

***In the Senate of the United States,***

*October 9 (legislative day, October 2), 1998.*

*Resolved*, That the bill from the House of Representatives (H.R. 3494) entitled “An Act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

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

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Pro-*  
3 *tection of Children From Sexual Predators Act of 1998”.*

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

*Sec. 1. Short title; table of contents.*

***TITLE I—PROTECTION OF CHILDREN FROM PREDATORS***

*Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.*

*Sec. 102. Coercion and enticement.*

*Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.*

*Sec. 104. Repeat offenders in transportation offense.*

*Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.*

*Sec. 106. Transportation generally.*

**TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY**

*Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.*

*Sec. 202. Increased penalties for child pornography offenses.*

*Sec. 203. “Zero tolerance” for possession of child pornography.*

**TITLE III—SEXUAL ABUSE PREVENTION**

*Sec. 301. Elimination of redundancy and ambiguities.*

*Sec. 302. Increased penalties for abusive sexual contact.*

*Sec. 303. Repeat offenders in sexual abuse cases.*

**TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS**

*Sec. 401. Transfer of obscene material to minors.*

**TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS**

*Sec. 501. Death or life in prison for certain offenses whose victims are children.*

*Sec. 502. Sentencing enhancement for chapter 117 offenses.*

*Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.*

*Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.*

*Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.*

*Sec. 506. Clarification of definition of distribution of pornography.*

*Sec. 507. Directive to the United States Sentencing Commission.*

**TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS**

*Sec. 601. Pretrial detention of sexual predators.*

*Sec. 602. Criminal forfeiture for offenses against minors.*

*Sec. 603. Civil forfeiture for offenses against minors.*

*Sec. 604. Reporting of child pornography by electronic communication service providers.*

*Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.*

*Sec. 606. Administrative subpoenas.*

*Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.*

**TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS**

*Sec. 701. Authority to investigate serial killings.*

*Sec. 702. Kidnapping.*

*Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.*

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER  
SERVICES

*Sec. 801. Prisoner access.*

*Sec. 802. Recommended prohibition.*

*Sec. 803. Survey.*

TITLE IX—STUDIES

*Sec. 901. Study on limiting the availability of pornography on the Internet.*

*Sec. 902. Study of hotlines.*

1           **TITLE I—PROTECTION OF**  
2           **CHILDREN FROM PREDATORS**

3   **SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT**  
4                   **IDENTIFYING INFORMATION ABOUT A MINOR**  
5                   **FOR CRIMINAL SEXUAL PURPOSES.**

6           (a) *IN GENERAL.*—Chapter 117 of title 18, United  
7 States Code, is amended by adding at the end the following:

8   **“§2425. Use of interstate facilities to transmit infor-**  
9                   **mation about a minor**

10           “Whoever, using the mail or any facility or means of  
11 interstate or foreign commerce, or within the special mari-  
12 time and territorial jurisdiction of the United States, know-  
13 ingly initiates the transmission of the name, address, tele-  
14 phone number, social security number, or electronic mail  
15 address of another individual, knowing that such other in-  
16 dividual has not attained the age of 16 years, with the in-  
17 tent to entice, encourage, offer, or solicit any person to en-  
18 gage in any sexual activity for which any person can be  
19 charged with a criminal offense, or attempts to do so, shall

1 *be fined under this title, imprisoned not more than 5 years,*  
2 *or both.”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
4 *analysis for chapter 117 of title 18, United States Code,*  
5 *is amended by adding at the end the following:*

*“2425. Use of interstate facilities to transmit information about a minor.”.*

6 **SEC. 102. COERCION AND ENTICEMENT.**

7 *Section 2422 of title 18, United States Code, is amend-*  
8 *ed—*

9 (1) *in subsection (a)—*

10 (A) *by inserting “or attempts to do so,” be-*  
11 *fore “shall be fined”; and*

12 (B) *by striking “five” and inserting “10”;*

13 *and*

14 (2) *by striking subsection (b) and inserting the*  
15 *following:*

16 *“(b) Whoever, using the mail or any facility or means*  
17 *of interstate or foreign commerce, or within the special mar-*  
18 *itime and territorial jurisdiction of the United States know-*  
19 *ingly persuades, induces, entices, or coerces any individual*  
20 *who has not attained the age of 18 years, to engage in pros-*  
21 *titution or any sexual activity for which any person can*  
22 *be charged with a criminal offense, or attempts to do so,*  
23 *shall be fined under this title, imprisoned not more than*  
24 *15 years, or both.”.*

1 **SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION**  
2 **OF MINORS OR ASSUMED MINORS FOR ILLE-**  
3 **GAL SEXUAL ACTIVITY AND RELATED CRIMES.**

4 *Section 2423 of title 18, United States Code, is amend-*  
5 *ed—*

6 *(1) by striking subsection (a) and inserting the*  
7 *following:*

8 *“(a) TRANSPORTATION WITH INTENT TO ENGAGE IN*  
9 *CRIMINAL SEXUAL ACTIVITY.—A person who knowingly*  
10 *transports an individual who has not attained the age of*  
11 *18 years in interstate or foreign commerce, or in any com-*  
12 *monwealth, territory or possession of the United States,*  
13 *with intent that the individual engage in prostitution, or*  
14 *in any sexual activity for which any person can be charged*  
15 *with a criminal offense, or attempts to do so, shall be fined*  
16 *under this title, imprisoned not more than 15 years, or*  
17 *both.”; and*

18 *(2) in subsection (b), by striking “10 years” and*  
19 *inserting “15 years”.*

20 **SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OF-**  
21 **FENSE.**

22 *(a) IN GENERAL.—Chapter 117 of title 18, United*  
23 *States Code, is amended by adding at the end the following:*

