Online Victimization: A Report on the Nation's Youth") found that "almost 1 out of 5 young people who use the Internet regularly were exposed to unwanted sexual solicitations or approaches" and

"25 percent had been exposed to unwanted online pornography" in the previous year.

Today we have before us a bill called the "Dot Kids Implementation and Efficiency Act" that will try to help this situation be creating a safe haven on the Internet for kids.

Introduced here in the Senate by myself and Senator Ensign, after it was successfully shepherded through the House by our first witness, Congressman Shimkus and my good friend Rep. Ed Markey, the idea behind the "dot-kids" domain is very simple—to create a space on the web that can be a cyber-sanctuary for kids. A place where parents and kids can be confident that every site on the "dot-kids" domain contains materials that is suitable for kids under the age of 13.

The way the bill would work is it would create a sub-domain under our Nation's country code ("dot.us") called "kids.dot.us" which will only host content that is age appropriate for children. A number of safeguards were also put in this bill. "Dot-kids-dot-us" will be monitored for content and safety; and should objectionable material appear, it will be taken down immediately.

One of those safeguards is a restriction on peer-to-peer communication unless the entity hosting the site certifies that they will be done safely. And further, hyperlinks, which would take children out of the safe "dot-kids" domain are expressly prohibited to help insure that parents can be confident that when their children visit sites in "dot-kids" will stay within the dot-kids domain.

Last October the Department of Commerce awarded the contract to handle the management and commercialization of the "dot.us" domain. And while this bill is careful to not change the terms of the existing contract it would condition the next contract on the creation of the "dot.kids.dot.us" domain.

So, under this bill, participation in "dot.kids" would be completely voluntary. Not only will whomever accepts the next contract to be the registrar for "dot.us" know that they will be getting into, parents would choose to use it, and website operators would choose to be located within it.

The only requirement will be that site operators on the ".kids.us" domain agree to keep their sites full of material that is suitable for minors.

Personally, I think the idea of using our country's Top-Level-Domain to create a cyber-sanctuary for children makes a great deal of sense. But, I recognize that others might have a different view, and look forward to having a good discussion about the legislation that is before us.

With that I would like to turn to my colleague from Nevada, Mr. Ensign for his opening statement.

Senator DORGAN. Let me again thank my colleague, Senator Ensign, from the State of Nevada. I'm really pleased to work with him and hope that the two of us can do in the United States Senate what you, Congressman Shimkus, along with Congressman Markey, did in the House. If we can get a bill to the President that he will sign, we will have done something good for America's children.

Let me call on my colleague, Senator Ensign, for any comments.

STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA

Senator ENSIGN. Thank you, Mr. Chairman. I appreciate your leadership on this issue and join you in strongly supporting this bill. And thank you, Congressman Shimkus and Congressman Markey, for getting it through the House. The leadership and the passion with which you have shepherded that bill through the House and brought to this issue, I think, is the reason that this issue has such a good chance of passing.

I would ask unanimous consent that my full statement be made a part of the record and then just summarize briefly.

Senator DORGAN. Without objection.

[The prepared statement of Senator Ensign follows:]

PREPARED STATEMENT OF JOHN ENSIGN, U.S. SENATOR FROM NEVADA

Mr. Chairman, I am pleased to support H.R. 3833, the Dot Kids bill of 2002. Senator Dorgan and I introduced this bipartisan bill earlier this year to protect children on the Internet, and I am gratified that the Senate will act on it soon.

It is estimated today that over 140 million Americans use the Internet, many of them children. Most schools are equipped with computers, where our children learn to navigate the Internet; in most cases, children do so with better skill than parents. No longer do our children have to go to the library and sift through voluminous card catalogues for their research projects. No longer do our children need to be in school to communicate with their teachers and fellow classmates—they can do it from home by using e-mail and instant messaging. Families simply need a computer with an Internet connection to provide children with access to a greater breadth of information than the Library of Congress. The educational opportunities are limitless.

However, the Internet can also be used as a tool for evil. Many young children have tragically fallen victim to on-line predators. They have been stalked by pedophiles masquerading as other children. Many more young children on the Internet are routinely exposed to graphic violence, drugs and inappropriate sexual content despite parents' efforts at restricting such content.

Congress first acted to protect children on the Internet in 1996 with passage of the Communications Decency Act (CDA). This legislation criminalized engaging in indecent or patently offensive speech on computer networks if the speech could be viewed by anyone 18 years of age or younger, but it did not survive constitutional challenges. The U.S. Supreme Court held in *Reno v. American Civil Liberties Union* that the CDA violated First Amendment free-speech protections. Congress subsequently responded in 1998 with passage of the Children's Online Protection Act (COPA), legislation that prohibited communication of material that is harmful to minors on for-profit websites. The U.S. Supreme Court, however, in *American Civil Liberties Union* v. *Reno*, upheld an injunction by the U.S. Court of Appeals for the Third Circuit on constitutional grounds and remanded the case for further review.

Another attempt was made to strike the careful balance between the First Amendment and protecting children on the Internet with passage of the Children's Internet Protection Act of 2000 (CIPA). This legislation required schools and libraries that receive federal funding to install filtering software to block from minors Internet content that contains child pornography, or other obscene and indecent material that is harmful to minors. Moreover, this legislation required federally funded libraries to block adults from accessing websites containing obscene material or child pornography. However, the U.S. District Court of the Eastern District of Pennsylvania unanimously held in *American Library Association* v. *United States* that CIPA was unconstitutional. This case will now go before the U.S. Supreme Court for review.

The bill before us represents the most recent effort by Congress to craft legislation that can both protect children on the internet and withstand constitutional scrutiny.

The Dot Kids bill establishes a children's section of the Internet, much like a children's section of the library, where children will be safe from pedophiles, pornography, and violence. We worked to craft the Dot Kids bill to withstand First Amendment challenges by not imposing a burden on free speech to adults; the use of the Dot Kids subdomain is completely voluntary. As such, it recognizes and protects the rights of those who wish to view content not suitable for minors outside of the Dot Kids subdomain. Content within the Dot Kids subdomain must be suitable for children under 13 years of age. Dot Kids also protects children from accessing websites outside the Dot Kids subdomain or engaging in uncertified interactive services. This is a major victory for children and families. Chat rooms and instant messaging is a key component in allowing pedophiles to stalk children over the Internet. Liability protection was also provided for the domain administrator by utilizing the "Good Samaritan" provision in the Communications Act of 1934. This provision will ensure that the Dot Kids administrator will not be held liable for actions voluntarily taken in good faith to restrict access to, or availability of, obscene harassing, violent or other objectionable material.

I am pleased that the Family Research Council, the National Center for Mission and Exploited Children, the American Center for Law and Justice, a Safer America for Everyone (SAFE), and the National Law Center for Children and Families have joined our effort in supporting this proposal.

The U.S. House of Representatives previously passed this measure by an overwhelming majority vote with the hard work of many dedicated Members of Congress including Congressman Shimkus, Congressman Tauzin, Congressman Upton, Congressman Markey and Congressman Dingell.

Senator ENSIGN. This bill, as Senator Dorgan has laid out, attempts to address some serious problems out there. While the Internet has such potential for good, it also has such potential for evil, depending on how it's used. And in a free society, it's very difficult to have an Internet not be abused, and not be used for many purposes of evil.

What we are attempting to do, within the context of a free society, is to balance adults making their own free choices, protecting the First Amendment, saying that we do not want to do anything to impede what they can view and where they can go on the Internet, but also understanding that a parent cannot sit there the entire time that their children are on the Internet. It is impossible to do that. Anybody that has children knows you can't watch your children 24 hours a day. It's difficult enough to regulate what they have coming on television. At least on television you don't have to buy certain channels if you don't want them to be able to watch certain things. There are many ways that at least you don't purchase certain things. The Internet is very, very difficult to block, even with the filters. Most kids can get around the filters.

While this bill does not stop the ability for kids to go to other places, at least if the parents put on their computers that they know they can walk in periodically and check that these kids are in a domain where they cannot just quickly go to other places through connections, and that parents can have somewhat of a feeling that their children are in a safe place.

I will relate a personal experience that we had. We have a 10 year old who is typical, I think, of most 10 year olds, very computer savvy. I think most kids know more about computers than their parents do. And I have a 4-year-old, actually, that is fairly computer savvy. But my 10-year-old, he mentioned to us that he wanted to check his e-mail. We were over at some people's house, and they had a computer, and he said, "I want to check my e-mail." Well, he goes to pull up his e-mail on this, and, where he went in, it was all of this pornography that had just come up on the screen. And, of course, as two concerned parents, we immediately shut down his ability to be able to go and do his e-mail, chat rooms, or anything like that.

So we, as parents who are not computer experts, who are fairly computer ignorant and illiterate, having a place where our children can go, I think, is very important for us, as well as for many other parents across the country. And that really is the purpose for this bill, being able to say, "Kids, if you want to go on the Internet and you want to do a chat room, here's a safe place for you to go."

And, I think that this thing will be widely used. I think that the predictions that this thing won't be used are closely miscalculated. Hollywood said, for years, family movies wouldn't sell. The biggest selling movies today are family movies. And I believe that Dot Kids is going to be a huge, huge success and that parents like myself and others will make sure that their kids go there. And where they are, I guarantee the market will flourish in this particular domain.

Thank you, Mr. Chairman.

Senator DORGAN. Senator Ensign, thank you very much.

Congressman Shimkus, welcome. Why don't you proceed?

