

**SEC. 4. MODIFICATION OF MINIMUM STANDARDS REQUIRED FOR ELECTRONIC MONITORING UNITS USED IN SEXUAL OFFENDER MONITORING PILOT PROGRAM.**

(a) IN GENERAL.—Subparagraph (C) of section 621(a)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16981(a)(1)) is amended to read as follows:

“(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

“(i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and

“(ii) permit continuous monitoring of offenders 24 hours a day.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to grants provided on or after the date of the enactment of this Act.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment was agreed to.

Mr. CHABOT. Mr. Speaker, I'd like to thank my House and Senate colleagues today for their ongoing leadership on this critical issue. Today is another significant step in our effort to protect our Nation's most precious asset—our children. Together with the PROTECT Act, which the House considered earlier, we are sending a message to predators that we will not let you get our children.

The Adam Walsh Child Protection and Safety Act, that we passed two years ago and which increased national registration requirements and penalties on sex offenders, was a much needed response to the growing threats our Nation's children face each and every day.

However, the threat still exists and, in fact, continues to grow, particularly as technology advances. Social Web sites such as MySpace and Facebook give our kids new ways to interact. Yet, they also open doors for sexual predators to target them—making it essential that our laws keep up with technology.

The bills that we are considering today send the message that we will not tolerate this disturbing trend. The Keeping the Internet Devoid of Sexual Predators Act, or KIDS Act, of 2007, ensures that our laws and the resources needed to catch and keep these criminals off the street are as up-to-date as the technology that our kids are using.

I urge my colleagues to support this important legislation.

Mr. POMEROY. Mr. Speaker, I rise today in support of S. 431, the “Keeping the Internet Devoid of Sexual Predators Act of 2007” also known as the KIDS Act. This important legislation takes a historic step forward in updating and strengthening our laws to protect our kids from sexual predators online.

At the beginning of this Congress, I introduced the House companion to the KIDS Act with our dear departed friend, Rep. Paul Gillmor, a true champion of protecting children from dangerous sexual predators both online and offline. He spent much of his time in Congress fighting to keep our kids safe, and I know that he would be very proud of the passage of today's legislation.

When my own kids are online, I want to do everything possible to keep them safe from online predators. Sex offenders have no busi-

ness being on social networking sites like MySpace and Facebook and the hundreds of other social networking sites that kids are on today. This bipartisan compromise will make it easier for social networking sites to find these offenders and kick these individuals off of their sites so that they are not able to prey on our Nation's children.

Under current law, convicted sex offenders have to register where they work, live, go to school, and provide any other information that is required by the Attorney General. This act mandates that the Attorney General use his authority to require convicted sex offenders to register their Internet identifiers such as their email and instant messaging addresses. Failure to register internet identifiers as required will be treated as any other registration violation punishable under 18 U.S.C. §2250. The Department of Justice will then create a system to share this information with social networking sites so that these companies can keep registered sex offenders from using their services.

According to a University of New Hampshire study, 1 in 7 children receive unwanted sexual solicitations online. With nearly 90 percent of our Nation's teenagers using the Internet everyday, it is now more important than ever to pass legislation like this that updates our laws to protect our kids from those who would exploit them online.

I would like to thank MySpace for their leadership in advancing this legislation and for the proactive steps that they have already taken to delete convicted registered sex offenders from their site. We hope this legislation will encourage others to follow their lead.

I would also like to thank Chairman SCOTT, Chairman CONYERS, Senator SCHUMER and Representative RAHM EMANUEL for their work on this issue. I would specifically like to thank House Judiciary staff—Mark Dubester, Ted Kalo, Bobby Vassar, Ameer Gopalani and Karen Wilkinson—for their hard work in reaching a compromise on this issue. I look forward to continuing to work with all of you to protect our children from the threat of sex offenders on the Internet.

Mr. SMITH of Texas. Mr. Speaker, child predators will stop at nothing to prey on innocent children. The Internet affords them not only a virtual world within which to lure children into meeting them but also significantly hampers the ability of law enforcement to identify and apprehend them.

The Internet is constantly evolving. A decade ago, email was the revolution that connected people in the workplace, on college campuses, and across the country. Today, chat rooms and social networking sites boast users in the millions from around the world and attract young children who may not be aware of the risks involved with sharing personal information online.

We were all shocked to learn last year that over 20,000 registered sex offenders were on commercial social networking sites. In response to media attention, these sites removed the sex offenders and continue to actively monitor their sites.

S. 431, the Keeping the Internet Devoid of Sexual Predators Act or KIDS Act of 2007, will help these sites and other Internet providers, as well as law enforcement officials, to identify sex offenders lurking on the Internet. The bill contains an important provision requiring sex offenders to update their registration informa-

tion to include their electronic mail addresses, instant messaging addresses and other similar Internet identifiers.

The KIDS Act also provides a mechanism to allow social networking sites to check sex offender registries to prevent sex offenders from accessing the site.

The House passed similar legislation, H.R. 719, last year. However, many of these important provisions had been stripped from the bill before it was brought to the floor. I am pleased that S. 431 reinstates many of these provisions, most importantly, the requirement that sex offenders report their email addresses and other Internet identifiers.