24 **“§ 2426. Repeat offenders**

25 *“(a) MAXIMUM TERM OF IMPRISONMENT.—The maxi-*  
26 *imum term of imprisonment for a violation of this chapter*

1 *after a prior sex offense conviction shall be twice the term*  
 2 *of imprisonment otherwise provided by this chapter.*

3 “(b) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘prior sex offense conviction’ means*  
 5 *a conviction for an offense—*

6 “(A) *under this chapter, chapter 109A, or*  
 7 *chapter 110; or*

8 “(B) *under State law for an offense consist-*  
 9 *ing of conduct that would have been an offense*  
 10 *under a chapter referred to in paragraph (1) if*  
 11 *the conduct had occurred within the special mar-*  
 12 *itime and territorial jurisdiction of the United*  
 13 *States; and*

14 “(2) *the term ‘State’ means a State of the United*  
 15 *States, the District of Columbia, and any common-*  
 16 *wealth, territory, or possession of the United States.”.*

17 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
 18 *analysis for chapter 117 of title 18, United States Code,*  
 19 *is amended by adding at the end the following:*

“2426. *Repeat offenders.*”.

20 ***SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD***  
 21 ***PORNOGRAPHY IN DEFINITION OF SEXUAL***  
 22 ***ACTIVITY FOR WHICH ANY PERSON CAN BE***  
 23 ***CHARGED WITH A CRIMINAL OFFENSE.***

24 (a) *IN GENERAL.—Chapter 117 of title 18, United*  
 25 *States Code, is amended by adding at the end the following:*

1 **“§2427. Inclusion of offenses relating to child pornog-**  
2 **raphy in definition of sexual activity for**  
3 **which any person can be charged with a**  
4 **criminal offense**

5 *“In this chapter, the term ‘sexual activity for which*  
6 *any person can be charged with a criminal offense’ includes*  
7 *the production of child pornography, as defined in section*  
8 *2256(8).”.*

9 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
10 *analysis for chapter 117 of title 18, United States Code,*  
11 *is amended by adding at the end the following:*

*“2427. Inclusion of offenses relating to child pornography in definition of sexual  
activity for which any person can be charged with a criminal  
offense.”.*

12 **SEC. 106. TRANSPORTATION GENERALLY.**

13 *Section 2421 of title 18, United States Code, is amend-*  
14 *ed—*

15 (1) *by inserting “or attempts to do so,” before*  
16 *“shall be fined”; and*

17 (2) *by striking “five years” and inserting “10*  
18 *years”.*

1 **TITLE II—PROTECTION OF CHIL-**  
2 **DREN FROM CHILD PORNOG-**  
3 **RAPHY**

4 **SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROS-**  
5 **ECUTION OF PRODUCTION OF CHILD POR-**  
6 **NOGRAPHY.**

7 (a) *USE OF A CHILD.*—Section 2251(a) of title 18,  
8 *United States Code*, is amended by inserting “if that visual  
9 *depiction was produced using materials that have been*  
10 *mailed, shipped, or transported in interstate or foreign*  
11 *commerce by any means, including by computer,”* before  
12 “or if”.

13 (b) *ALLOWING USE OF A CHILD.*—Section 2251(b) of  
14 *title 18, United States Code*, is amended by inserting “,  
15 *if that visual depiction was produced using materials that*  
16 *have been mailed, shipped, or transported in interstate or*  
17 *foreign commerce by any means, including by computer,”*  
18 before “or if”.

19 (c) *INCREASED PENALTIES IN SECTION 2251(d).*—Sec-  
20 *tion 2251(d) of title 18, United States Code*, is amended  
21 *by striking “or chapter 109A”* each place it appears and  
22 *inserting “, chapter 109A, or chapter 117”*.

1 **SEC. 202. INCREASED PENALTIES FOR CHILD PORNOG-**  
2 **RAPHY OFFENSES.**

3 (a) *INCREASED PENALTIES IN SECTION 2252.*—Sec-  
4 *tion 2252(b) of title 18, United States Code, is amended—*

5 (1) *in each of paragraphs (1) and (2), by strik-*  
6 *ing “or chapter 109A” and inserting “, chapter 109A,*  
7 *or chapter 117”;* and

8 (2) *in paragraph (2), by striking “the possession*  
9 *of child pornography” and inserting “aggravated sex-*  
10 *ual abuse, sexual abuse, or abusive sexual conduct in-*  
11 *volving a minor or ward, or the production, posses-*  
12 *sion, receipt, mailing, sale, distribution, shipment, or*  
13 *transportation of child pornography”.*

14 (b) *INCREASED PENALTIES IN SECTION 2252A.*—Sec-  
15 *tion 2252A(b) of title 18, United States Code, is amended—*

16 (1) *in each of paragraphs (1) and (2), by strik-*  
17 *ing “or chapter 109A” and inserting “, chapter 109A,*  
18 *or chapter 117”;* and

19 (2) *in paragraph (2), by striking “the possession*  
20 *of child pornography” and inserting “aggravated sex-*  
21 *ual abuse, sexual abuse, or abusive sexual conduct in-*  
22 *volving a minor or ward, or the production, posses-*  
23 *sion, receipt, mailing, sale, distribution, shipment, or*  
24 *transportation of child pornography”.*

1 **SEC. 203. “ZERO TOLERANCE” FOR POSSESSION OF CHILD**  
2 **PORNOGRAPHY.**

3 (a) *MATERIAL INVOLVING THE SEXUAL EXPLOITATION*  
4 *OF MINORS.*—Section 2252 of title 18, United States Code,  
5 *is amended—*

6 (1) *in subsection (a)(4), by striking “3 or more”*  
7 *each place that term appears and inserting “1 or*  
8 *more”;* and