STATEMENT OF HON. JOHN SHIMKUS, U.S. REPRESENTATIVE FROM ILLINOIS

Mr. SHIMKUS. Thank you, Chairman Dorgan and Members of the Committee. It is my first time testifying on any piece of legislation by myself over on your side of the Hill, and I will tell you it really is an honor to be here, and it's an honor to be here testifying on this bill, because I think it—I worked real hard with my friend, Ed Markey, and Freddie Upton, who would have liked to have been here, the Subcommittee Chairman, and we think we have—it is a changed bill, and we worked hard through the process, and I know they would like to have been here if they could. And I want to thank you and Senator Ensign as the Senate sponsors of this bill, as well as, I mentioned Congressman Ed Markey and Telecom Subcommittee Chairman, Fred Upton, for their tireless efforts and leadership on this project.

I will more thoroughly explain this legislation, although, Senator Dorgan, you were doing a pretty good job. I was just hoping you would continue on in your explanation. I kind of liked what I was hearing.

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. I, too, have small children, a 9-year-old, 7-year-old, and 3-year-old. 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 about children abducted and harmed by bad actors who lured them through Internet chat rooms.

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, and A Safer America for Everyone, as well as by the Family Research Council. And I know you have some of these groups testifying after me.

Just like a children's section of the library, the Dot Kids act establishes a child-friendly secondary domain under the Dot U.S. country code, and that is intended for children 10 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, National Telecommunications Information Administration, NTIA, would oversee the implementation of kids.us.

The bill sets out the content goals—goal posts of "not harmful to minors" and "suitable for minors." However, the specific written content standards would be established by the private sector under the direction of the registry, which is 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, and even on the rest of the .us space.

Second, the subdomain will be as safe as it can possibly be. In addition to 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 Dot Kids kids.us space and into an unsecured area. Similarly, the use of chat rooms 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. Third, 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 liability protection that Internet service providers currently enjoy. The bill extends to these entities the protection 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 of 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've 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.

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?" And that's what we have been doing for many years. The creation of a kids.us domain will not only help parents navigate the Web for their children, it will serve to raise awareness of the dangers lurking on the Internet and motivate parents, educators, and care givers 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 the short window before the end of the 107th Congress.

Thank you for the opportunity to appear before you today, and I would be happy to answer any questions that you may have for me.

[The prepared statement of Mr. Shimkus follows:]

PREPARED STATEMENT OF HON. JOHN SHIMKUS,
U.S. REPRESENTATIVE FROM ILLINOIS

Introduction

Thank you, Senator 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 into 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.

Second, 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.

Third, 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.

Senator DORGAN. Congressman Shimkus, thank you very much. I think you've well explained the legislation. We're going to have a shorter hearing today. We have the Homeland Security bill on the floor of the Senate, and I regret that we are not having as lengthy a hearing as we perhaps otherwise would have with more witnesses.

But, having said that, let me just ask you one question, I think your statement covers what we, as a Subcommittee, would want covered from you in explaining the legislation. Mr. Shimkus, what would you say to those who say that this bill somehow promotes censorship or would develop some circumstance of prevention of information? You covered that in your statement, but say it again. If I am a critic, and I say, "Mr. Shimkus, are you in favor of censorship? Is that what you're doing here?"

Mr. SHIMKUS. And the answer is, "Absolutely, no," because this is a voluntary location specifically set aside on the entire Web, very similar to what we do in a public library. I'm not for banning of books. I'm not for burning of books. I think there should be a library for people to go and read all the great authors we have had in our country. But there is a separate place in a library for children's reading material, and that is what we're trying to do. If I am an adult, and I want to read children's reading materials, I can go there. But we don't want pornographers trying to stick Playboy magazines in the stacks of the children's library. And so we're going to have monitoring to pull out inappropriate material.

It is voluntary from the people who want to use the service and profit by it. It is voluntary for the parents who want to use that site. So I think the voluntary nature we've always used in the discussion, "It's a green-light approach." It is not an attempt to create the red-light districts as we try—we initially thought about XXX and pushing people in and segmenting them. This is a voluntary green-light approach which people have to want to go into.

Senator DORGAN. Senator Ensign?

Senator ENSIGN. No questions.

Senator DORGAN. Congressman Shimkus, let me thank you again for the work you've done on this. We will have other witnesses today and ask them additional questions, but I think you have, on behalf of your colleagues, given us a really thorough description of what your intention was.

Senator Ensign and I, as you've indicated, have introduced a companion bill here in the Senate, which is the purpose of this hearing.

Mr. SHIMKUS. Thank you, Senator. And I would be remiss—I know you're a good friend of Ed Markey, and he did yeoman's work with me to move this. This bill has changed significantly from when we first started with just a Dot Kids major domain name to a subdomain. And that was, in going through, as you know, the legislative process to fix concerns. And without his help and support and that of the Subcommittee's Chairman, I don't think we would be here right now.

Thank you.

Senator DORGAN. Well, Congressman Markey has testified a good many times before this full Committee and Subcommittee, please greet him for us.

Mr. SHIMKUS. I will. Thank you.

Senator DORGAN. Thank you very much.

Next, we're going to call 3 witnesses forward—Mr. Ruben Rodriguez, director of the Exploited Child Unit, National Center for Missing and Exploited Children; the Honorable Ann Brown, former chairman of the Consumer Product Safety Commission, now chair-

man of Safer America for Everyone; and Mr. James Casey, director of policy and business development, from NeuStar Corporation.

While they're coming forward to take their seats, let me say that I want to put in the record a statement from Jan Whitley. Jan is from Silver Spring, Maryland, and I believe is here with her 3 children. Jan, are you in the audience? Would you identify yourself? And your children are here, and tell me their names.

Ms. WHITLEY. This is Dana. She is 7. And that's Dara, and she is 10.

Senator DORGAN. Well, we will put your statement in the record, and we thank you and your daughters for coming.

Ms. WHITLEY. Thank you very much.

Senator DORGAN. And Jan's daughters are, like Senator Ensign's children and my children and all the children of our country, they are, I'm sure, wonderful young people that want to use the Internet as a great, new resource in their lives, but we, as parents, want them to be able to use it with some protection and some understanding that they're not being subjected to horribly inappropriate material. And that's the purpose of the legislation.

And so, again, Jan Whitley, thank you very much, and your statement will be a part of the permanent record.

Mr. Rodriguez, you are director of the Exploited Child Unit of the National Center for Missing and Exploited Children in Alexandria, Virginia. Why don't you proceed? Welcome, and thank you for being here.

STATEMENT OF RUBEN RODRIGUEZ, DIRECTOR, EXPLOITED CHILD UNIT, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Mr. RODRIGUEZ. Thank you for the introduction. And Mr. Allen sends his regrets. Unfortunately, he is before his own chairman this afternoon discussing some issues on the board of directors. One of the reasons he sent me and asked me to attend is because I have operational responsibility of the National Center's Cyber Tip Line, and so I do operations other than just issue-related spokesman. And hopefully I would be able to answer any questions from the ground level dealing with the issue of sexual exploitation of children. I have a statement that I would like put into the record.

First of all, I'm honored to appear before the Subcommittee today and express the views of the National Center for Missing and Exploited Children regarding the Dot Kids Implementation and Efficiency Act of 2002. The National Center for Missing and Exploited Children is very aware of and concerned about the amount of inappropriate material that children are exposed to, wittingly or unwittingly, on the Internet. Moreover, the increase in incidents of online victimization of children by sexual predators is cause for all concerned citizens to take appropriate actions to safeguard our children in cyberspace.

This bill creates a safe space for children on the Internet by utilizing the United States country code ".us." Just like creating a children's section in the library, this bill creates a protected place for children on the Internet to learn, grow, and play safely. This bill is necessary for several reasons. More importantly, most importantly, as I see it, there are—this is a—there are few places de-

signed for children on the Internet. Given the vast structure of the Internet, only a dedicated space can create a true safe zone for children. By creating an Internet space that will only contain child-friendly material, parents, children, and educators will have a healthy place for children to explore and learn on the Internet. This bill provides a balanced approach that provides safety, encourages learning, and gives parents peace of mind.

Mr. Chairman, you alluded to a study that the National Center funded several years ago that was published by Dr. David Finkelhor of the University of New Hampshire, and I want to go over some of those numbers you talked about that I think basically talks about how big this problem is.

His study showed that 1 out of 33 youths were aggressively solicited online, 1 in 4 youths encountered unwanted child pornography or pornography online, and 1 in 5 youths were sexually solicited online during the year of that study. We, at the National Center's Exploited Children Unit, are all too aware of the serious incidents where children who communicate with individuals via chat rooms, IRCs, instant messages, the fear and the harm's way they put themselves in.

Content that is available on the Internet, that is currently available on the Internet, that children have access to, deals with the issues of nudity, sexually explicit material, race and hate sites, graphic violence, bomb making, and explosive, tobacco, alcohol, and drug use. The types of criminal activity that children encounter while on the Internet are issues of cyber-stalking, viruses, hacking programs, gambling, illegal sale of narcotics, weapons, fraud, and pirated software. Any creation of a safe harbor or environment for children would be to the advantage of our Nation's children.

Your commitment to enacting legislation that would establish a child-friendly space on the Internet by providing access to material that is both suitable for minors and is not harmful to minors is an important step in protecting our most vulnerable population from computer-facilitated exploitation. We commend you and your colleagues on this important initiative.

As the Science, Technology, and Space Subcommittee moves forward on this legislation, please know that the National Center supports the goals of the Dot Kids Implementation and Efficiency Act, and we would urge consideration by the Senate of this important legislation.

[The prepared statement of Mr. Rodriguez follows:]

PREPARED STATEMENT OF RUBEN RODRIGUEZ, DIRECTOR, EXPLOITED CHILD UNIT, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Chairman and Members of the Committee, I am honored to appear before your Subcommittee today and express the views of the National Center for Missing & Exploited Children (NCMEC) regarding the "Dot Kids Implementation and Efficiency Act of 2002."

