

110TH CONGRESS
1ST SESSION

S. _____

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

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

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".

6 **SEC. 2. PROHIBITION ON COMMERCIAL WEBSITES CON-**
7 **TAINING MATERIAL THAT IS HARMFUL MI-**
8 **NORS.**

9 (a) IN GENERAL.—No person who operates a website
10 located on the Internet where such website is primarily

1 operated for commercial purposes may knowingly, and
2 with knowledge of the character of the material, place ma-
3 terial that is harmful to minors on such website unless—

4 (1) the home page, or any other page or screen
5 that is initially viewable by a visitor to such website,
6 does not include any material that is harmful to mi-
7 nors;

8 (2) access to any such material is restricted to
9 a specific set of individuals through an age
10 verification requirement; and

11 (3) the source code of such website contains the
12 content description tag assigned to such website by
13 the National Telecommunications and Information
14 Administration.

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

19 (1) will provide consumers with advance warn-
20 ing and information about the content of any
21 website that contains material that is harmful to mi-
22 nors;

23 (2) will allow consumers, based on such tag, to
24 block or filter access to, and display of, any website

1 that contains material that is harmful to minors;
2 and

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

5 **SEC. 3. REGISTRATION REQUIREMENTS.**

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

11 (1) The name of such operator.

12 (2) The Uniform Resource Locator or URL for
13 such website.

14 (3) The Internet Protocol address for such
15 website.

16 (4) The content description tag of such website
17 under section 2(b).

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

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

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

5 **SEC. 4. ENFORCEMENT.**

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

9 (b) ENFORCEMENT.—The Secretary of Commerce
10 shall have the power to enforce the provisions of this Act,
11 including—

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

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

16 **SEC. 5. DEFINITIONS.**

17 In this Act, the following definitions shall apply:

18 (1) ICANN.—The term “ICANN” means the
19 Internet Corporation for Assigned Names and Num-
20 bers.

21 (2) INTERNET.—The term “Internet” means
22 the combination of computer facilities and electro-
23 magnetic transmission media, and related equipment
24 and software, comprising the interconnected world-
25 wide network of computer networks that employ the

1 Transmission Control Protocol/Internet Protocol or
2 any successor protocol to transmit information.

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

9 (A) taking the material as a whole and
10 with respect to minors, is designed to appeal to,
11 or is designed to pander to, the prurient inter-
12 est;

13 (B) depicts, describes, or represents, in a
14 manner patently offensive with respect to mi-
15 nors—

16 (i) an actual or simulated sexual act
17 or sexual contact;

18 (ii) an actual or simulated normal or
19 perverted sexual act; or

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

22 (C) taking the material as a whole, lacks
23 serious literary, artistic, political, or scientific
24 value for minors.

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

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

7 (A) website publishing language;

8 (B) programming language;

9 (C) protocol or functional content; and

10 (D) successor languages or protocols.

11 (6) TAG.—The term “tag” means a descriptive
12 keyword or term associated with or assigned to a
13 piece of information (such as a picture, article, or
14 video clip), that—

15 (A) describes such information; and

16 (B) enables keyword-based classification
17 and filtering of such information as required
18 under this Act.

19 (7) WEBSITE.—The term “website” means any
20 collection of material placed in a computer server-
21 based file archive so that it is publicly accessible
22 over the Internet using hypertext transfer protocol,
23 or any successor protocol.