9 (2) *by adding at the end the following:*

10 “(c) *AFFIRMATIVE DEFENSE.*—*It shall be an affirma-*  
11 *tive defense to a charge of violating paragraph (4) of sub-*  
12 *section (a) that the defendant—*

13 (1) *possessed less than 3 matters containing*  
14 *any visual depiction proscribed by that paragraph;*  
15 *and*

16 (2) *promptly and in good faith, and without re-*  
17 *taining or allowing any person, other than a law en-*  
18 *forcement agency, to access any visual depiction or*  
19 *copy thereof—*

20 (A) *took reasonable steps to destroy each*  
21 *such visual depiction; or*

22 (B) *reported the matter to a law enforce-*  
23 *ment agency and afforded that agency access to*  
24 *each such visual depiction.”.*

1       **(b) MATERIAL CONSTITUTING OR CONTAINING CHILD**  
2 *PORNOGRAPHY.*—Section 2252A of title 18, United States  
3 Code, is amended—

4           (1) in subsection (a)(5), by striking “3 or more  
5 images” each place that term appears and inserting  
6 “an image”; and

7           (2) by adding at the end the following:

8       **“(d) AFFIRMATIVE DEFENSE.**—It shall be an affirma-  
9 tive defense to a charge of violating subsection (a)(5) that  
10 the defendant—

11           “(1) possessed less than 3 images of child pornog-  
12 raphy; and

13           “(2) promptly and in good faith, and without re-  
14 taining or allowing any person, other than a law en-  
15 forcement agency, to access any image or copy there-  
16 of—

17           “(A) took reasonable steps to destroy each  
18 such image; or

19           “(B) reported the matter to a law enforce-  
20 ment agency and afforded that agency access to  
21 each such image.”.

1           **TITLE III—SEXUAL ABUSE**  
2                           **PREVENTION**

3 **SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGU-**  
4                           **ITIES.**

5           (a) *MAKING CONSISTENT LANGUAGE ON AGE DIFF-*  
6 *FERENTIAL.*—Section 2241(c) of title 18, United States  
7 Code, is amended by striking “younger than that person”  
8 and inserting “younger than the person so engaging”.

9           (b) *REDUNDANCY.*—Section 2243(a) of title 18, United  
10 States Code, is amended by striking “crosses a State line  
11 with intent to engage in a sexual act with a person who  
12 has not attained the age of 12 years, or”.

13           (c) *STATE DEFINED.*—Section 2246 of title 18, United  
14 States Code, is amended—

15                   (1) *in paragraph (5), by striking the period at*  
16 *the end and inserting “; and”; and*

17                   (2) *by adding at the end the following:*

18                           “(6) the term ‘State’ means a State of the United  
19 States, the District of Columbia, and any common-  
20 wealth, possession, or territory of the United States.”.

21 **SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL**  
22                           **CONTACT.**

23           Section 2244 of title 18, United States Code, is amend-  
24 ed by adding at the end the following:

1       “(c) *OFFENSES INVOLVING YOUNG CHILDREN.*—If the  
2 *sexual contact that violates this section is with an individ-*  
3 *ual who has not attained the age of 12 years, the maximum*  
4 *term of imprisonment that may be imposed for the offense*  
5 *shall be twice that otherwise provided in this section.”.*

6 **SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.**

7       Section 2247 of title 18, United States Code, is amend-  
8 *ed to read as follows:*

9 **“§ 2247. Repeat offenders**

10       “(a) *MAXIMUM TERM OF IMPRISONMENT.*—The maxi-  
11 *imum term of imprisonment for a violation of this chapter*  
12 *after a prior sex offense conviction shall be twice the term*  
13 *otherwise provided by this chapter.*

14       “(b) *PRIOR SEX OFFENSE CONVICTION DEFINED.*—In  
15 *this section, the term ‘prior sex offense conviction’ has the*  
16 *meaning given that term in section 2426(b).”.*

17 **TITLE IV—PROHIBITION ON**  
18 **TRANSFER OF OBSCENE MA-**  
19 **TERIAL TO MINORS**

20 **SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.**

21       (a) *IN GENERAL.*—Chapter 71 of title 18, United  
22 *States Code, is amended by adding at the end the following:*

23 **“§ 1470. Transfer of obscene material to minors**

24       “Whoever, using the mail or any facility or means of  
25 *interstate or foreign commerce, knowingly transfers obscene*

1 *matter to another individual who has not attained the age*  
 2 *of 16 years, knowing that such other individual has not*  
 3 *attained the age of 16 years, or attempts to do so, shall*  
 4 *be fined under this title, imprisoned not more than 10*  
 5 *years, or both.”.*

6 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
 7 *analysis for chapter 71 of title 18, United States Code, is*  
 8 *amended by adding at the end the following:*

*“1470. Transfer of obscene material to minors.”.*

9 **TITLE V—INCREASED PEN-**  
 10 **ALTIES FOR OFFENSES**  
 11 **AGAINST CHILDREN AND FOR**  
 12 **REPEAT OFFENDERS**

13 **SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OF-**  
 14 **FENSES WHOSE VICTIMS ARE CHILDREN.**

15 *Section 3559 of title 18, United States Code, is amend-*  
 16 *ed by adding at the end the following:*

17 *“(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST*  
 18 *CHILDREN.—*

19 *“(1) IN GENERAL.—Subject to paragraph (2)*  
 20 *and notwithstanding any other provision of law, a*  
 21 *person who is convicted of a Federal offense that is*  
 22 *a serious violent felony (as defined in subsection (c))*  
 23 *or a violation of section 2422, 2423, or 2251 shall,*  
 24 *unless the sentence of death is imposed, be sentenced*  
 25 *to imprisonment for life, if—*

1           “(A) *the victim of the offense has not at-*  
2           *tained the age of 14 years;*