The National Center for Missing & Exploited Children is very aware of and concerned about the amount of inappropriate material that children are exposed to, wittingly or unwittingly, on the Internet. Moreover, the increase in incidents of online victimization of children by sexual predators is cause for all concerned citizens to take appropriate actions to safeguard our children in Cyberspace.

This bill creates a safe space for children on the Internet by utilizing the United States country code domain (".us"). Just like creating a children's section in a li-

brary, this bill creates a protected place on the Internet for children to learn, grow, and play.

This bill is necessary for a number of reasons:

- There are few places designed for children on the Internet. Given the vastness of the Internet, only a dedicated space can create a true safe zone for children.
- By creating an Internet space that will only contain child-friendly material, parents, children, and educators will have a healthy place children can explore and learn on the Internet. This bill provides a balanced approach that provides safety, encourages learning, and gives parents peace of mind.

A study funded by the National Center and published in June 2000 by Dr. David Finkelhor of the University of New Hampshire revealed that: 1 in 33 youths were aggressively solicited online, 1 in 4 youths encountered unwanted pornography online and 1 in 5 youth were sexually solicited online in the past year.

We at the National Center's Exploited Child Unit are all too aware of serious incidents where children who communicate in the Internet via chat room, IRC or instant messaging with individuals who they believe are peers or friends, but who eventually turn out to be individuals who are not who they say they are. All too frequently, we see children traveling or meeting these individuals and find out to late that they have put themselves in harm's way.

Content on the Internet that is currently accessible to children deals with nudity, sexually explicit material, hate and racist, graphic violence, bomb making and explosives, tobacco, alcohol and drug use. The type of criminal activity that children may encounter on the Internet is cyber stalking, viruses, hacking programs, gambling, illegal sale of narcotics, weapons, fraud and pirated material. Any created "safe harbor or environment" would be to the advantage of our nations children.

Your commitment to enact legislation that would establish a child-friendly space on the Internet by providing access to material that is both suitable for minors and is not harmful to minors is an important step in protecting our most vulnerable population from computer-facilitated exploitation. We commend you and your colleagues for this important initiative.

As the Science, Technology and Space Subcommittee moves forward on this legislation, please know the National Center for Missing & Exploited Children supports the goals outlined in the "Dot Kids Implementation and Efficiency Act of 2002" and would urge consideration by the Senate of this important legislation.

Senator DORGAN. Mr. Rodriguez, thank you very much.

Ann Brown? Ann, we should thank you for your chairmanship of the Consumer Product Safety Commission for many years. I deeply appreciated the work you did, and we miss you, you've had an opportunity to testify before this Committee on previous occasions. And I see your role now is as chairwoman of Safer America for Everyone. We appreciate your being here. Why don't you proceed?

STATEMENT OF HON. ANN BROWN, CHAIRMAN, SAFER AMERICA FOR EVERYONE (SAFE)

Ms. BROWN. Thank you. Good afternoon, Mr. Chairman and Senator Ensign.

For the record, my name is Ann Brown, Chairman of Safer America for Everyone. I'm also the former Chairman of the U.S. Consumer Product Safety Commission, and my entire career has been devoted to keeping kids safe. And I appreciate very much your inviting me to testify today.

When I left CPSC last November, I formed SAFE as a nonprofit organization to carry on many of the consumer protection activities that I began while Chairman of the CPSC, and to expand that work into other areas important to the safety of children, including Internet safety. That's why I strongly support the Senate bill today as I supported this legislation when it passed the House earlier this year.

Nearly 24 million youth use the Internet. By the year 2005, it's expected that 77 million youth will regularly log on. SAFE has firsthand knowledge of kids on the Internet. SAFE is currently developing a safety-related Website proposal aimed at so-called "tweens," or kids between the ages of 9 and 12. In one focus group, we asked middle-school students how they used the Internet. Virtually every student said they used the Internet for their studies, recreation, chat rooms, and instant messaging. And, in fact, most of these students, in just this one focus group, said they had encountered inappropriate material on the Internet.

The Crimes Against Children Research Center reported that 1 in 5 teenagers who regularly use the Internet have received an unwarranted sexual solicitation. We hear stories every day about children encountering violence and pornography on the Internet. Earlier this year, a young girl was killed in Danbury, Connecticut, by an Internet predator. Many other children have been victimized over the Internet.

As a grandmother—we've heard a lot about the parents of kids. As a grandmother of kids who surf the net, I am concerned, as are many parents across the Nation, about the dark side of the Internet which our children can be exposed to through a couple of mouse clicks or the misspelling of a Website name. And I did a piece on this on CNN. We got a tremendous response from parents. The parents and grandparents out there are worried about this. Every parent wants to protect their children from a nightmare that no family, no community ever wants to experience.

This legislation creates a safe haven for children. This bill will help preserve our children's innocence and prevent these types of sexual encounters and predators and pornography online. It will create a child-friendly zone. And all contents of this zone will be appropriate for kids 12 and under, just like a safe playground. Our children need a safer place on the Internet to grow and learn and be entertained.

This legislation, as we have heard, would create something akin to a children's section of the library. We hear about that a lot, but it is such an appropriate comparison. Whenever I took my daughters when they were young—and now my grandchildren—to the children's section of the library, I was confident that the books and magazines they found there would be suitable.

And I'm glad to see safeguards built into the legislation. An independent firm will regularly monitor and immediately remove any content that is harmful to minors. No access to chat rooms. Furthermore, there would not be any interactive component here where a predator could break in. These are important provisions.

Mr. Dorgan and Members of the Subcommittee, this legislation makes good sense. Some may say there are too many safeguards, but my way of thinking is that when you're dealing with children, more is better. And another thing, some may worry that this bill chills the First Amendment. Well, you may know that I'm a big advocate of the First Amendment. I'm not worried. This bill doesn't tell anyone what they can put on a .com, .net or a .org domain, and the bill doesn't curtail speech within the .us domain. Just like the library, there is no ban on books, but there is a safe haven for kids with appropriate material for them.

The bill only says if you want to operate in the Dot Kids area, "You have entered a kid-friendly zone where the content has to be suitable for children 12 and under." This bill requires the government to publicize the availability of this new domain and to educate parents how to master the technology tools to use it. This is essential. You can build a field of dreams, but if nobody knows where it is, they won't come.

And, in the meantime, in closing, until we have the safeguards, I would like to suggest that parents follow some basic Internet safety tips to protect their kids. This list and information appears on the SAFE Website at *www.saferam.org,* and I am pleased to submit a copy for the record today.

Thank you.

[The prepared statement of Ms. Brown follows:]

PREPARED STATEMENT OF HON. ANN BROWN, CHAIRMAN, SAFER AMERICA FOR EVERYONE (SAFE)

Good afternoon, Senator Dorgan, Senator Ensign, and Members of the Subcommittee. For the record, my name is Ann Brown, Chairman of SAFE, (Safer America for Everyone). I am also the former Chairman of the U.S. Consumer Product Safety Commission. I appreciate your inviting me to testify as a strong supporter of S. 2537, the "Dot Kids Implementation and Efficiency Act of 2002."

When I left CPSC last November, I formed SAFE as a non-profit organization to carry on many of the consumer protection activities I began while Chairman of the CPSC, and to expand that work into other areas important to the safety of children—including Internet safety.

This is why I strongly support the Senate bill today, as I supported this legislation when it passed the House earlier this year.

Nearly 24 million youths today use the Internet. By the year 2005, it is expected that 77 million youth will regularly log on.

SAFE has first-hand knowledge of kids and the Internet. SAFE is currently developing a safety-related website proposal aimed at so-called "tweens," or kids between the ages of 9–12. In one focus group, we asked middle school students how they used the Internet. Virtually every student said they used the Internet for their studies, recreation, chat rooms and instant messaging. In fact, most students said that they had encountered "inappropriate material" on the Internet.

The Crimes Against Children Research Center reported that 1 in 5 teenagers who regularly use the Internet have received an unwanted sexual solicitation. They also report that 1 out of 33 youths have received what is classified as an aggressive sexual solicitation where they are directly trying to solicit a sexual meeting with a teenager.

We hear stories every day about children encountering violence and pornography on the Internet. Earlier this year, a young girl was killed in Danbury, Connecticut by an Internet predator. Many other children have been victimized over the Internet.

As a grandmother of kids who surf the net, I am concerned, as many parents across this nation are, about the dark side of the Internet, which our children can be exposed to through a couple of mouse clicks, or the misspelling of a website name.

Every parent wants to protect their children from a nightmare that no family, no community ever wants to experience.

This legislation creates a safe haven for children. This bill will help preserve our children's innocence and prevent these types of sexual encounters and predators and pornography online. It will create a child-friendly zone within the United States. All contents of this zone will be appropriate for children 12 and under.

Just like a safe playground, our children need a safe place on the Internet to grow, learn, and be entertained—and to avoid the current onslaught of pornography, child predators, and other undesirable information on the World Wide Web.

This legislation would create something akin to a children's section of a library. Whenever I took my daughters when they were young—and now my grandchildren—to the children's section of the library, I was confident that the books and magazines they found there would be suitable.

I am glad to see safeguards built into the legislation. An independent firm will regularly monitor and immediately remove any content that is harmful to minors. There would be no access to chat rooms. The legislation would bar that. Furthermore, there would not be *any* interactive component here where a predator could break in. These are important provisions since we would not want to open the door of our safe place to any unwanted predators.

This is so our children can have a safe haven.

Mr. Dorgan, and Members of the Subcommittee, this legislation makes good sense.

Some may say there are too many safeguards. But my way of thinking is that when you're dealing with children—more is better.

And another thing, some may worry that this bill chills the First Amendment. You know, I'm a big advocate of the First Amendment. I'm not worried. This bill doesn't tell anyone what they can put on a "dot com," or a "dot net," or a "dot org" domain. And, the bill doesn't curtail speech within the "dot us" domain.