S. 431 also incorporates a provision originally introduced by my colleague from Virginia, Congressman RANDY FORBES, in H.R. 4094. This provision amends the Adam Walsh Act to revise the minimum standards for electronic monitoring of sex offenders. This important correction will improve the use of these monitoring devices under the Adam Walsh Act pilot program.

I urge my colleagues to support this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2008**

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 3605) to extend the pilot program for volunteer groups to obtain criminal history background checks, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the Senate bill is as follows:

S. 3605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Criminal History Background Checks Pilot Extension Act of 2008”.

**SEC. 2. EXTENSION OF PILOT PROGRAM.**

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking “a 66-month” and inserting “a 78-month”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**PROTECT OUR CHILDREN ACT OF 2008**

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1738) to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against

Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1738

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008” or the “PROTECT Our Children Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

## **TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION**

Sec. 101. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.

Sec. 102. Establishment of National ICAC Task Force Program.

Sec. 103. Purpose of ICAC task forces.

Sec. 104. Duties and functions of task forces.

Sec. 105. National Internet Crimes Against Children Data System.

Sec. 106. ICAC grant program.

Sec. 107. Authorization of appropriations.

## **TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION**

Sec. 201. Additional regional computer forensic labs.

## **TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION**

Sec. 301. Prohibit the broadcast of live images of child abuse.

Sec. 302. Amendment to section 2256 of title 18, United States Code.

Sec. 303. Amendment to section 2260 of title 18, United States Code.

Sec. 304. Prohibiting the adaptation or modification of an image of an identifiable minor to produce child pornography.

## **TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS**

Sec. 401. NIJ study of risk factors for assessing dangerousness.

## **TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION**

Sec. 501. Reporting requirements of electronic communication service providers and remote computing service providers.

Sec. 502. Reports.

Sec. 503. Severability.

## **SEC. 2. DEFINITIONS.**

In this Act, the following definitions shall apply:

(1) **CHILD EXPLOITATION.**—The term “child exploitation” means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) **CHILD OBSCENITY.**—The term “child obscenity” means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) **MINOR.**—The term “minor” means any person under the age of 18 years.

(4) **SEXUALLY EXPLICIT CONDUCT.**—The term “sexually explicit conduct” has the meaning given such term in section 2256 of title 18, United States Code.

## **TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION**

### **SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.**

(a) **IN GENERAL.**—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) **TIMING.**—Not later than 1 year after the date of enactment of this Act and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) **REQUIRED CONTENTS OF NATIONAL STRATEGY.**—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement

agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CyberTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

#### SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the "ICAC Task Force Program"), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under

title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than \$2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

#### SEC. 103. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-fa-

cilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

#### SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multi-agency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this title; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

#### SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against

Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) **INTENT OF CONGRESS.**—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) **PURPOSE OF SYSTEM.**—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) **CYBER SAFE DECONFLICTION AND INFORMATION SHARING.**—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) **COLLECTION AND REPORTING OF DATA.**—

(1) **IN GENERAL.**—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) **REAL-TIME REPORTING.**—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) **HIGH-PRIORITY SUSPECTS.**—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerous-

ness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) **ANNUAL REPORTS.**—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) **MANDATORY REQUIREMENTS OF NETWORK.**—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) **NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.**—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, \$2,000,000 to carry out the provisions of this section.

## SEC. 106. ICAC GRANT PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) **FORMULA GRANTS.**—

(A) **DEVELOPMENT OF FORMULA.**—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) **FORMULA REQUIREMENTS.**—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) **DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.**—

(A) **IN GENERAL.**—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) **MATCHING REQUIREMENT.**—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) **WAIVER.**—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) **APPLICATION.**—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103-62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 102; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

#### SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) \$60,000,000 for fiscal year 2009;

(2) \$60,000,000 for fiscal year 2010;

(3) \$60,000,000 for fiscal year 2011;

(4) \$60,000,000 for fiscal year 2012; and

(5) \$60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

### TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

#### SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, \$2,000,000 to carry out the provisions of this section.

### TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

#### SEC. 301. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting “or for the purpose of transmitting a live visual depiction of such conduct” after “for the purpose of producing any visual depiction of such conduct”; and

(B) inserting “or transmitted” after “if such person knows or has reason to know that such visual depiction will be transported”; and

(C) inserting “or transmitted” after “if that visual depiction was produced”; and

(D) inserting “or transmitted” after “has actually been transported”; and

(2) in subsection (b), by—

(A) inserting “or for the purpose of transmitting a live visual depiction of such con-

duct” after “for the purpose of producing any visual depiction of such conduct”; and

(B) inserting “or transmitted” after “person knows or has reason to know that such visual depiction will be transported”; and

(C) inserting “or transmitted” after “if that visual depiction was produced”; and

(D) inserting “or transmitted” after “has actually been transported”.

#### SEC. 302. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking “and” before “data”; and

(2) after “visual image” by inserting “, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format”.

#### SEC. 303. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting “or for the purpose of transmitting a live visual depiction of such conduct” after “for the purpose of producing any visual depiction of such conduct”; and

(2) inserting “or transmitted” after “imported”.

#### SEC. 304. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking “; or” at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (6) the following:

“(7) knowingly produces with intent to distribute, or distributes, by any means, including a computer, in or affecting interstate or foreign commerce, child pornography that is an adapted or modified depiction of an identifiable minor.”.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

“(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.”.

### TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

#### SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an on-line child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes

recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$500,000 to the National Institute of Justice to conduct the study required under this section.

# **TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION**

## **SEC. 501. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2258 the following:

### **“SEC. 2258A. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.**

“(a) DUTY TO REPORT.—

“(1) IN GENERAL.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means of interstate or foreign commerce, obtains actual knowledge of any facts or circumstances described in paragraph (2) shall, as soon as reasonably possible—

“(A) provide to the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by such center, the mailing address, telephone number, facsimile number, electronic mail address of, and individual point of contact for, such electronic communication service provider or remote computing service provider; and

“(B) make a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by such center.

“(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances from which there is an apparent violation of—

“(A) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

“(B) section 1466A.

“(b) CONTENTS OF REPORT.—To the extent the information is within the custody or control of an electronic communication service provider or a remote computing service provider, the facts and circumstances included in each report under subsection (a)(1) may include the following information:

“(1) INFORMATION ABOUT THE INVOLVED INDIVIDUAL.—Information relating to the identity of any individual who appears to have violated a Federal law described in subsection (a)(2), which may, to the extent reasonably practicable, include the electronic mail address, Internet Protocol address, uniform resource locator, or any other identifying information, including self-reported identifying information.

“(2) HISTORICAL REFERENCE.—Information relating to when and how a customer or subscriber of an electronic communication service or a remote computing service uploaded, transmitted, or received apparent child pornography or when and how apparent child pornography was reported to, or discovered by the electronic communication service provider or remote computing service provider, including a date and time stamp and time zone.

“(3) GEOGRAPHIC LOCATION INFORMATION.—

“(A) IN GENERAL.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified billing address, or, if not reasonably available, at least 1 form of geographic identifying information, including area code or zip code.

“(B) INCLUSION.—The information described in subparagraph (A) may also include any geographic information provided to the electronic communication service or remote computing service by the customer or subscriber.

“(4) IMAGES OF APPARENT CHILD PORNOGRAPHY.—Any image of apparent child pornography relating to the incident such report is regarding.

“(5) COMPLETE COMMUNICATION.—The complete communication containing any image of apparent child pornography, including—

“(A) any data or information regarding the transmission of the communication; and

“(B) any images, data, or other digital files contained in, or attached to, the communication.

“(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—

“(1) IN GENERAL.—The National Center for Missing and Exploited Children shall forward each report made under subsection (a)(1) to any appropriate law enforcement agency designated by the Attorney General under subsection (d)(2).

“(2) STATE AND LOCAL LAW ENFORCEMENT.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to an appropriate law enforcement official of a State or political subdivision of a State for the purpose of enforcing State criminal law.

“(3) FOREIGN LAW ENFORCEMENT.—

“(A) IN GENERAL.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to any appropriate foreign law enforcement agency designated by the Attorney General under subsection (d)(3), subject to the conditions established by the Attorney General under subsection (d)(3).

“(B) TRANSMITTAL TO DESIGNATED FEDERAL AGENCIES.—If the National Center for Missing and Exploited Children forwards a report to a foreign law enforcement agency under subparagraph (A), the National Center for Missing and Exploited Children shall concurrently provide a copy of the report and the identity of the foreign law enforcement agency to—

“(i) the Attorney General; or

“(ii) the Federal law enforcement agency or agencies designated by the Attorney General under subsection (d)(2).

“(d) ATTORNEY GENERAL RESPONSIBILITIES.—

“(1) IN GENERAL.—The Attorney General shall enforce this section.

“(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General shall designate promptly the Federal law enforcement agency or agencies to which a report shall be forwarded under subsection (c)(1).

“(3) DESIGNATION OF FOREIGN AGENCIES.—The Attorney General shall promptly—

“(A) in consultation with the Secretary of State, designate the foreign law enforcement agencies to which a report may be forwarded under subsection (c)(3);

“(B) establish the conditions under which such a report may be forwarded to such agencies; and

“(C) develop a process for foreign law enforcement agencies to request assistance from Federal law enforcement agencies in obtaining evidence related to a report referred under subsection (c)(3).

“(4) REPORTING DESIGNATED FOREIGN AGENCIES.—The Attorney General shall maintain and make available to the Department of State, the National Center for Missing and Exploited Children, electronic communication service providers, remote computing service providers, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representa-

tives a list of the foreign law enforcement agencies designated under paragraph (3).

“(5) SENSE OF CONGRESS REGARDING DESIGNATION OF FOREIGN AGENCIES.—It is the sense of Congress that—

“(A) combating the international manufacturing, possession, and trade in online child pornography requires cooperation with competent, qualified, and appropriately trained foreign law enforcement agencies; and

“(B) the Attorney General, in cooperation with the Secretary of State, should make a substantial effort to expand the list of foreign agencies designated under paragraph (3).

“(6) NOTIFICATION TO PROVIDERS.—If an electronic communication service provider or remote computing service provider notifies the National Center for Missing and Exploited Children that the electronic communication service provider or remote computing service provider is making a report under this section as the result of a request by a foreign law enforcement agency, the National Center for Missing and Exploited Children shall—

“(A) if the Center forwards the report to the requesting foreign law enforcement agency or another agency in the same country designated by the Attorney General under paragraph (3), notify the electronic communication service provider or remote computing service provider of—

“(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

“(ii) the date on which the report was forwarded; or

“(B) notify the electronic communication service provider or remote computing service provider if the Center declines to forward the report because the Center, in consultation with the Attorney General, determines that no law enforcement agency in the foreign country has been designated by the Attorney General under paragraph (3).