3           “(B) *the victim dies as a result of the of-*  
4           *fense; and*

5           “(C) *the defendant, in the course of the of-*  
6           *fense, engages in conduct described in section*  
7           *3591(a)(2).*

8           “(2) *EXCEPTION.—With respect to a person con-*  
9           *victed of a Federal offense described in paragraph (1),*  
10          *the court may impose any lesser sentence that is au-*  
11          *thorized by law to take into account any substantial*  
12          *assistance provided by the defendant in the investiga-*  
13          *tion or prosecution of another person who has com-*  
14          *mitted an offense, in accordance with the Federal*  
15          *Sentencing Guidelines and the policy statements of*  
16          *the Federal Sentencing Commission pursuant to sec-*  
17          *tion 994(p) of title 28, or for other good cause.”.*

18 **SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117**

19                                   **OFFENSES.**

20          “(a) *IN GENERAL.—Pursuant to its authority under*  
21          *section 994(p) of title 28, United States Code, the United*  
22          *States Sentencing Commission shall review and amend the*  
23          *Federal Sentencing Guidelines to provide a sentencing en-*  
24          *hancement for offenses under chapter 117 of title 18, United*  
25          *States Code.*

1       (b) *INSTRUCTION TO COMMISSION.*—*In carrying out*  
2 *subsection (a), the United States Sentencing Commission*  
3 *shall ensure that the sentences, guidelines, and policy state-*  
4 *ments for offenders convicted of offenses described in sub-*  
5 *section (a) are appropriately severe and reasonably consist-*  
6 *ent with other relevant directives and with other Federal*  
7 *Sentencing Guidelines.*

8       **SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER**  
9                               **IN THE SEXUAL ABUSE OR EXPLOITATION OF**  
10                              **A CHILD.**

11       *Pursuant to its authority under section 994(p) of title*  
12 *28, United States Code, the United States Sentencing Com-*  
13 *mission shall—*

14               (1) *review the Federal Sentencing Guidelines*  
15       *for—*

16                       (A) *aggravated sexual abuse under section*  
17                       *2241 of title 18, United States Code;*

18                       (B) *sexual abuse under section 2242 of title*  
19                       *18, United States Code;*

20                       (C) *sexual abuse of a minor or ward under*  
21                       *section 2243 of title 18, United States Code; and*

22                       (D) *coercion and enticement of a minor*  
23                       *under section 2422(b) of title 18, United States*  
24                       *Code, contacting a minor under section 2422(c)*  
25                       *of title 18, United States Code, and transpor-*



1 *minors and travel under section 2423 of title 18,*  
2 *United States Code; and*

3 *(2) upon completion of the review under para-*  
4 *graph (1), promulgate amendments to the Federal*  
5 *Sentencing Guidelines to provide appropriate en-*  
6 *hancement if the defendant knowingly misrepresented*  
7 *the actual identity of the defendant with the intent to*  
8 *persuade, induce, entice, coerce, or facilitate the*  
9 *transport of a child of an age specified in the appli-*  
10 *cable provision of law referred to in paragraph (1) to*  
11 *engage in a prohibited sexual activity.*

12 **SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIV-**  
13 **ITY OF SEXUAL EXPLOITATION OF CHILDREN.**

14 *Pursuant to its authority under section 994(p) of title*  
15 *28, United States Code, the United States Sentencing Com-*  
16 *mission shall—*

17 *(1) review the Federal Sentencing Guidelines on*  
18 *aggravated sexual abuse under section 2241 of title*  
19 *18, United States Code, sexual abuse under section*  
20 *2242 of title 18, United States Code, sexual abuse of*  
21 *a minor or ward under section 2243 of title 18,*  
22 *United States Code, coercion and enticement of a*  
23 *minor under section 2422(b) of title 18, United States*  
24 *Code, contacting a minor under section 2422(c) of*  
25 *title 18, United States Code, and transportation of*

1 *minors and travel under section 2423 of title 18,*  
2 *United States Code; and*

3 *(2) upon completion of the review under para-*  
4 *graph (1), promulgate amendments to the Federal*  
5 *Sentencing Guidelines to increase penalties applicable*  
6 *to the offenses referred to in paragraph (1) in any*  
7 *case in which the defendant engaged in a pattern of*  
8 *activity involving the sexual abuse or exploitation of*  
9 *a minor.*

10 **SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.**  
11

12 *Pursuant to its authority under section 994(p) of title*  
13 *28, United States Code, the United States Sentencing Com-*  
14 *mission shall—*

15 *(1) review the Federal Sentencing Guidelines re-*  
16 *lating to the distribution of pornography covered*  
17 *under chapter 110 of title 18, United States Code, re-*  
18 *lating to the sexual exploitation and other abuse of*  
19 *children; and*

20 *(2) upon completion of the review under para-*  
21 *graph (1), promulgate such amendments to the Fed-*  
22 *eral Sentencing Guidelines as are necessary to clarify*  
23 *that the term “distribution of pornography” applies*  
24 *to the distribution of pornography—*

25 *(A) for monetary remuneration; or*

1                   (B) for a nonpecuniary interest.