The bill only says if you want to operate in the "dot kids" area, you have entered a kid-friendly zone where the content has to be suitable for a child 12 years and under.

The bill also *requires* the government to publicize the availability of this new domain and to educate parents how to master the technology tools to use it.

This is essential.

You can build a field of dreams, but if nobody knows where it is, they will not come.

I would like to see the Senate pass this bill and give our children a safe haven in this veritable jungle of websites.

And, in the meantime, until we have these safeguards, I would like to suggest that parents follow some basic internet safety tips to help protect their kids. This list appears on the SAFE website at *www.saferam.org*, and I am pleased to submit a copy for the record today. Thank you.

Safer America
For Everyone

INTERNET SAFETY TIPS FOR PARENTS

1. Put the computer in the family room or living room so you can easily monitor your children's online activity.

2. Set reasonable rules and guidelines for computer use by your children. For example, be sure your children understand that they should

   - ***Never*** give out personal information (name, home address, phone number, age, race, family income, school name or location, photos of themselves, or friends' names) to an unknown person or in a public message, such as a chat room or bulletin board.

   - ***Never*** share their password, even with friends.

   - ***Never*** arrange a face-to-face meeting with someone they meet online unless you approve of the meeting and go with them to a public place.

   - ***Never*** respond to messages that are suggestive, obscene, threatening, or make them feel confused or uncomfortable.

   - ***Never*** use a credit card online without your permission.

3. Be sure your children understand what you consider appropriate sites for them to visit. Consider installing software or online services that filter out offensive materials and sites.

4. Stay informed about your child's Internet interests and the amount of time he or she spends online.

For additional useful information on kids and the Internet, SAFE suggests these sites:

U. S. Department of Education	www.ed.gov/pubs/parents/internet/tips.html
Federal Trade Commission	www.ftc.gov/bcp/conline/edcams/kidzprivacy/adults.htm
SafeKids.com	www.safekids.com

[Note: This list is provided for your convenience and does not imply SAFE sponsorship or approval of these sites.]

SAFE - Safer America for Everyone
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Fax 202/756-1301
www.saferam.org

Senator DORGAN. Ann Brown, thank you very much for you testimony, and we will include the Internet Safety Tips as a part of the record, as well.

Mr. Casey, you are the director of policy and business development at NeuStar, and we appreciate your being here today. You clearly have a real and significant interest in this legislation, so please proceed with your statement.

STATEMENT OF JAMES A. CASEY, DIRECTOR OF POLICY AND BUSINESS DEVELOPMENT, NEUSTAR, INC.

Mr. CASEY. Thank you. Mr. Chairman, Members of the Subcommittee, good afternoon. For the record, I'm Jim Casey, director of policy and business development at NeuStar, Inc. Thank you for inviting us. We're honored to have the opportunity to comment on such an important matter and are pleased that the Senate is giving it its full consideration.

To provide context to my testimony, I offer a brief background on NeuStar. NeuStar is a leading trusted neutral third-party provider of critical infrastructure services to both the telecommunications and Internet industries. We have a rich heritage of developing innovative solutions for the responsible management of critical public resources, like the .us domain. For example, NeuStar designed, built, and manages the Number Portability Administration Center, one of the largest databases in the world. NeuStar's numbering services enable the routing of virtually every telephone call dialed within the United States and most of North America. Likewise, .biz and .us Internet registries provide stable, high-availability domain name services to the global Internet community. We are quite well versed in operating within dynamic industries where there are many competing points of view and competing interests across a dynamic range of operators. So we are happy to bring this same level of service to the responsible development of a kids.us domain, a goal to which we remain committed.

The question of how we, as a society, can protect children on the Internet has long perplexed individuals, industry, and government. Numerous efforts, including browser filters, legislative mandates, educational campaigns, and ratings systems have all met with varying levels of success. Clearly, the problem has yet to be solved. And that is, of course, why we're here today.

In recent years, the concept of a kids' space on the Internet has developed and gained some acceptance. The proposed legislation that is the topic of this hearing seeks to create such a space, but does so in a manner that we believe will not achieve the policy objectives, the vision of a kids.us domain.

So what is NeuStar's vision of a kids.us domain? Similar to what everyone has already spoken to, NeuStar is working to create a new second-level Internet domain within the .us that can serve as a source of positive child-appropriate materials on the Internet. It is clear, however, that this would only be one tool. The simple creation of an Internet domain cannot, by itself, solve the entire problem.

As noted by the National Academy of Sciences in its recent report, "Youth Pornography and the Internet," there is no single approach that will, on its own, protect children from online dangers.

A place for children on the Internet can only be successful when put in place in conjunction with parental involvement, adult supervision, social and educational support, and publicly available, user-friendly, and cost-effective, technology-based tools. Absent these, it's just a bunch of Website addresses.

In addition, to be truly successful, the kids.us must create a trusted domain that provides useful and meaningful content that children will use and must be implemented in a manner that makes operational sense for the various service providers for the domain, including not only the registry name, which NeuStar will be, but the registrars, the content managers, and various responsible content providers. Put simply, the formula for success of the kids.us vision is based on sound analysis of the service as an ongoing operation.

Following this approach, NeuStar has begun a detailed development process and has reached an important milestone in our development strategy. After an extended period of development review and analysis as well as discussions with recognized and respected organizations and individuals knowledgeable on these issues, on Friday, August 30th, NeuStar released for public comment a proposal for guidelines and requirements for the kids.us second-level domain, which we have included in our testimony package.

NeuStar seeks broad public input on a set of content guidelines and certain other concepts that have been raised in our development efforts and through the legislative process thus far. This open and transparent process will be used to finalize a set of guidelines for registering and activating the kids.us domains.

The process leading up to the development of these draft guidelines is indicative of the kind of process we must adhere to in the development of the domain as a whole. We do not have all of the answers yet. It would be irresponsible of us to roll out a service as though we did.

The proposed legislation represents a sweeping mandate that likely would not facilitate the kind of analysis and sound development processes that should be followed. My written testimony contains more detailed discussion of these points.

Legislation at this point in time likely will do more harm than good to a child-friendly environment within .us. As I've said, NeuStar is committed to the development of a kids.us domain. We will continue to work with Congress and the Department of Commerce, as well as a wide range of public and private organizations and institutions toward the successful development of kids.us. The bottom line is, let's do it right, for children's sake.

Thank you.

[The prepared statement of Mr. Casey follows:]

PREPARED STATEMENT OF JAMES A. CASEY, DIRECTOR OF POLICY AND BUSINESS DEVELOPMENT, NEUSTAR, INC.

Introduction

NeuStar, Inc. ("NeuStar") appreciates the opportunity to testify before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science, and Transportation on S. 2537, the Dot Kids Implementation and Efficiency Act of 2002. The development and implementation of a namespace for kids on the Internet is an important topic and NeuStar is pleased that both the House of Representatives and the Senate are considering this matter. NeuStar of-

fers these comments to help ensure that the actual implementation of a "kids.us" space is consistent with the important vision that has driven the efforts of many individuals and organizations, in both government and the private sector.

Dedicated to Service and to "Getting it Right"

To provide context to NeuStar's testimony, it is important to have an understanding of the company, its mission, and principal operations.

Since its founding, NeuStar, a privately held technology and registry company, has established its reputation as the premier trusted neutral third-party provider of critical infrastructure services and has developed lines of business serving both the telecommunications and Internet industries. As a result, NeuStar has been selected numerous times by both government and industry in open, competitive procurements to provide first-of-a-kind, mission-critical services. For example, NeuStar designed, built, and manages the Number Portability Administration Center (NPAC), one of the largest databases in the world. NeuStar's numbering services enable the routing of virtually every telephone call dialed within the United States, and most of North America. Likewise, NeuStar's .biz and .us Internet registries provide stable, high-availability domain name services to the global Internet community. Thus, integrity, stability, and neutrality are the underpinnings of NeuStar's services; failure is not an option.

NeuStar's expertise is not limited to systems development, and we are not merely a systems developer. Working closely with our clients and stakeholders, we design and develop comprehensive systems, and processes, as well as necessary policies and requirements to ensure success. The detailed analysis conducted as part of these development processes enables us to understand first-hand any issues that may arise and to address them quickly and intelligently. NeuStar brought this expertise to the .us country code top-level domain when it was selected by the Department of Commerce ("DOC") in October 2001 to assume operation of and to enhance .us. Similarly, NeuStar will bring this same expertise to the responsible development and implementation of a kids.us domain.

History of Kids.us

The question of how we, as a society, can protect children on the Internet has long been a perplexing question for individuals, industry and government. Numerous efforts, including browser filters, legislative mandates, educational campaigns, and rating systems have all met with varying levels of success. By no means, however, has the problem been solved. As with any important matter, if the solution were easy, someone would have fixed the problem long ago.

In recent years, the concept of a "kid's space on the Internet" has developed and gained some acceptance. The idea was focused, in the first instance, on the establishment of a new .kids top-level Internet domain. With the reintroduction and expansion of .us, however, efforts shifted to the development of a kids.us space, rather than the creation of a generic Top-Level Domain (TLD).

In our proposal to become the new administrator of the .us country-coded Top-Level Domain (ccTLD). NeuStar proposed the reservation of certain domain names to protect the rights of others, prevent certain names from being used inappropriately, and/or provide for certain future public services. The "kids" domain name was among this illustrative list of reserved names.

With respect to "kids," it was NeuStar's intention that, if a kids space on the Internet could feasibly be developed in a responsible way, the kids.us domain name would be available for provision of the service. There was no intent for NeuStar, however, to immediately begin the rollout of such a service. Indeed, it was not clear how that rollout might be done or if it was even a good idea. Through our discussions with the DOC and Members of Congress and their staff, it became increasingly clear, however, that the implementation of a kids.us space was a priority issue and that NeuStar would be responsible for implementation of the space. The House passed bill, however, creates a framework that threatens the success of the kids.us effort, as well as the stability and integrity of the .us domain itself.