“(e) FAILURE TO REPORT.—An electronic communication service provider or remote computing service provider that knowingly and willfully fails to make a report required under subsection (a)(1) shall be fined—

“(1) in the case of an initial knowing and willful failure to make a report, not more than \$150,000; and

“(2) in the case of any second or subsequent knowing and willful failure to make a report, not more than \$300,000.

“(f) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to require an electronic communication service provider or a remote computing service provider to—

“(1) monitor any user, subscriber, or customer of that provider;

“(2) monitor the content of any communication of any person described in paragraph (1); or

“(3) affirmatively seek facts or circumstances described in sections (a) and (b).

“(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

“(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—

“(A) IN GENERAL.—A law enforcement agency may disclose information in a report received under subsection (c)—

“(i) to an attorney for the government for use in the performance of the official duties of that attorney;

“(ii) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;



“(iii) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

“(iv) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

“(v) to a defendant in a criminal case or the attorney for that defendant, subject to the terms and limitations under section 3509(m) or a similar State law, to the extent the information relates to a criminal charge pending against that defendant;

“(vi) subject to subparagraph (B), to an electronic communication service provider or remote computing provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report; and

“(vii) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

“(B) LIMITATIONS.—

“(i) LIMITATIONS ON FURTHER DISCLOSURE.—The electronic communication service provider or remote computing service provider shall be prohibited from disclosing the contents of a report provided under subparagraph (A)(vi) to any person, except as necessary to respond to the legal process.

“(ii) EFFECT.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide child pornography images to an electronic communications service provider or a remote computing service.

“(3) PERMITTED DISCLOSURES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—The National Center for Missing and Exploited Children may disclose information received in a report under subsection (a) only—

“(A) to any Federal law enforcement agency designated by the Attorney General under subsection (d)(2);

“(B) to any State, local, or tribal law enforcement agency involved in the investigation of child pornography, child exploitation, kidnapping, or enticement crimes;

“(C) to any foreign law enforcement agency designated by the Attorney General under subsection (d)(3); and

“(D) to an electronic communication service provider or remote computing service provider as described in section 2258C.

“(h) PRESERVATION.—

“(1) IN GENERAL.—For the purposes of this section, the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report under subsection (a)(1) shall be treated as a request to preserve, as if such request was made pursuant to section 2703(f).

“(2) PRESERVATION OF REPORT.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve the contents of the report provided pursuant to subsection (b) for 90 days after such notification by the CyberTipline.

“(3) PRESERVATION OF COMMINGLED IMAGES.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve any images, data, or other digital files that are commingled or interspersed among the images of apparent child pornography within a particular communication or user-created folder or directory.

“(4) PROTECTION OF PRESERVED MATERIALS.—An electronic communications service provider or remote computing service preserving

materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access by agents or employees of the service to the materials to that access necessary to comply with the requirements of this subsection.

“(5) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703.

**“SEC. 2258B. LIMITED LIABILITY FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS, REMOTE COMPUTING SERVICE PROVIDERS, OR DOMAIN NAME REGISTRAR.**

“(a) IN GENERAL.—Except as provided in subsection (b), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting or preservation responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

“(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

“(1) engaged in intentional misconduct; or

“(2) acted, or failed to act—

“(A) with actual malice;

“(B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

“(C) for a purpose unrelated to the performance of any responsibility or function under this section, sections 2258A, 2258C, 2702, or 2703.

“(c) MINIMIZING ACCESS.—An electronic communication service provider, a remote computing service provider, and domain name registrar shall—

“(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

“(2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

**“SEC. 2258C. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO IMAGES REPORTED TO THE CYBERTIPLINE.**

“(a) ELEMENTS.—

“(1) IN GENERAL.—The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images.

“(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

“(3) EXCLUSION.—The elements authorized under paragraph (1) may not include the actual images.

“(b) USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING

SERVICE PROVIDERS.—Any electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under this section may use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service provider from its reporting obligations under section 2258A.

“(c) LIMITATIONS.—Nothing in subsections (a) or (b) requires electronic communication service providers or remote computing service providers receiving elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children to use the elements to stop the further transmission of the images.

“(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—The National Center for Missing and Exploited Children shall make available to Federal, State, and local law enforcement involved in the investigation of child pornography crimes elements, including hash values, relating to any apparent child pornography image of an identified child reported to the National Center for Missing and Exploited Children.

“(e) USE BY LAW ENFORCEMENT.—Any Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under section (d) may use such elements only in the performance of the official duties of that agency to investigate child pornography crimes.

**“SEC. 2258D. LIMITED LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

“(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

“(1) engaged in intentional misconduct; or

“(2) acted, or failed to act—

“(A) with actual malice;

“(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

“(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

“(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

“(d) MINIMIZING ACCESS.—The National Center for Missing and Exploited Children shall—

“(1) minimize the number of employees that are provided access to any image provided under section 2258A; and

“(2) ensure that any such image is permanently destroyed upon notification from a law enforcement agency.”