2   **SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING**  
3                   **COMMISSION.**

4           *In carrying out this title, the United States Sentencing*  
5   *Commission shall—*

6                   (1) *with respect to any action relating to the*  
7           *Federal Sentencing Guidelines subject to this title, en-*  
8           *sure reasonable consistency with other guidelines of*  
9           *the Federal Sentencing Guidelines; and*

10                   (2) *with respect to an offense subject to the Fed-*  
11           *eral Sentencing Guidelines, avoid duplicative punish-*  
12           *ment under the Federal Sentencing Guidelines for*  
13           *substantially the same offense.*

14   **TITLE VI—CRIMINAL, PROCE-**  
15           **DURAL, AND ADMINISTRA-**  
16           **TIVE REFORMS**

17   **SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.**

18           *Section 3156(a)(4) of title 18, United States Code, is*  
19   *amended by striking subparagraph (C) and inserting the*  
20   *following:*

21                   “(C) *any felony under chapter 109A, 110,*  
22                   *or 117; and”.*

1 **SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST**  
2 **MINORS.**

3 *Section 2253 of title 18, United States Code, is amend-*  
4 *ed by striking “or 2252 of this chapter” and inserting*  
5 *“2252, 2252A, or 2260 of this chapter, or who is convicted*  
6 *of an offense under section 2421, 2422, or 2423 of chapter*  
7 *117.”.*

8 **SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MI-**  
9 **NORS.**

10 *Section 2254(a) of title 18, United States Code, is*  
11 *amended—*

12 *(1) in paragraph (2), by striking “or 2252 of*  
13 *this chapter” and inserting “2252, 2252A, or 2260 of*  
14 *this chapter, or used or intended to be used to commit*  
15 *or to promote the commission of an offense under sec-*  
16 *tion 2421, 2422, or 2423 of chapter 117.”; and*

17 *(2) in paragraph (3), by striking “or 2252 of*  
18 *this chapter” and inserting “2252, 2252A, or 2260 of*  
19 *this chapter, or obtained from a violation of section*  
20 *2421, 2422, or 2423 of chapter 117.”.*

21 **SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELEC-**  
22 **TRONIC COMMUNICATION SERVICE PROVID-**  
23 **ERS.**

24 *(a) IN GENERAL.—The Victims of Child Abuse Act of*  
25 *1990 (42 U.S.C. 13001 et seq.) is amended by inserting*  
26 *after section 226 the following:*

1 **“SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELEC-**  
2 **TRONIC COMMUNICATION SERVICE PROVID-**  
3 **ERS.**

4 “(a) *DEFINITIONS.*—*In this section—*

5 “(1) *the term ‘electronic communication service’*  
6 *has the meaning given the term in section 2510 of*  
7 *title 18, United States Code; and*

8 “(2) *the term ‘remote computing service’ has the*  
9 *meaning given the term in section 2711 of title 18,*  
10 *United States Code.*

11 “(b) *REQUIREMENTS.*—

12 “(1) *DUTY TO REPORT.*—*Whoever, while engaged*  
13 *in providing an electronic communication service or*  
14 *a remote computing service to the public, through a*  
15 *facility or means of interstate or foreign commerce,*  
16 *obtains knowledge of facts or circumstances from*  
17 *which a violation of section 2251, 2251A, 2252,*  
18 *2252A, or 2260 of title 18, United States Code, in-*  
19 *volving child pornography (as defined in section 2256*  
20 *of that title), is apparent, shall, as soon as reasonably*  
21 *possible, make a report of such facts or circumstances*  
22 *to a law enforcement agency or agencies designated by*  
23 *the Attorney General.*

24 “(2) *DESIGNATION OF AGENCIES.*—*Not later*  
25 *than 180 days after the date of enactment of this sec-*  
26 *tion, the Attorney General shall designate the law en-*

1       *forcement agency or agencies to which a report shall*  
2       *be made under paragraph (1).*

3               “(3) *FAILURE TO REPORT.*—*A provider of elec-*  
4       *tronic communication services or remote computing*  
5       *services described in paragraph (1) who knowingly*  
6       *and willfully fails to make a report under that para-*  
7       *graph shall be fined—*

8                       “(A) *in the case of an initial failure to*  
9                       *make a report, not more than \$50,000; and*

10                      “(B) *in the case of any second or subsequent*  
11                      *failure to make a report, not more than*  
12                      *\$100,000.*

13               “(c) *CIVIL LIABILITY.*—*No provider or user of an elec-*  
14       *tronic communication service or a remote computing service*  
15       *to the public shall be held liable on account of any action*  
16       *taken in good faith to comply with this section.*

17               “(d) *LIMITATION OF INFORMATION OR MATERIAL RE-*  
18       *QUIRED IN REPORT.*—*A report under subsection (b)(1) may*  
19       *include additional information or material developed by an*  
20       *electronic communication service or remote computing serv-*  
21       *ice, except that the Federal Government may not require*  
22       *the production of such information or material in that re-*  
23       *port.*

24               “(e) *MONITORING NOT REQUIRED.*—*Nothing in this*  
25       *section may be construed to require a provider of electronic*

1 *communication services or remote computing services to en-*  
2 *gage in the monitoring of any user, subscriber, or customer*  
3 *of that provider, or the content of any communication of*  
4 *any such person.*

5 “(f) *CONDITIONS OF DISCLOSURE OF INFORMATION*  
6 *CONTAINED WITHIN REPORT.—*

7 “(1) *IN GENERAL.—No law enforcement agency*  
8 *that receives a report under subsection (b)(1) shall*  
9 *disclose any information contained in that report, ex-*  
10 *cept that disclosure of such information may be*  
11 *made—*

12 “(A) *to an attorney for the government for*  
13 *use in the performance of the official duties of*  
14 *the attorney;*

15 “(B) *to such officers and employees of the*  
16 *law enforcement agency, as may be necessary in*  
17 *the performance of their investigative and rec-*  
18 *ordkeeping functions;*

19 “(C) *to such other government personnel*  
20 *(including personnel of a State or subdivision of*  
21 *a State) as are determined to be necessary by an*  
22 *attorney for the government to assist the attorney*  
23 *in the performance of the official duties of the at-*  
24 *torney in enforcing Federal criminal law; or*

1           “(D) as permitted by a court at the request  
2 of an attorney for the government, upon a show-  
3 ing that such information may disclose a viola-  
4 tion of State criminal law, to an appropriate of-  
5 ficial of a State or subdivision of a State for the  
6 purpose of enforcing such State law.