Despite concerns with the bill, however, NeuStar remains committed to the vision of a .kids.us domain.

The NeuStar kids.us Vision

So what is the NeuStar kids.us vision?

NeuStar hopes to create a new second-level Internet domain within .us that can serve as a source of positive, child-appropriate materials on the Internet for use by children and families. NeuStar is committed to the pursuit of this vision. It is clear, however, that the simple creation of an Internet domain cannot, by itself, solve the entire problem. As noted by the National Academy of Sciences (NAS) in its recent report "Youth, Pornography, and the Internet," there is no single approach that will,

on its own, protect children from online dangers.[1] Thus, a place for children can only be effective if it is accompanied by the many components identified by the NAS, including parental involvement, adult supervision, social and educational support, and publicly available, user-friendly, and cost-effective technology-based tools.

Practical Considerations for kids.us

In addition, to be truly successful, the kids.us vision must meet certain practical realities. Specifically, the domain must be established in a manner to ensure that it is attractive to content providers, is supported by a viable long-term business plan, and ultimately would be used by the children and families that it is meant to serve.

Therefore, to maximize participation by both content providers and children, kids.us must:

- Be an economically viable space for all service providers, including the registry, the registrars, and the entity responsible for content review and monitoring, as well as the content providers that would use the domain.
- Be widely used by its target audience so that more content providers adopt names in the space.
- Establish necessary, economically reasonable mechanisms to ensure that contents meet the kids.us guidelines.
- Not threaten the viability or integrity of the .us domain itself.

These implicit goals for the implementation of kids.us are as important to the overall success of kids.us as the vision itself.

Sound business analysis of the kids.us vision

Taking into account the ultimate goal for a kids Internet domain, as well as the underlying practical matters that must be considered, to develop a successful kids.us domain, NeuStar must comprehensively:

- Analyze the needs of children and parents, children's content providers, and domain name service providers in a kids.us domain;
- Assess the limitations—technology, legal, or otherwise—that pose barriers to meeting the needs of all kids.us stakeholders;
- Assess the legal and business risks to each stakeholder inherent in the use or provision of a kids.us domain; and
- Research the market for kids.us to develop sustainable business structures and service models to ensure market success.

Put simply, the formula for success of the kids.us vision is based on sound analysis of the service as an ongoing business operation. Can the vision be met in a cost-effective manner to meet the needs of the customer? If yes, then the service should be developed and introduced based on sound business principles. If not, then the domain likely will fail and should not be pursued as a solution.

NeuStar's efforts to date have been focused upon gathering sufficient information to meet the feasibility and other requirements for success listed above. As a result of our development planning, as well as outreach to experts in kid's media, we have developed a process for moving forward on a kids.us domain.

As an important milestone in our development strategy, on Friday, August 30, 2002, NeuStar released for public comment a draft "Proposal for Guidelines and Requirements for the kids.us Second Level Domain." This document is the result of extensive dialog with and input from a wide range of groups and organizations expert in children related issues. It seeks public input on a set of content guidelines and certain other concepts that have been raised in research and through the legislative process. These comments will be used to finalize a set of content guidelines to be used in registering and activating kids.us domains.[2] Other efforts include the continued analysis and development of effective business models to address the issues raised above.

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[1] *Youth, Pornography, and the Internet*, Dick Thornburgh and Herbert S. Lin, Editors, Committee to Study Tools and Strategies for Protecting Kids from Pornography and Their Applicability to Other Inappropriate Internet Content, Computer Science and Telecommunications Board, National Research Council (May 2002).

[2] A copy of the "Proposal for Guidelines and Requirements for the kids.us Second Level Domain" is attached.

The proposed legislation

The bill passed by the United States House of Representatives represents a comprehensive definition of an Internet namespace, kids.us, and is a sweeping mandate that does not properly consider all of the technical, market, and policy challenges. For example, strict restrictions on interactive services raises the question of whether children would seek to use the domain given that it would be comprised of largely static, non-interactive content. More importantly, however, concerns with the current legislation extend beyond any specific language changes to much more fundamental issues. These issues include, for example, the following:

- The bill replaces sound business practice with regulatory mandate. The specific definition of business practices, responsibilities of varying parties and content requirements represent unprecedented regulation of the Internet;
- The bill interferes with existing efforts for the effective development of the kids.us domain under the terms and conditions of the .us government contract;
- The bill takes the unprecedented step of requiring a government contractor potentially to sustain a significant financial loss on a government contract, without taking into account the effect of that loss on the kids.us space or the .us domain itself. Moreover, it fails to account for the corresponding financial losses to other service providers, such as registrars and content managers, that must contract with the registry; and
- The bill forces a timeline on the development process that likely will not allow the development of a successful solution that implements the kids.us vision in a safe and sustainable manner. Thus, the bill is unlikely to achieve its policy objectives.

Thus the legislation, as proposed, likely will do more harm than good to a child-friendly environment within the .us ccTLD. Indeed, it likely will impede rather than promote the realization of the kids.us vision.

Conclusion

NeuStar, in recognition of the important public interest goals served by the development of a "kid's domain," is committed to the responsible introduction of kid.us. Therefore, NeuStar will continue to work with a wide range of public and private organizations and institutions, as well as the Congress, toward the successful development of the kids.us domain without the need for the kind of comprehensive legislation contained in the proposed bill.

PROPOSAL FOR GUIDELINES AND REQUIREMENTS FOR THE KIDS.US SECOND LEVEL DOMAIN

A Word from NeuStar

NeuStar has developed these proposed Guidelines and Requirements with the objective of facilitating the development of an Internet domain for children. This objective is only achievable with the input of a broad range of experts and other interested parties. With the public posting of this paper, NeuStar is seeking input and advice from members of the children's content community, child advocacy groups, parents, educators, law enforcement organizations, and other interested individuals. In crafting this initial draft proposal, NeuStar has relied on the excellent body of work focused on children and the Internet that is available today in the public domain. With the publication of this paper, we invite all members of the public with expertise in children's media, law enforcement, education, parenting, Internet use, technology, as well as the interested public at large to provide us with input on any or all aspects of this paper. We will review your input carefully and make the greatest effort practicable to reflect your concerns.

To learn more about how to participate in this project, please look inside this document under the heading "Process for Providing Input Into the Creation of the kids.us Domain."

Thank you very much for your interest and contribution to this challenging and important project.

NeuStar, Inc.

I. Introduction

Background

More than 140 million Americans, half of our Nation, are now online. Ninety percent of the children in America between the ages of 5 and 17 now use computers

and 65 percent of 10–13 year olds use the Internet today. Usage among even the youngest members of our society is significant, with more than 84 percent of 5–9 year olds using computers at home, school, or both.[1] Our nation's youngest citizens are increasingly gaining access to the Internet. How children use the Internet and what they are exposed to while on line are topics that have long been examined, discussed, applauded, and criticized. Interested parties and individuals ranging from parents and educators to communities and Members of Congress have all expressed great excitement at the potential benefits of a distinct place on the Internet for our Nation's children. At the same time, however, these same groups recognize that there are also serious concerns about and problems with exposure to the vast world accessible on the Internet.

The widespread use of the Internet by children in all aspects of their lives demonstrates the demand for a domain designed for children. The kids.us domain would be a new, second-level Internet domain within the United States country code of dot-us and is being established to help promote positive experiences for children and families using the Internet.

In order to design and establish a responsible space on the Internet for children, consensus must be reached on certain key components of the domain. First, there must be a recognition of how children today actually use the Internet. Once a common understanding of use is established, then and only then can an effective and meaningful kids.us domain be designed. Second, and the focus of this document, there must be a publicly acceptable set of content-based guidelines and requirements for registrants. As a result, identified herein is a proposed set of content guidelines for the kids.us domain. The proposed list is by no means exhaustive. We have attempted to identify the major publicly and legally accepted children's content standards for purposes of application to the kids.us domain. We seek input generally on the proposed guidelines and are hopeful that parties will both criticize some of the standards included as well as propose alternate guidelines and requirements for the domain.

NeuStar has crafted this proposal for content guidelines and requirements based on a mixture of inputs. This document reflects the excellent work developed through government and privately-funded research, testimony delivered at Congressional Hearings, articles, books, and some preliminary conversations with members of the children's media communities. Because of the public resource value of the kids.us domain, we have taken great effort to reflect a wide sampling of the information publicly available. This effort, however, is an imperfect one. As a result, each section of this document should be considered a proposal, not conclusions or solutions to issues raised here or elsewhere. We seek active and thoughtful input on the proposals identified here and look forward to building a kids.us domain that truly will improve and enhance the online experience of American's children.

Core Objectives of kids.us—A Domain for Children

The objective of the kids.us domain is to facilitate the establishment of a friendly and enjoyable environment for children using the Internet. The kids.us administrator will rely heavily on the input of interested members of the public in general and the children's content community in particular to help create a place that will engender public confidence and support.

From the start, it is important to be clear that the kids.us domain is not intended to be a cure-all solution to the many problems and dangers associated with children's use of the Internet. As the National Academy of Sciences (NAS) concluded in the recently released report "Youth, Pornography, and the Internet," there is no single approach that will, on its own, protect children from online dangers.[2] Rather, the kids.us domain is being designed as an alternative on the Internet that children, parents, educators, and children's content providers may elect to use. A domain for children alone cannot address the larger problems associated with children's Internet use. Given the technical and legal limitations that plague any Internet domain, a space dedicated to children can be targeted by bad actors or subject to technical problems. These facts demonstrate that there can be no truly safe place or "haven" for children. To the contrary, a place for children can be effective only if it is accompanied by the many components identified by the NAS in their report, including pa-

[1] See *A Nation Online: How Americans Are Expanding Their Use of the Internet*, February 2002, U.S. Department of Commerce, Economics and Statistics Administration, National Telecommunications and Information Administration.

