

110TH CONGRESS
1ST SESSION

S. 1086

To provide stronger protections to parents regarding their children's access to sexually explicit material over the Internet.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2007

Mr. BAUCUS (for himself and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide stronger protections to parents regarding their children's access to sexually explicit material over the Internet.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Cyber Safety for Kids
5 Act of 2007".

1 **SEC. 2. PROHIBITION ON COMMERCIAL WEBSITES CON-**
2 **TAINING MATERIAL THAT IS HARMFUL TO**
3 **MINORS.**

4 (a) IN GENERAL.—No person who operates a website
5 located on the Internet where such website is primarily
6 operated for commercial purposes may knowingly, and
7 with knowledge of the character of the material, place ma-
8 terial that is harmful to minors on such website unless—

9 (1) the home page, or any other page or screen
10 that is initially viewable by a visitor to such website,
11 does not include any material that is harmful to mi-
12 nors;

13 (2) access to any such material is restricted to
14 a specific set of individuals through an age
15 verification requirement; and

16 (3) the source code of such website contains the
17 content description tag assigned to such website by
18 the National Telecommunications and Information
19 Administration.

20 (b) NTIA DESCRIPTION TAG.—Not later than 90
21 days after the date of enactment of this Act, the National
22 Telecommunications and Information Administration shall
23 develop a common content description tag that—

24 (1) will provide consumers with advance warn-
25 ing and information about the content of any

1 website that contains material that is harmful to mi-
2 nors;

3 (2) will allow consumers, based on such tag, to
4 block or filter access to, and display of, any website
5 that contains material that is harmful to minors;
6 and

7 (3) is technologically capable of being embedded
8 into the source code a website.

9 **SEC. 3. REGISTRATION REQUIREMENTS.**

10 (a) IN GENERAL.—Any operator of a website who
11 seeks to register such website, or who is required to re-
12 register any existing website with ICANN, shall, at a min-
13 imum and in addition to any other information required
14 by ICANN, provide to ICANN the following:

15 (1) The name of such operator.

16 (2) The Uniform Resource Locator or URL for
17 such website.

18 (3) The Internet Protocol address for such
19 website.

20 (4) The content description tag of such website
21 under section 2(b).

22 (b) NTIA ACTION REQUIRED.—Not later than 30
23 days after the date of the enactment of this Act, the Sec-
24 retary of Commerce, acting through the National Tele-
25 communications and Information Administration, shall—

1 (1) enter into any memorandums of under-
2 standing, agreements, and contracts with ICANN,
3 as may be necessary to carry out the requirement
4 under subsection (a); and

5 (2) make any amendments to any existing
6 memorandums of understandings, agreements, and
7 contracts with ICANN, as may be necessary to carry
8 out the requirement under subsection (a).

9 **SEC. 4. ENFORCEMENT.**

10 (a) VIOLATION.—Any person who violates this Act
11 shall be subject to such civil penalties as the Secretary
12 of Commerce shall prescribe.

13 (b) ENFORCEMENT.—The Secretary of Commerce
14 shall have the power to enforce the provisions of this Act,
15 including—

16 (1) any requirements or limitations applicable
17 to a registrant under section 3; and

18 (2) the imposition and collection of civil pen-
19 alties under subsection (a).

20 **SEC. 5. DEFINITIONS.**

21 In this Act, the following definitions shall apply:

22 (1) ICANN.—The term “ICANN” means the
23 Internet Corporation for Assigned Names and Num-
24 bers.

1 (2) INTERNET.—The term “Internet” means
2 the combination of computer facilities and electro-
3 magnetic transmission media, and related equipment
4 and software, comprising the interconnected world-
5 wide network of computer networks that employ the
6 Transmission Control Protocol/Internet Protocol or
7 any successor protocol to transmit information.

8 (3) MATERIAL THAT IS HARMFUL TO MI-
9 NORS.—The term “material that is harmful to mi-
10 nors” means any communication, picture, image,
11 graphic image file, article, recording, writing, or
12 other matter of any kind that is obscene, or that a
13 reasonable person would find—

14 (A) taking the material as a whole and
15 with respect to minors, is designed to appeal to,
16 or is designed to pander to, the prurient inter-
17 est;

18 (B) depicts, describes, or represents, in a
19 manner patently offensive with respect to mi-
20 nors—

21 (i) an actual or simulated sexual act
22 or sexual contact;

23 (ii) an actual or simulated normal or
24 perverted sexual act; or

1 (iii) a lewd exhibition of the genitals
2 or post-pubescent female breast; and

3 (C) taking the material as a whole, lacks
4 serious literary, artistic, political, or scientific
5 value for minors.

6 (4) MINOR.—The term “minor” means any per-
7 son under 18 years of age.

8 (5) SOURCE CODE.—The term “source code”
9 means the combination of text and other characters
10 comprising the content, both viewable and non-
11 viewable, of a webpage, including any—

12 (A) website publishing language;

13 (B) programming language;

14 (C) protocol or functional content; and

15 (D) successor languages or protocols.

16 (6) TAG.—The term “tag” means a descriptive
17 keyword or term associated with or assigned to a
18 piece of information (such as a picture, article, or
19 video clip), that—

20 (A) describes such information; and

21 (B) enables keyword-based classification
22 and filtering of such information as required
23 under this Act.

24 (7) WEBSITE.—The term “website” means any
25 collection of material placed in a computer server-

- 1 based file archive so that it is publicly accessible
- 2 over the Internet using hypertext transfer protocol,
- 3 or any successor protocol.