**“SEC. 2258E. DEFINITIONS.**

“In sections 2258A through 2258D—

“(1) the terms ‘attorney for the government’ and ‘State’ have the meanings given those terms in rule 1 of the Federal Rules of Criminal Procedure;

“(2) the term ‘electronic communication service’ has the meaning given that term in section 2510;

“(3) the term ‘electronic mail address’ has the meaning given that term in section 3 of the CAN-SPAM Act of 2003 (15 U.S.C. 7702);

“(4) the term ‘Internet’ has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

“(5) the term ‘remote computing service’ has the meaning given that term in section 2711; and

“(6) the term ‘website’ means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.”

**(b) TECHNICAL AND CONFORMING AMENDMENTS.—**

**(1) REPEAL OF SUPERCEDED PROVISION.**—Section 227 of the Crime Control Act of 1990 (42 U.S.C. 13032) is repealed.

**(2) TECHNICAL CORRECTIONS.**—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(6), by striking “section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)” and inserting “section 2258A”; and

(B) in subsection (c)(5), by striking “section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)” and inserting “section 2258A”.

**(3) TABLE OF SECTIONS.**—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2258 the following:

“2258A. Reporting requirements of electronic communication service providers and remote computing service providers.

“2258B. Limited liability for electronic communication service providers and remote computing service providers.

“2258C. Use to combat child pornography of technical elements relating to images reported to the CyberTipline.

“2258D. Limited liability for the National Center for Missing and Exploited Children.

“2258E. Definitions.”.

**SEC. 502. REPORTS.**

(a) **ATTORNEY GENERAL REPORT ON IMPLEMENTATION, INVESTIGATIVE METHODS AND INFORMATION SHARING.**—Not later than 12 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives on—

(1) the structure established in this Act, including the respective functions of the National Center for Missing and Exploited Children, Department of Justice, and other entities that participate in information sharing under this Act;

(2) an assessment of the legal and constitutional implications of such structure;

(3) the privacy safeguards contained in the reporting requirements, including the training, qualifications, recruitment and screening of all Federal and non-Federal personnel implementing this Act; and

(4) information relating to the aggregate number of incidents reported under section

2258A(b) of title 18, United States Code, to Federal and State law enforcement agencies based on the reporting requirements under this Act and the aggregate number of times that elements are provided to communication service providers under section 2258C of such title.

(b) **GAO AUDIT AND REPORT ON EFFICIENCY AND EFFECTIVENESS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline, and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any legislative, administrative, or regulatory changes that the Comptroller General recommends be taken by or on behalf of the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of child pornography crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes, including the use of existing personnel, materials, technologies, and facilities; and

(4) any actions or efforts that the Comptroller General recommends be taken by the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes.

**SEC. 503. SEVERABILITY.**

If any provision of this title or amendment made by this title is held to be unconstitutional, the remainder of the provisions of this title or amendments made by this title—

(1) shall remain in full force and effect; and

(2) shall not be affected by the holding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members, the PROTECT Our Children Act enhances the ability of Federal and State law enforcement officials to investigate and prosecute crimes involving the use of the Inter-

net to further the sexual exploitation of children.

Our colleague, DEBBIE WASSERMAN SCHULTZ of Florida, is the author of this amendment. It passed overwhelmingly last year. And I would yield her as much time as she may consume.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge my colleagues to support Senate bill 1738, the PROTECT Our Children Act of 2008.

Mr. Speaker, I don't have to tell you that children today are growing up in a completely different world than we did. Our children have wonderful opportunities to learn in ways that we never had, but there are also dangers our generation never had to consider.

The Internet has facilitated an exploding multibillion dollar market for child pornography. Tragically, the demand for this criminal market can only be supplied by graphic new images, and these images can only be supplied through the sexual assault of more children.

This bill, like its House companion, H.R. 3845, that passed the House overwhelmingly last November, addresses an issue that is central to the goals and vision of Speaker NANCY PELOSI and the New Direction Congress, protecting our children.

The Internet is a truly wonderful tool. It has opened up the world for our children, but it has also opened up our children to the world.

A year ago, in June, I visited with a very special group of parents called the Surviving Parents Coalition, and I was not prepared for what they had to tell me. They shared with me their own horrific stories of how their children were abducted by sexual predators. As we all know, some of these children will never come home.

As the mother of three young children myself, their stories broke my heart. And as a Member of Congress, I felt compelled to act. What surprised me most about these brave parents was their message; they told me that if we wanted to prevent predators from hurting other children like theirs, that the way to do it is to go back through the Internet and get them.

A 2005 Justice Department study found that 80 percent of child pornography possessors have images and videos of children being sexually penetrated, another 21 percent possess images of bondage, sadistic abuse, and torture.

The children depicted in these photos are very young. There are even Web sites that provide live pay-per-view rates of very young children. These images are crime scene photos created by a thriving industry that uses children as sexual commodities.

Special Agent Flint Waters of the Wyoming State Police, a highly respected child exploitation investigator, testified at a Judiciary Committee hearing last year that there are nearly 500,000 identified individuals in the United States trafficking child pornography on the Internet. That's half a



million people right here in the United States. And law enforcement knows who they are and they know where they are. But what shocked me the most and what compelled me to get involved in this issue is that, due to a lack of resources, law enforcement is investigating less than 2 percent of these known 500,000 individuals. And make no mistake, law enforcement knows where they are, they just don't have the resources to go get them.