[2] *Youth, Pornography, and the Internet*, Dick Thornburgh and Herbert S. Lin, Editors, Committee to Study Tools and Strategies for Protecting Kids from Pornography and Their Applicability to Other Inappropriate Internet Content, Computer Science and Telecommunication Board, National Research Council (May 2002) (the NAS Report).

rental involvement, adult supervision, social and educational support, and publicly available, user-friendly, and cost-effective technology-based tools.

The Role of NeuStar in the Design and Implementation of the kids.us Domain

In October 2001, NeuStar, Inc. was selected by the Department of Commerce (DOC) to manage the dot-us country code top level domain. As part of its contract with the DOC, NeuStar agreed to apply separate treatment to a group of reserved names. Among the names reserved was "kids" in order to enable an entity to administer a kids.us domain name space. The efforts undertaken here, however, are beyond NeuStar's core competence as a registry operator and trusted neutral third party administrator of critical infrastructure technology. We undertake this initiative to design and build the kids.us domain because of the public resource value we see in it as well as the responsibility we have assumed as the manager of the country code for the United States. Because of our lack of depth in the area of content development and content management, we feel it is critical to seek and develop a strong public record of support for the ultimate content Guidelines and Requirements. We are optimistic that others in the Internet community as well as parties involved in the children's media, education, and law enforcement fields will recognize the value of this project and share their expertise.

In light of the seriousness of the objectives of the kids.us domain and the fact that NeuStar lacks the requisite experience in children's content development and monitoring, we propose that there be created a role within the kids.us domain that directly addresses these unique responsibilities. Specifically, NeuStar believes that it will be critical to develop a kids.us Content Manager role. An entity that assumes such a role would be responsible for reviewing and approving content that is appropriate for the kids.us domain. In addition, this Content Manager would assume responsibility for monitoring and enforcing the content Guidelines and Requirements that govern the kids.us domain for that content which is initially approved. This role could be played either by one entity or a number of different entities following a common set of guidelines. Content Managers would, of course, need to be entities with proven abilities to review and make judgments about material that is appropriate for children. We encourage parties to comment on the proposal for a content and enforcement manager role in the kids.us domain.

Process for Providing Input Into the Creation of the kids.us Domain

In order for a kids.us domain to be successful, there must be meaningful public involvement. Public participation in the design of the kids.us domain is crucial. A cornerstone to the construction of the kids.us domain is an open and transparent process that involves the extensive and serious input of interested parties and individuals. Public participation may be carried out by reviewing these draft Guidelines and Requirements and posting responsive comments electronically. NeuStar has established KidsDomainComments@NeuStar.us, a mailbox created specifically for submission of reactions to this paper or any additional relevant information. The kids.us domain administrator aspires to be as inclusive as possible as it develops the Guidelines and Requirements as well as the mechanisms for enforcement that will be key to the implementation of this domain.

The kids.us domain will also draw on the best available research, experiences, and tools to help build a child-friendly place on the Internet. To that end, the kids.us administrator will actively seek input from individuals and organizations known to address the best interests of children, and who have a broad cross-section of perspectives. These will include a diverse constituency of educators, physicians, parents, child advocates, policy makers, law enforcement experts, researchers, technologists, industry experts and others.

The kids.us administrator is posting these proposed Guidelines and Requirements to the Internet, in the interest of creating as open, transparent, and public a forum as possible. The comment period will begin on August 30, 2002, and will conclude on September 30, 2002. At that time, NeuStar will proceed with developing the next draft of the Guidelines and Requirements that reflect the comments received during the public forum.

Comments can be submitted electronically to KidsDomainComments@NeuStar.us.

II. kids.us GUIDELINES AND REQUIREMENTS

Proposed Guidelines and Requirements for the kids.us Domain

The following are proposed content guidelines and requirements (the Guidelines and Requirements) for determining the content that should be permissible within any kids.us-approved domain. Each of the standards proposed herein are used or accepted today in some area of public communications and the media. The goal here is to aggregate existing standards and integrate into the kids.us domain. By doing

so, we propose a means of defining what ultimately could be considered acceptable content in a domain for children. We seek active and extensive input on these proposed standards both from the perspective of what is beneficial to children under 13 and what may in fact be enforceable in the public domain of the Internet.

Children Under 13

We propose that the Guidelines and Requirements regarding content for the kids.us domain be designed for children under 13. In selecting this age as a benchmark for the kids.us domain, we look to existing law and policy standards currently in place. We seek input on whether 13 is the appropriate age cut-off for kids.us.

Compliance with Existing Laws, Regulations, and Relevant Voluntary Standards

All content that is posted within a kids.us-approved domain must be in compliance with existing laws, widely adopted children's online protection policies, advertising policies, and online privacy requirements. Highlighted below are several key legal, regulatory, and voluntary standards that impact multi-media children's content today. We request input on whether these are the appropriate standards for the kids.us domain. In addition, we seek input on additional standards to help define the content that should be permitted.

Compliance with Existing Rules and Regulations Regarding Indecency on the Airwaves

NeuStar, the registry operator for the dot-us top-level domain has in place a policy designed to preserve and enhance the value of the usTLD to all users, including libraries and schools.[3] Pursuant to this policy, and in light of the public significance of both the usTLD and the kids.us second level domain, the registry operator will apply this policy throughout the kids.us domain. Pursuant to this policy, the registry operator will review, for possible deletion, all registered second-level domain names that contain, within the characters of the domain name registration, any of the seven words identified in *Federal Communications Commission* v. *Pacifica Foundation.*[4] We seek input on application of this policy for a kids.us domain and whether, and how, it might be expanded and tailored specifically for application to the kids.us domain. If commenters support an expanded indecency test, please suggest detailed proposals for public review and consideration.

Commitment to Offer Some Educational and Informational Content Targeted To Children Under 13

Pursuant to the Children's Television Act[5] and the FCC's rules implementing this statute,[6] broadcasters have a public interest obligation to air a specific number of hours of programming that offers some educational and informational content targeted to children under 13. We propose to require that all registrants who want approval to activate content within the kids.us domain, commit to have some component of educational and informational content for children on their respective domains. We seek input on the appropriateness of an educational and informational content requirement and specific proposals for designing and implementing any such requirement. Commenters should please provide examples of how the Children's Television Act would work in practice for this new Internet-based application.

Compliance with the Children's Online Privacy Protection Act (COPPA) Requirements[7]

The Children's Online Privacy Protection Act (COPPA) requires the Federal Trade Commission (FTC) to issue and enforce rules concerning children's online privacy.[8] In doing so, the FTC stated its primary goal as placing parents in control over the information that may be collected from their children online. Specifically, the COPPA rules apply to three groups of website operators: operators of commercial websites or online services directed to children under 13 that collect personal information from children; operators of general audience sites that collect personal information from children under 13; and operators of general audience sites that have a separate children's area and that collect personal information from children.

These three groups of operators are required to perform certain tasks. First, these operators must post a privacy policy, provide notice to parents about the site's infor-

[3] For the full text of NeuStar's policy statement referred to herein, see http://www/nic.us/policies/docs/registration_review_policy.pdf.
[4] 438 U.S. 726, 98 S. Ct. 3026, 57 L.Ed.2d 1073 (1978).
[5] Cite Children's Television Act (CTA).
[6] Cite FCC Docket implementing the CTA.
[7] Cite COPPA.
[8] Cite FTC's rules implementing COPPA.

mation collection practices, and in many instances, obtain parental consent prior to collecting personal information from children. In addition, the operators must provide parents access to their child's information and the opportunity to delete information, they may not condition a child's participation in an activity on the disclosure of more information than is reasonably necessary, and they must maintain the confidentiality, security and integrity of the personal information collected from children.

As stated above, the kids.us domain must be in strict compliance with existing laws, including of course, the requirements of COPPA. We seek input on whether there are any particular steps from a policy or legal perspective that should be addressed to ensure COPPA compliance throughout the kids.us domain. Further, we seek input on whether there are additional privacy protections that should be considered to ensure that the kids.us domain not expose children to privacy-related risks.

Compliance with Children's Advertising Review Unit (CARU) Advertising Standards

One example of widely adopted policies relating to advertising includes the efforts of the Children's Advertising Review Unit (CARU) of the Better Business Bureaus. The CARU reviews and evaluates advertising in all media directed to children under 12. This includes print, broadcast, and cable television, radio, video, CD–ROM, 900/976 teleprograms, and interactive electronic media. CARU reviews advertising to determine consistency with its guidelines. If advertising is found to be misleading, inaccurate, or inconsistent with the guidelines, CARU works to achieve voluntary cooperation from the relevant parties to ensure compliance. All advertising sold by kids.us registrants should be in compliance with the CARU Guidelines.[9] We seek input on the value and appropriateness of applying the CARU Guidelines or some alternate advertising standard to advertising that might appear in the kids.us domain.

Additional Proposals for Content Standards

As noted above, NeuStar has prepared this paper based on much work that has been accomplished by legislators, public policy centers, advocates for children, and members of the children's content community. These proposed Guidelines and Requirements are not intended to be an exhaustive list. We encourage interested parties to comment on all of the proposals and suggest places to remove standards as well to consider alternates. For example, we have not proposed a specific standard to safeguard against violent content. We recognize that the under 13 benchmark might incorporate a violent content ban, but we invite commenters to suggest means of defining a bright line test for determining when violent content, or any other inappropriate content, might be inappropriate for a 12 year old. We strongly urge parties to share their expertise to help construct a safe, child friendly environment that will also prove attractive to children and consistent with how kids use the Internet today.