7           “(2) DEFINITIONS.—In this subsection, the terms  
8 ‘attorney for the government’ and ‘State’ have the  
9 meanings given those terms in Rule 54 of the Federal  
10 Rules of Criminal Procedure.”.

11       (b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—  
12 Section 2702(b)(6) of title 18, United States Code, is  
13 amended to read as follows:

14           “(6) to a law enforcement agency—

15           “(A) if the contents—

16           “(i) were inadvertently obtained by the  
17 service provider; and

18           “(ii) appear to pertain to the commis-  
19 sion of a crime; or

20           “(B) if required by section 227 of the Crime  
21 Control Act of 1990.”.

1 **SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULT-**  
 2 **ING FROM CERTAIN SEX CRIMES AGAINST**  
 3 **CHILDREN.**

4 *Section 2255(a) of title 18, United States Code, is*  
 5 *amended by striking “2251 or 2252” and inserting*  
 6 *“2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260,*  
 7 *2421, 2422, or 2423”.*

8 **SEC. 606. ADMINISTRATIVE SUBPOENAS.**

9 *(a) IN GENERAL.—Chapter 223 of title 18, United*  
 10 *States Code, is amended—*

11 *(1) in section 3486, by striking the section des-*  
 12 *ignation and heading and inserting the following:*

13 **“§3486. Administrative subpoenas in Federal health**  
 14 **care investigations”; and**

15 *(2) by adding at the end the following:*

16 **“§3486A. Administrative subpoenas in cases involving**  
 17 **child abuse and child sexual exploitation**

18 *“(a) AUTHORIZATION.—*

19 *“(1) IN GENERAL.—In any investigation relating*  
 20 *to any act or activity involving a violation of section*  
 21 *1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A,*  
 22 *2260, 2421, 2422, or 2423 of this title in which the*  
 23 *victim is an individual who has not attained the age*  
 24 *of 18 years, the Attorney General, or the designee of*  
 25 *the Attorney General, may issue in writing and cause*  
 26 *to be served a subpoena—*

1           “(A) requiring a provider of electronic com-  
2           munication service or remote computing service  
3           to disclose the name, address, local and long dis-  
4           tance telephone toll billing records, telephone  
5           number or other subscriber number or identity,  
6           and length of service of a subscriber to or cus-  
7           tomer of such service and the types of services the  
8           subscriber or customer utilized, which may be  
9           relevant to an authorized law enforcement in-  
10          quiry; or

11           “(B) requiring a custodian of records to  
12          give testimony concerning the production and  
13          authentication of such records or information.

14          “(2) *ATTENDANCE OF WITNESSES.*—Witnesses  
15          summoned under this section shall be paid the same  
16          fees and mileage that are paid witnesses in the courts  
17          of the United States.

18          “(b) *PROCEDURES APPLICABLE.*—The same proce-  
19          dures for service and enforcement as are provided with re-  
20          spect to investigative demands in section 3486 apply with  
21          respect to a subpoena issued under this section.”.

22          “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
23          analysis for chapter 223 of title 18, United States Code,  
24          is amended by striking the item relating to section 3486  
25          and inserting the following:

“3486. Administrative subpoenas in Federal health care investigations.

“3486A. *Administrative subpoenas in cases involving child abuse and child sexual exploitation.*”.

1 **SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCI-**  
 2 **ATED WITH SEXUALLY VIOLENT OFFENDER**  
 3 **REGISTRATION REQUIREMENTS.**

4 (a) *IN GENERAL.*—Section 170101 of the Violent  
 5 Crime Control and Law Enforcement Act of 1994 (42  
 6 U.S.C. 14071) is amended—

7 (1) *by redesignating the second subsection des-*  
 8 *ignated as subsection (g) as subsection (h); and*

9 (2) *by adding at the end the following:*

10 “(i) *GRANTS TO STATES FOR COSTS OF COMPLI-*  
 11 *ANCE.*—

12 “(1) *PROGRAM AUTHORIZED.*—

13 “(A) *IN GENERAL.*—*The Director of the Bu-*  
 14 *reau of Justice Assistance (in this subsection re-*  
 15 *ferred to as the ‘Director’) shall carry out a pro-*  
 16 *gram, which shall be known as the ‘Sex Offender*  
 17 *Management Assistance Program’ (in this sub-*  
 18 *section referred to as the ‘SOMA program’),*  
 19 *under which the Director shall award a grant to*  
 20 *each eligible State to offset costs directly associ-*  
 21 *ated with complying with this section.*

22 “(B) *USES OF FUNDS.*—*Each grant award-*  
 23 *ed under this subsection shall be—*

1           “(i) distributed directly to the State for  
2           distribution to State and local entities; and

3           “(ii) used for training, salaries, equip-  
4           ment, materials, and other costs directly as-  
5           sociated with complying with this section.

6           “(2) *ELIGIBILITY.*—

7           “(A) *APPLICATION.*—To be eligible to re-  
8           ceive a grant under this subsection, the chief ex-  
9           ecutive of a State shall, on an annual basis, sub-  
10          mit to the Director an application (in such form  
11          and containing such information as the Director  
12          may reasonably require) assuring that—

13               “(i) the State complies with (or made  
14               a good faith effort to comply with) this sec-  
15               tion; and

16               “(ii) where applicable, the State has  
17               penalties comparable to or greater than  
18               Federal penalties for crimes listed in this  
19               section, except that the Director may waive  
20               the requirement of this clause if a State  
21               demonstrates an overriding need for assist-  
22               ance under this subsection.