Even more shocking is that it is estimated that if we were to investigate these cases, we could actually rescue a child victim nearly 30 percent of the time.

□ 1745

Think about that. That means there are thousands of children out there in America just waiting to be rescued.

Alicia Kozakiewicz, whose testimony at last October's judiciary hearing moved all of us, is a living, breathing reminder of the lives that we can save. Alicia told us how over a period of months she was groomed by a 40-year-old predator pretending to be a teenage girl. When Alicia, who was 13 years old at the time, agreed to meet her cyber-friend in real life, he kidnapped her from her suburban Pittsburgh driveway and held her captive in his Virginia dungeon where he performed unspeakable sexual acts upon her day after day and broadcast it over the Internet. Just when Alicia told us that she had given up all hope, she was rescued by FBI agents.

The FBI found her because the Virginia Internet Crimes Against Children Task Force, or ICAC, had the technology to lift the digital fingerprints of this perpetrator's crimes and to discover the location where he had held her captive chained to the floor.

The PROTECT Our Children Act will help provide the safety net that we so desperately need by giving us the resources and the coordination we need to bring these predators to justice. It will create statutory authority for these highly successful ICAC Task Forces, which support State and local law enforcement agencies. It will supplement this new local effort with hundreds of new Federal agents who will be solely dedicated to crimes against children. It will also provide desperately needed forensic crime and computer labs so agents can uncover troves of electronic evidence, locate these perpetrators and bring them to justice.

At the October Judiciary Committee hearing, a representative from the FBI told us two things that boggled my mind: First, that the number of agents being exclusively assigned to these cases was actually shrinking, and second, that they are giving millions of dollars that Congress had appropriated to combat child pornography to programs that have nothing to do with child protection.

This bill will set us on a new course by creating a National Strategy for Child Exploitation Prevention. And al-

though I preferred the special counsel provision in the House bill, I am proud to support this measure because this national strategy will ensure that the Federal Government's efforts in this era are no longer disjointed or haphazard. Instead, there will finally be a person in charge at the Department of Justice who will report to Congress and be responsible for real results.

I want to thank my House cosponsor, Ranking Member JOE BARTON, for his leadership, his concern, and his compassion for our children and their safety. And thank you, Senator BIDEN, for your capable staff and for your tireless work in the Senate. Your skilled negotiations helped us arrive at this moment. Thank you to NCMEC President Ernie Allen and my good friend and colleague from Houston, Congressman Nick Lampson, for your improvements to the bill with the SAFE Act. And honestly, thank you, Oprah Winfrey and all of your viewers for every letter, every telephone call, every fax and every e-mail. You helped break the Senate logjam and proved that Congress is responsive to the people.

Thank you, Erin Runnion, Ed Smart, Mary Kozakiewicz, names that are far too familiar to Americans because of the travesty that happened to their children, and to all the founding members of the Surviving Parents Coalition. When this bill got mired in petty partisan politics, they helped us remember what our effort was really about. It is about Samantha, it is about Elizabeth, and it is about Alicia. It is making sure we rescue every child we can and that we leave none behind. And thank you to Flint Waters for developing the software to locate predators and rescue children. Your work and the work of the ICAC Task Force agents across this country from Broward County, Florida to Wyoming, who wake up every morning, work long hours each day, only to go home at night knowing they don't have the resources or staffing power to rescue every child. The angst that must cause is unimaginable.

Last and certainly not least, I want to commend the inexhaustible determination of Grier Weeks, Camille Cooper, David Keith and all our friends with the National Association to PROTECT Children. They kept our noses to the grindstone and our eyes on the prize. And we would never be here without their effort. They have shown us what we can do when Congress comes together and puts partisan differences aside.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, credit goes to the gentlewoman from Florida, Congresswoman WASSERMAN SCHULTZ, for introducing this bill in the House and for advancing this piece of legislation to the point where we are considering it today.

Child pornography is a reprehensible, yet profitable, global criminal enter-

prise. And it is growing rapidly in technical sophistication in response to efforts to detect and disrupt these criminal operations. It is a despicable and vicious victimization of children.

The Internet is a virtual playground for sexual predators who satiate their desire for child pornography with relative anonymity. Law enforcement officials have identified nearly 500,000 individuals trafficking in child pornography over the Internet. However, due to the lack of resources at the Federal, State and local levels, law enforcement officials are able to investigate only about 2 percent of these child pornographers.

S. 1738, the Combating Child Exploitation Act of 2008, will assist law enforcement officials with apprehending these dangerous predators. This legislation combines two House bills, H.R. 3845, the PROTECT Our Children Act and H.R. 3791, the SAFE Act, both of which passed the House last year with overwhelming support.

This legislation establishes a national strategy for child exploitation prevention and interdiction and provides additional funding for the Internet Crimes Against Children Task Forces. These multi-jurisdictional task forces are on the front-lines of combating Internet child pornography. State and local agencies will now be given much-needed resources to combat this growing problem.

S. 1738 also provides critical funding to expand computer forensic capabilities for child exploitation cases at the Regional Computer Forensic Labs across the country.