Proposed Restrictions on Links to Domains that Are Not kids.us-Approved

We seek input on mechanisms and processes that should be put in place to ensure that users of the kids.us domain are not exposed to content that is harmful to minors under 13. Specifically, we invite input on the wisdom of implementing restrictions on the allowance of links from kids.us-approved websites to those domains that are outside of the kids.us domain name space and which have not undergone the kids.us domain review process. In addition, we seek input regarding the best means for prohibiting such movement in the kids.us domain both for end users and domain managers.

Mechanisms for Protecting Children from Criminal Activity Online

We seek input on possible mechanisms for monitoring kids.us for criminal activity that might prove harmful to children. In particular, we invite the law enforcement community as well as child advocacy groups to comment on how to review domains for unlawful activity as well as how to ensure that any such criminal activity is referred for investigation to appropriate law enforcement entities.

Mechanisms for Protecting Children from Content that Does Not Comply with the Guidelines and Requirements for the kids.us Domain

We seek input on enforcement and monitoring oversight procedures that can be put in place to minimize the likelihood that content which is inappropriate for children will be appear on a kids.us domain. Commenters should also discuss the poten-

[9] For greater detail on the CARU Guidelines and CARU, please refer to www.caru.org.

tial expenses and allocation of costs in the implementation of such monitoring proposals.

Core kids.us Content Restrictions

In addition to the proposed general standards identified immediately above, we also identify a core list of content restrictions. In other words, under no circumstances should the content identified on this core list appear within any kids.us website. We seek comment on the proposed list as outlined below.

The following information or content is not permitted to be activated on any kids.us website:

- Actual normal or perverted sexual acts or sexual contact
- Lewd exhibitions of genitals or post-pubescent female breasts
- Use of the seven words identified in *Federal Communications Commission* v. *Pacifica Foundation, 438 U.S. 726, 98 S. Ct. 3026, 57 L.Ed.2d 1073 (1978)* in the domain name or content of any kids.us website
- Content that features revealing attire
- Content that displays, sells, or advocates the use of weapons
- Game sites designed for teens and older
- Content that advocates the legal or illegal use of drugs
- Content that advocates legal or illegal gambling
- Content that advocates or contemplates alcohol consumption
- Content that demonstrates explicit violence against people or animals, including hate crimes
- Content that features smoking or use of other tobacco products

Notwithstanding the list contained above, we envision that content would be reviewed by the Content Manager(s) on the whole. If such content is deemed by the Content Manager(s) as having serious educational, informational, intellectual, literary, artistic, political, or scientific value for minors we believe that exceptions can be made to allow this content to appear in the kids.us domain.

Senator DORGAN. Mr. Casey, thank you very much. Let me ask a series of questions, then I'll call on Senator Ensign for questions.

You indicate that NeuStar has always intended to create a Dot Kids space on your own. Let me ask, what, if you would force rank your principal objections, would you tell us the force ranking?

Mr. CASEY. Yes. As a first issue, we just want to make clear that the original reservation of the kids.us domain was set, not necessarily that we had planned initially to immediately roll out a kids.us. And, in particular, we want to make sure somebody didn't do it inappropriately. We needed to reserve the name. At the time that we put the name on the reservation list, we didn't know how to do it, and we have been studying that going forward.

The legislation, in several instances, or in several respects, has a number of issues that concern us. One is, it is a fairly dangerous precedent on the regulation of a domain space. The domain space is very—a very difficult space to regulate, and it's very difficult to know if the regulation will get it right.

It also is not clear that what is being set up under this legislation will actually solve the problem. It is critical, in our view, that a process be gone through in a time frame and in a manner that can ensure that what we do set up will work. And it is not clear that—under this legislation, that we will have that opportunity.

The other issue—another issue that is very important is the simple fact that we don't yet know how to set up a space like this so that it will be used. And, in doing that, not just used by parents—parents have an interest in using this—but used by the content

providers that are going to be required to make this space a useful space.

If we force a change in their business operations, if we force them to recreate or redo how they do business on a day to day basis, we threaten the ability of a registry to put together a service that can actually be sold or be operated through the various channels that are necessary to put in place—the content manager, for example, the registrars who sell the domains, for example. So it's not clear that we have the ability to do enough development to protect that.

Senator DORGAN. Well, let me go to the first point, the issue of it being regulated. If your organization or this legislation create a Dot Kids, a kids.us domain, someone should regulate the content. If the content isn't regulated, it's a worthless enterprise, would you not agree?

Mr. CASEY. I would agree with that.

Senator DORGAN. The question isn't whether there's regulation. The question is will the regulation be effective.

Mr. CASEY. The question is whether the regulation is set up in a structure that works within the kind of industry that you're trying to place the regulation on. We—NeuStar, for example, has worked in several industries, within the telecommunications industry where we have worked with all the stakeholders to come up with solutions that would have been difficult, if not impossible, to come up with under a standard regulatory structure. Rather, we brought the stakeholders together, we figured out what had to be done, and we put in place some very complex systems, in many cases, to solve the problems.

So what we are proposing today is that it is not clear that regulation at this point can be made in a manner that will let that kind of development take place.

Senator DORGAN. Ann Brown, Mr. Casey says one of the other concerns is that they're not sure it will be used. Could you give us your impression of that?

Ms. BROWN. Well, I certainly think it is something that would be used. When we did our own focus groups, I think even the kids were aware that they are treading in dangerous territory. I think that parents would welcome this.

I think that, as I said, getting the information out that this exists and how to use it would be absolutely crucial, and I think the stakeholders would certainly want it used if they knew that kids and parents were going to be using it. And so it would seem to me this would be an extremely useful site and that if it is well publicized and if it has good, interesting, interactive content, that it would be a very, very useful site.

Senator DORGAN. Mr. Casey, the liability in this piece of legislation, I expect, is very important to you. If you had intended, in any event, to create some kind of a domain for kids, a kids.us of some type, I assume the liability protection is very important to you. Is that correct?

Mr. CASEY. The liability protection is an important piece of this puzzle. It is not clear. We have been working on several alternatives or several possibilities for how to gain the kind of liability protection in the legislation.

Senator DORGAN. Assuming Congress does nothing, the House bill dies, nobody ever discusses this subject again and you're not ever bothered by pressure from any direction, tell me the time frame in which your company, having discussed it voluntarily, would create an exclusive domain for kids with appropriate content.

Mr. CASEY. Yes. What we're currently exploring is, as I said, the structure and the model for providing this kind of a service. The initial time frame for the content review will be, the comments are due by October 11th, and we will begin a process of putting out the final content guidelines for the space. And we have been doing a significant amount of outreach to get as much of those guidelines as possible.

The next step involves figuring out the proper structure, both as a matter of how the system will work and a matter of what kind of arrangements have to be made with various service providers. For example, content managers, an important next step, somebody that can review the sites, review proposed pages, and determine that it does, in fact, meet the guidelines and is appropriate for children, that's an appropriate first step. We're working to find somebody who would like to step up to that. Once that person is in place, we believe that we could roll out with service in about a 12-month time frame.

Senator DORGAN. And if the Senate, as I hope, would pass legislation in this area, in the next 5 or 6 weeks, is your anticipation the sky will fall in on your company?

Mr. CASEY. I don't know whether the sky will fall in or not—I'm not sure I would go that far—but the legislation puts in place various requirements that may be rather difficult to meet, given the analysis that has to be done and the relationships that have to be built with the providers.

Senator DORGAN. I don't express any surprise at all for you saying we want total flexibility. We prefer less, rather than more, guidance. In fact, we'd prefer no instruction from anybody and would like to go better business and do what we think. And I understand that, and I am not surprised by that at all. That is what a company would want to suggest. You understand the tension in public policy here.

Mr. Rodriguez and Ms. Brown talk about exploited children. The discussion virtually across this country by parents is they want to find some safe haven in cyberspace to give them some comfort as parents and allow them to better supervise their children who are using the computer. So that's the tension. And my feeling is, we solve that tension to the extent we have the votes and, to the extent we can, we will resolve that tension in a way that advances the interest of this legislation, recognizing that your company is going to have to be the one that implements this. But, nonetheless, implements a piece of public policy in the context of what our government is doing with your company, a public policy that we think advances the interest of children and the interest of creating a safe haven on the Internet.

Mr. CASEY. We absolutely support that goal, Mr. Chairman.

Senator DORGAN. Let me ask Senator Ensign if he would like to ask any questions. And Ms. Brown, you may respond after Senator Ensign is done.

Senator ENSIGN. Thank you, Mr. Chairman.

First of all, let me say, if I was in your position, Mr. Casey, I might be arguing some of the same points. The tension comes in and is from frustration, really, I think, when you hear story after story after story. We mentioned seeing people, and hear about kids going places where they view pornography or violent things or whatever. But obviously the biggest problem is that—with pedophiles and kidnapping and things like that, that is the most immediate danger.

So this isn't something that—people feel we have waited long enough for this. The Internet has been around long enough. And we're saying that, similar to what the deadline that the Congress put for the airports to have 100 percent of the bags screened, they said, "You will do it by December 31st, 2002." Now some of the airports are not going to be able to exactly meet that deadline, but 95 percent of the airports are going to meet that deadline, and the rest of them are going to have other types of measures put in place to have at least a 100 percent of the bags screened. They won't have the exact machines, but they will at least have 100 percent of the bags screened. And everybody said that that could not be done.

The reason, sometimes, for policymakers to pass something that things people say cannot be done, time-wise, is because it forces them to get done. That happens, by the way, within private companies. I mean, you're a CEO, and you tell your people, "I want to see this thing done," and they say it can't be done, and then all of a sudden it gets done because the CEO said that it will be done.