23           “(B) *REGULATIONS.*—

24               “(i) *IN GENERAL.*—Not later than 90  
25               days after the date of enactment of this sub-

1            *section, the Director shall promulgate regu-*  
2            *lations to implement this subsection (in-*  
3            *cluding the information that must be in-*  
4            *cluded and the requirements that the States*  
5            *must meet) in submitting the applications*  
6            *required under this subsection. In allocating*  
7            *funds under this subsection, the Director*  
8            *may consider the annual number of sex of-*  
9            *fenders registered in each eligible State’s*  
10           *monitoring and notification programs.*

11            *“(ii) CERTAIN TRAINING PROGRAMS.—*  
12            *Prior to implementing this subsection, the*  
13            *Director shall study the feasibility of incor-*  
14            *porating into the SOMA program the ac-*  
15            *tivities of any technical assistance or train-*  
16            *ing program established as a result of sec-*  
17            *tion 40152 of this Act. In a case in which*  
18            *incorporating such activities into the*  
19            *SOMA program will eliminate duplication*  
20            *of efforts or administrative costs, the Direc-*  
21            *tor shall take administrative actions, as al-*  
22            *lowable, and make recommendations to*  
23            *Congress to incorporate such activities into*  
24            *the SOMA program prior to implementing*  
25            *the SOMA program.*

1           “(3) *AUTHORIZATION OF APPROPRIATIONS.*—  
 2           *There is authorized to be appropriated to carry out*  
 3           *this subsection, \$25,000,000 for each of fiscal years*  
 4           *1999 and 2000.*”.

5           **(b) *STUDY.***—*Not later than March 1, 2000, the Direc-*  
 6           *tor shall conduct a study to assess the efficacy of the Sex*  
 7           *Offender Management Assistance Program under section*  
 8           *170101(i) of the Violent Crime Control and Law Enforce-*  
 9           *ment Act of 1994 (42 U.S.C. 14071(i)), as added by this*  
 10          *section, and submit recommendations to Congress.*

11                           **TITLE VII—MURDER AND**  
 12                           **KIDNAPPING INVESTIGATIONS**

13          **SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

14          **(a) *IN GENERAL.***—*Chapter 33 of title 28, United*  
 15          *States Code, is amended by adding at the end the following:*

16          **“§540B. Investigation of serial killings**

17               “(a) *IN GENERAL.*—*The Attorney General and the Di-*  
 18               *rector of the Federal Bureau of Investigation may inves-*  
 19               *tigate serial killings in violation of the laws of a State or*  
 20               *political subdivision, if such investigation is requested by*  
 21               *the head of a law enforcement agency with investigative or*  
 22               *prosecutorial jurisdiction over the offense.*

23               “(b) *DEFINITIONS.*—*In this section:*

24                       “(1) *KILLING.*—*The term ‘killing’ means conduct*  
 25                       *that would constitute an offense under section 1111 of*

1 *title 18, United States Code, if Federal jurisdiction*  
2 *existed.*

3 “(2) *SERIAL KILLINGS.*—*The term ‘serial*  
4 *killings’ means a series of 3 or more killings, not less*  
5 *than 1 of which was committed within the United*  
6 *States, having common characteristics such as to sug-*  
7 *gest the reasonable possibility that the crimes were*  
8 *committed by the same actor or actors.*

9 “(3) *STATE.*—*The term ‘State’ means a State of*  
10 *the United States, the District of Columbia, and any*  
11 *commonwealth, territory, or possession of the United*  
12 *States.”.*

13 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
14 *analysis for chapter 33 of title 28, United States Code, is*  
15 *amended by adding at end the following:*

*“540B. Investigation of serial killings.”.*

16 **SEC. 702. KIDNAPPING.**

17 (a) *CLARIFICATION OF ELEMENT OF OFFENSE.*—*Sec-*  
18 *tion 1201(a)(1) of title 18, United States Code, is amended*  
19 *by inserting “, regardless of whether the person was alive*  
20 *when transported across a State boundary if the person was*  
21 *alive when the transportation began” before the semicolon.*

22 (b) *TECHNICAL AMENDMENT.*—*Section 1201(a)(5) of*  
23 *title 18, United States Code, is amended by striking “des-*  
24 *ignated” and inserting “described”.*

1           (c) *24-HOUR RULE.*—Section 1201(b) of title 18,  
2 *United States Code*, is amended by adding at the end the  
3 following: “Notwithstanding the preceding sentence, the fact  
4 that the presumption under this section has not yet taken  
5 effect does not preclude a Federal investigation of a possible  
6 violation of this section before the 24-hour period has  
7 ended.”.

8 **SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND**  
9   **SERIAL MURDER INVESTIGATIVE RESOURCES**  
10   **CENTER.**

11           (a) *ESTABLISHMENT.*—Not later than 90 days after  
12 the date of enactment of this Act, the Attorney General shall  
13 establish within the Federal Bureau of Investigation a  
14 Child Abduction and Serial Murder Investigative Resources  
15 Center to be known as the “Morgan P. Hardiman Child  
16 Abduction and Serial Murder Investigative Resources Cen-  
17 ter” (in this section referred to as the “CASMIRC”).