Finally, title V of S. 1738, which incorporates the provisions of the SAFE Act, will strengthen the requirements on Internet service providers to report violations of child pornography laws. It also enhances the ability of the National Center for Missing and Exploited Children to collect and report suspected instances of child pornography to law enforcement agencies across America and around the world.

The Internet has become a magnet for child exploitation and child pornography. This legislation will help deter it.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield to our friend, Nick Lampson, the gentleman from Texas, who has worked on this subject for many years. And I am happy to yield him as much time as he may consume.

Mr. LAMPSON. Thank you, Mr. Chairman, for allowing me to speak and also for the good work that has been done on this bill and everything that you and your committee has done.

Mr. Speaker, I do rise today to ask my colleagues to join me in voting for S. 1738. This bill would authorize funds for Federal grants and additional FBI agents to address the problem of online exploitation of children as well as to establish a new anti-child-exploitation

office at the Department of Justice as well. And this has been combined with the Securing Adolescents From Online-Exploitation Act of 2007.

The Lampson-Chabot bill, which passed this body last December, modernizes and expands the reporting requirements relating to child pornography and expands cooperation in combating child pornography. Last year I joined one of my cochairs on the Congressional Caucus on Missing and Exploited Children, Congressman Steve Chabot, in introducing the Securing Adolescents From Exploitation-Online, the SAFE Act of 2007.

The SAFE Act provides increased resources for law enforcement to capture, prosecute and incarcerate these criminals. By expanding the system to service providers to report child pornography found on their systems, we improve child safety and prevent future atrocities.

Currently Internet service providers are mandated to report child pornography to the National Center for Missing and Exploited Children. Under the SAFE Act, all electronic service communications providers and remote computing service providers will have to report child pornography. For knowingly and willingly not filing a report after being made aware of a child pornography image, these providers will be subject to increased fines of \$150,000 per image per day for the first offense and up to \$300,000 per day for any image found thereafter.

This bill will also increase the efficiency of the CyberTipline, making it a better investigative tool for law enforcement by mandating that all information submitted by providers is consistent. The process outlined in this bill keeps law enforcement officials in the loop by making information more readily accessible and requires providers to retain key data that law enforcement agencies can use to investigate and prosecute child predators.

Many of us have watched Dateline's popular series "To Catch a Predator" and know of organizations that actively look for Internet child predators. We need to become partners in this fight by talking to our kids about the dangers of strangers online and making Internet use a family activity. While parents should teach their children that the Internet offers many different types of resources, from entertainment to educational, it also poses many risks. Parents are the first line of defense against online predators, and the SAFE Act will reinforce their efforts.

Internet companies will need to do their part too. When we begin to hold Web sites accountable for the images that they host, we've taken the first step towards supporting parents in their efforts to protect children. Our combined efforts will help make the Internet a safer place.

I would like to extend a "thank you" to my colleague, Deborah Wasserman Schultz, for introducing the House-

passed version of Senate bill 1738. I would also like to wish her a happy birthday. She has been a tireless advocate for additional funding for Internet Crimes Against Children Task Forces. I would also like to recognize my fellow caucus cochair, Steve Chabot, for championing this legislation on his side of the aisle and for helping to ensure that not only are Ohio's children protected, but all of America's children are. It is because of their persistent dedication to this cause that so many children and their parents will sleep more safely at night.

Again I call on my colleagues to support Senate bill 1738.

Mr. BARTON of Texas. Mr. Speaker, I stand today in support of the "Protect our Children Act," a bill that will authorize funding for law enforcement and the Department of Justice to fight the sexual exploitation of children over the Internet.

This bill is the result of over two years of work in the House and the Senate on the issues relating to child sexual exploitation. When I was Chairman of the Energy and Commerce Committee, the Committee conducted a wide-ranging, comprehensive investigation of Internet child pornography. We had nine hearings and interviewed numerous witnesses involved in the fight against child sexual exploitation: Federal and local law enforcement, Federal and local prosecutors, victims, educators, Internet Service Providers, and financial institutions.

What we learned during that investigation was shocking. At that time, three million images of child pornography were on the Internet. Even more disturbing was that law enforcement officers told the Committee that the images were becoming increasingly violent in nature, and that the victims in the photos were getting younger, some as young as two years old.

The children shown in those images suffer unspeakable pain and suffering. While law enforcement is working to tackle the epidemic of abuse that existed on the Internet, it was clear to us on the Committee that they did not have the resources to win that fight because child predators were working just as diligently to continue flooding the Internet with images of child sexual abuse.

I am proud to be the lead cosponsor of the House version of this bill, H.R. 3845, with Congresswoman WASSERMAN-SCHULTZ. I would like to thank her for her leadership on this issue and her work to get this bill before us today before we adjourn. The Senate did make some changes to the bill we passed last November. While I wish this bill had increased the funding for the law enforcement agencies that work child pornography cases—as our House bill did—this bill provides law enforcement with tools it did not have before to fight those predators who seek to exploit and abuse children, often for their own financial gain.

The bill requires that the Department of Justice develop a national strategy for investigating and prosecuting child exploitation cases. A number of law enforcement agencies are involved in investigating these cases: the FBI, Immigration and Customs Enforcement, the Postal Service, and state law enforcement. With a national strategy, the Justice Department must make sure that this fight is a pri-

ority, and that everyone is on the same page so that valuable law enforcement resources are not wasted when pursuing these criminals.