We're basically like the CEO in this case, and we're saying that, "No, this will get done." And we do recognize that there will be problems along the way. And there are some questions that have to be answered out there. I guess it's our gut versus your gut right now, and our gut is telling us that it can be done and that there will be a market out there. And some of our experiences of the past show this to be true. As I indicated, Hollywood said that if they make those family movies, people won't buy them. They are making mostly R-rated movies, because that is what they say people want to watch. And yet, consistently, every time a family movie comes out, it goes to the top of the charts. It is amazing how consistent it is. And yet there is resistance to it.

And we're not saying that we want to determine what everybody makes, but what we are saying is that based upon what families and our own families tell us, and we get a lot of mail from people, that they want someplace where they can direct their kids. And if there is that much public demand out there, we feel that the places like Nickelodeon and the rest of them, they're going to create the problems to be able to market to kids on these in this subdomain, and it will cause it to develop in and of itself. And it won't be perfect at the beginning, but there will be more and more attractiveness. And some families will send their kids there and more development will happen which will cause more families to go there.

And I just think that over time we may have to come back and fix the legislation somewhat. But if we don't put on the pressure, I just don't know that it's going to ever happen. It will be one of those things that we come back next year, and we'll go, "You know what? It's still not happening." And I just think that we need to put on that pressure, otherwise it is just not going to happen.

And maybe you could address something Mr. Casey. The .us has been compared to the spectrum, in that the broadcasters are required to do a certain amount of public good before having the free spectrum. And what public good, I guess, are you required to do? Because basically you got this spectrum for free. And I realize you make a profit. There's nothing wrong with making a profit, but don't you feel that there's some responsibility for the company that has a public domain basically out there, that there comes with that a responsibility to take some of your profits and put it toward the public good?

Mr. CASEY. That is a very good question, Senator. And the first point there is, we very much accept, and we operate under the concept of public service and public good. All of our businesses are centered on that kind of an operation—if our systems go down, telephones stop working. So this is part of who we are. This is our heritage. And, for example, in the .us proposal that became our contract, we proposed creation of a policy council, and we now have that policy council in place. The idea of that policy council was to give us input from the public and from various users of the space to let us know what needs to happen to meet the needs of the Internet, and the needs of the public. So we fully accept that responsibility.

Now, one misconception that I want to speak to, we were not given .us. We earned it. We put the best proposal forward. The Department of Commerce came out with an SOW and said, "This is what we need built. The .us space is currently broken. It is underutilized. We built the Internet. We should have the best .us around. Build it for us." We stepped up. We put in a proposal that clearly was the best proposal. We were selected, and we have created a very successful—the beginnings of a very successful .us space.

Senator DORGAN. At this point on .us, How many registers do you have?

Mr. CASEY. Just over 300,000 registrants since going live April 24th. Not the biggest domain in the world right now, but a lot bigger than it was when we took it over, and a lot more modern than how the .us space has been run in the past. So we responded to what the Government has asked us to do, and we will respond to this.

We have committed to a Dot Kids.us space. So there is no need to pressure us. We're doing it. We've already started the process. Our biggest goal is to make sure that as we do it, we do it correctly, because God forbid we get it wrong.

Senator ENSIGN. I appreciate that. I think you have put together a good proposal for .us. But how much money did you pay for that?

Mr. CASEY. How much money have we paid for that? Did we actually——

Senator ENSIGN. To the government.

Mr. CASEY. To the government, no money paid to the Government.

Senator ENSIGN. I just wanted to check on that, because the same comparison can be made of the spectrum. You remember the networks and everything, they had to put in huge amount of money to develop that, but they did that to develop a product to make money. The bottom line is, it is a fair comparison that the networks, you know, were basically given the spectrum in the same way that you've been given a spectrum. It's a different kind of a spectrum, and, therefore, a public responsibility.

So, I don't think it's an unreasonable comparison for Congress, then, to ask for a certain type of a public good to come out of that, just like we asked of the networks.

Mr. CASEY. Agreed. And part of our contract already states that we will serve the public interest. We have already stepped up to that.

Senator ENSIGN. Thank you.

Senator DORGAN. Ms. Brown, would you like to comment?

Ms. BROWN. Yes, very briefly. After 8 years in government, when I start to hear words like "exploring and review," "begin process," "outreach," "figuring out," "first step," "next step," "analysis," "develop relationships," it seems to me that I always knew we were in a 5- or 6-year project. And I think it would be—I think it is incumbent upon what you Senators have said, that having a little pressure to get this done in a timely time frame would be very important.

I think the time is now. And, from what I can tell, parents, and even the kids, would really like it to be done sooner rather than later. So I think the passage of this legislation would help to a great respect.

Senator DORGAN. All right. As I conclude the hearing—Jan Whitley, would you like to give us two minutes? You're here with your children. And I will put this in the record, but why don't you come forward and give us the final two minutes as a mother. You were gracious enough to come to the hearing today and let us hear your observations about what you've heard at this hearing.

STATEMENT OF JAN WHITLEY, MOTHER, SILVER SPRING, MARYLAND

Ms. WHITLEY. Thank you very much. Let me first say, this is quite an honor and one that I didn't expect when I came in through those doors. But, as I've sat here today and listened to all of the comments, I have to sort of put myself closest to Ann Brown and say that I do think the time is now.

Just this week, my children—we utilize a Website, which I won't name, to check homework assignments and that sort of thing. And when you went into the site, we were faced with Howard Stern. And while I don't think we would classify his rantings and his dissertations as being pornographic, they're certainly not appropriate.

Senator ENSIGN. I would.

[Laughter.]

Ms. WHITLEY. Thank you, Senator. But it was totally inappropriate for the children, and this is a safe site. It's supposedly a safe site. And I think this happens more and more. And I think the fig-

ures don't tell the whole story, all the statistics, because I didn't call anyone to report it to other than to call the school to alert them so that they could start the process. But I think that we don't—I don't want to wait until a tragedy, until one of my daughters is missing or has been contacted.

I know that I even shudder sometimes when I come across a site, and I'm a grown person, well above the age of 12. And I think that it's something that is needed. And I applaud you for pursuing this.

And I have to laugh and say that, as Ms. Brown was saying those words, being sort of the government buzz words, that it's going to be a slow process kind of thing, I think the time is now for action, and no more studies and all of that.

So that said, I would just like to say thank you again for this opportunity to comment on this.

[The prepared statement of Ms. Whitley follows:]

PREPARED STATEMENT OF JAN WHITLEY, MOTHER, SILVER SPRING, MARYLAND

Dear Members of the Commerce Committee,

Thank you for the opportunity to comment on the issue of Internet safety for children and more particularly on Senate Bill 2537, Dot Kids Implementation and Efficiency Act of 2002. I was quite honored when I was contacted by a staff member of Senator Dorgan's office to address this issue and bill as a parent. As an American citizen, it certainly gives true meaning to the phrase " . . .government of the people . . ."

My name is Jan Whitley. I am from Silver Spring, Maryland. My husband and I have three children, Derek—age 16, Dara—age 10, and Dona—age 7. We are members of St. Camillus Parish and my words today reflect the sentiments of the parents and parishioners at St. Camillus.

As a parent, I am always trying to protect my children from the dangers that exist in our world. Some of them are easy to identify and items like locks and seat belts provide the needed safety. However, some of the dangers are less easy to identify and if identifiable, they are hard to protect our children from them. One such danger is the Internet. Overall, the Internet is a wonderful tool that provides us with access to information and hours of enjoyment. But often it is a scary place and one that is full of information that is inappropriate for children. Sometimes, it is even inappropriate for adults like me.

Just this week, I attempted to visit a homework site for my younger children and encountered messages from Howard Stern. Needless to say I was shocked. While the information would not be considered pornographic from a legal standpoint, it was not what my 7 and 10 year olds should see.

Senate Bill 2537 would have prevented this from happening. The creation of an Internet domain that is dedicated to children under the age of 12 will give parents like me greater peace of mind. I will be able to let Dara and Dana "surf the net" and not worry that they will come upon something they shouldn't see. This is very important, especially given the fact that most 10-year olds are more computer savvy than their parents. That is how it is in my house.

I have one suggestion for improving the legislation being considered: the education of parents and the general public should begin immediately upon the bill becoming law. Everyone is so busy and this is such an important matter that there is no such thing as overkill in this instance.

I sincerely hope that Senate Bill 2537 is passed and that "dot kids" becomes a reality. Thank you for listening to me.

Senator DORGAN. Ms. Whitley, thank you very much. I just have to tell you, my son, like a lot of sons, was playing a computer game at one point that was—it was a decent game; it was not inappropriate—and it was one of those games where it was difficult. And there's this site on the Internet where they will give you hints on how to play it more effectively. But this was a game that had a name that, if you would go to the Internet and type in that name,

he discovered material that I won't describe at this hearing. He was quite innocent. He was trying to go to this game site, but he typed "www" and the name of this game, and he got a site that really was quite extraordinary.

And it happens all the time, all across the country, and the issue is not whether we should try to do something about that. Everyone believes we should. You, on behalf of parents, speak here today saying we should. I think Mr. Casey and NeuStar believes we should, and Mr. Rodriguez, Ms. Brown. So the question isn't whether; it's how. And I hope that this hearing will advance the interest in the United States Senate to move forward on some legislation.

Mr. Casey, we will be working with your corporation. We will be working with the Members of the House. Mr. Rodriguez, thanks for what your organization does. And Ms. Brown, again, thank you for your service as chairman of the Consumer Products Safety Commission. Mr. Casey, thank you for coming. And, Ms. Whitley, thanks for bringing your children.

This hearing is adjourned.

[Whereupon, at 3:40 p.m., the hearing was adjourned.]

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