A national strategy doesn't work, though, if you don't give law enforcement agents the resources they need. The Energy and Commerce Committee investigation found that just as important as the Federal law enforcement effort against child pornography is the effort of State and local law enforcement Internet Crimes Against Children, or "ICAC" task forces. The vast majority of child sexual exploitation cases are prosecuted at the state level, but the funding nowhere near matched the needs of these state task forces. By authorizing \$60 million per year over the next five years, the Protect Our Children Act ensures that state ICAC agents will finally receive the support they need.

Another key problem identified in our investigation was that law enforcement's ability to find and prosecute those predators who create and distribute child pornography was held up by a backlog at forensic computer labs. This is unacceptable, when the price of that backlog is continued child abuse. We address that problem in this bill by authorizing \$2 million per year over the next five years to increase the capacity of these labs.

The Protect Our Children Act also includes a few provisions that weren't part of our House bill, but I think they strengthen the bill and the ability of law enforcement to prosecute these cases. The bill makes it a crime to change a photo of a child to produce child pornography. In addition, the bill makes clear that it is a crime to transmit live, or streaming, images of child abuse over the Internet. I think these provisions are just common sense, and I am glad they are included in this bill.

The bill also clarifies the responsibilities of Internet Service Providers when it comes to reporting child abuse images to the National Center for Missing and Exploited Children. Current law requires that Internet Service Providers report to the National Center, but it wasn't clear what information should be reported. This bill sets out what must be included in the reports and what the providers are required to do. This will ensure that law enforcement will have all the evidence the providers have when they pursue child predators. I think this is important, because our investigation showed that Internet child pornography is not just a law enforcement problem. If we are to win the war against child sexual exploitation, everyone must do his part, and this includes the Internet Service Providers.

We are long overdue in authorizing the resources law enforcement needs to fight the battle against the sexual exploitation of children over the Internet. The children who have been abused by predators, and who have seen images of that abuse spread over the Internet, cannot wait one more day. We must ensure that the efforts of child predators are more than matched by an aggressive law enforcement strategy to bring these criminals to justice. Our children deserve nothing less. I urge my colleagues to support the Protect Our Children Act.

Mr. CHABOT. Mr. Speaker, I rise in strong support of 1738, the PROTECT Act, and in particular those provisions taken from the Securing Adolescents From Exploitation-Online Act of 2107, which passed the House last December. I would like to acknowledge the efforts of the author of the SAFE Act, the distinguished gentleman from Texas, Mr. LAMPSON.

He and I have worked closely on several bills to strengthen our child protection laws.

We don't have to look any farther than our homes and communities to see that predators are threatening and victimizing our children with one simple click. The Internet, while providing a world of opportunity to our children, has also contributed to a worldwide expansion of child pornography—enabling online predators to more easily abuse, exploit, and prey on our children.

S. 1738 recognizes that a comprehensive strategy, one that mobilizes the resources of the community as well as local, state, and federal law enforcement, is necessary to crack down on these criminals. Moreover, S. 1738 recognizes that by building on the investigative tools already in place under the leadership of the National Center for Missing and Exploited Children, law enforcement officials and the public can provide and receive valuable information needed for ongoing investigations.

I would like to thank my colleagues in both the House and Senate for recognizing that our laws and resources need to stay current with the advances made in technology. Predators know no boundaries and have used technology to their advantage. The PROTECT Act recognizes that a more comprehensive approach is needed to ensure that investigators and prosecutors have the tools to stay one click ahead of these criminals.

I urge my colleagues to support passage of S. 1738.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers on this bill, and I will yield back the balance of my time.

Mr. CONYERS. I yield back the remaining time on this side.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 1738.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3598) to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3598

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Drug Trafficking Vessel Interdiction Act of 2008”.

#### TITLE I—CRIMINAL PROHIBITION

#### SEC. 101. FINDINGS AND DECLARATIONS.

Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality

and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

#### SEC. 102. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

#### “§ 2285. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

“(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) EVIDENCE OF INTENT TO EVADE DETECTION.—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

“(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

“(d) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

“(1) possession on board the vessel and production of documents evidencing the vessel’s nationality as provided in article 5 of the 1958 Convention on the High Seas;

“(2) flying its nation’s ensign or flag; or

“(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

“(e) AFFIRMATIVE DEFENSES.—

“(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

“(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

“(B) classed by and designed in accordance with the rules of a classification society;

“(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

“(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

“(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

“(A) government documents evidencing the vessel’s nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

“(B) a certificate of classification issued by the vessel’s classification society upon completion of relevant classification surveys and valid at the time of the offense; or

“(C) government documents evidencing license, regulation, or registration for commerce, research, or exploration.

“(f) FEDERAL ACTIVITIES EXCEPTED.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

“(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

“(h) DEFINITIONS.—In this section, the terms ‘submersible vessel’, ‘semi-submersible vessel’, ‘vessel of the United States’, and ‘vessel without nationality’ have the meaning given those terms in section 70502 of title 46.”

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2284 the following:

“2285. Operation of submersible vessel or semi-submersible vessel without nationality”.

#### SEC. 103. SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible vessel or semi-submersible vessel in violation of section 2285 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing criminal organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.