18           (b) *PURPOSE.*—The CASMIRC shall be managed by  
19 National Center for the Analysis of Violent Crime of the  
20 Critical Incident Response Group of the Federal Bureau of  
21 Investigation (in this section referred to as the “NCAVC”),  
22 and by multidisciplinary resource teams in Federal Bureau  
23 of Investigation field offices, in order to provide investiga-  
24 tive support through the coordination and provision of Fed-  
25 eral law enforcement resources, training, and application

1 *of other multidisciplinary expertise, to assist Federal, State,*  
2 *and local authorities in matters involving child abductions,*  
3 *mysterious disappearance of children, child homicide, and*  
4 *serial murder across the country. The CASMIRC shall be*  
5 *co-located with the NCAVC.*

6 (c) *DUTIES OF THE CASMIRC.*—*The CASMIRC shall*  
7 *perform such duties as the Attorney General determines ap-*  
8 *propriate to carry out the purposes of the CASMIRC, in-*  
9 *cluding—*

10 (1) *identifying, developing, researching, acquir-*  
11 *ing, and refining multidisciplinary information and*  
12 *specialities to provide for the most current expertise*  
13 *available to advance investigative knowledge and*  
14 *practices used in child abduction, mysterious dis-*  
15 *appearance of children, child homicide, and serial*  
16 *murder investigations;*

17 (2) *providing advice and coordinating the appli-*  
18 *cation of current and emerging technical, forensic,*  
19 *and other Federal assistance to Federal, State, and*  
20 *local authorities in child abduction, mysterious dis-*  
21 *appearances of children, child homicide, and serial*  
22 *murder investigations;*

23 (3) *providing investigative support, research*  
24 *findings, and violent crime analysis to Federal, State,*  
25 *and local authorities in child abduction, mysterious*

1        *disappearances of children, child homicide, and serial*  
2        *murder investigations;*

3            (4) *providing, if requested by a Federal, State,*  
4        *or local law enforcement agency, on site consultation*  
5        *and advice in child abduction, mysterious disappear-*  
6        *ances of children, child homicide and serial murder*  
7        *investigations;*

8            (5) *coordinating the application of resources of*  
9        *pertinent Federal law enforcement agencies, and other*  
10       *Federal entities including, but not limited to, the*  
11       *United States Customs Service, the Secret Service, the*  
12       *Postal Inspection Service, and the United States Mar-*  
13       *shals Service, as appropriate, and with the concur-*  
14       *rence of the agency head to support Federal, State,*  
15       *and local law enforcement involved in child abduc-*  
16       *tion, mysterious disappearance of a child, child homi-*  
17       *cide, and serial murder investigations;*

18           (6) *conducting ongoing research related to child*  
19       *abductions, mysterious disappearances of children,*  
20       *child homicides, and serial murder, including identi-*  
21       *fication and investigative application of current and*  
22       *emerging technologies, identification of investigative*  
23       *searching technologies and methods for physically lo-*  
24       *cating abducted children, investigative use of offender*  
25       *behavioral assessment and analysis concepts, gather-*

1        *ing statistics and information necessary for case iden-*  
2        *tification, trend analysis, and case linkages to ad-*  
3        *vance the investigative effectiveness of outstanding ab-*  
4        *ducted children cases, develop investigative systems to*  
5        *identify and track serious serial offenders that repeat-*  
6        *edly victimize children for comparison to unsolved*  
7        *cases, and other investigative research pertinent to*  
8        *child abduction, mysterious disappearance of a child,*  
9        *child homicide, and serial murder covered in this sec-*  
10       *tion;*

11                *(7) working under the NCAVC in coordination*  
12        *with the National Center For Missing and Exploited*  
13        *Children and the Office of Juvenile Justice and De-*  
14        *linquency Prevention of the Department of Justice to*  
15        *provide appropriate training to Federal, State, and*  
16        *local law enforcement in matters regarding child ab-*  
17        *ductions, mysterious disappearances of children, child*  
18        *homicides; and*

19                *(8) establishing a centralized repository based*  
20        *upon case data reflecting child abductions, mysterious*  
21        *disappearances of children, child homicides and serial*  
22        *murder submitted by State and local agencies, and an*  
23        *automated system for the efficient collection, retrieval,*  
24        *analysis, and reporting of information regarding*  
25        *CASMIRC investigative resources, research, and re-*

1        *quests for and provision of investigative support serv-*  
2        *ices.*

3        *(d) APPOINTMENT OF PERSONNEL TO THE*  
4        *CASMIRC.—*

5                *(1) SELECTION OF MEMBERS OF THE CASMIRC*  
6        *AND PARTICIPATING STATE AND LOCAL LAW ENFORCE-*  
7        *MENT PERSONNEL.—The Director of the Federal Bu-*  
8        *reau of Investigation shall appoint the members of the*  
9        *CASMIRC. The CASMIRC shall be staffed with Fed-*  
10        *eral Bureau of Investigation personnel and other nec-*  
11        *essary personnel selected for their expertise that would*  
12        *enable them to assist in the research, data collection,*  
13        *and analysis, and provision of investigative support*  
14        *in child abduction, mysterious disappearance of chil-*  
15        *dren, child homicide and serial murder investiga-*  
16        *tions. The Director may, with concurrence of the ap-*  
17        *propriate State or local agency, also appoint State*  
18        *and local law enforcement personnel to work with the*  
19        *CASMIRC.*

20                *(2) STATUS.—Each member of the CASMIRC*  
21        *(and each individual from any State or local law en-*  
22        *forcement agency appointed to work with the*  
23        *CASMIRC) shall remain as an employee of that*  
24        *member's or individual's respective agency for all*  
25        *purposes (including the purpose of performance re-*

1 *view), and service with the CASMIRC shall be with-*  
2 *out interruption or loss of civil service privilege or*  
3 *status and shall be on a nonreimbursable basis, except*  
4 *if appropriate to reimburse State and local law en-*  
5 *forcement for overtime costs for an individual ap-*  
6 *pointed to work with the resource team. Additionally,*  
7 *reimbursement of travel and per diem expenses will*  
8 *occur for State and local law enforcement participa-*  
9 *tion in resident fellowship programs at the NCAVC*  
10 *when offered.*

11 *(3) TRAINING.—CASMIRC personnel, under the*  
12 *guidance of the Federal Bureau of Investigation’s Na-*  
13 *tional Center for the Analysis of Violent Crime and*  
14 *in consultation with the National Center For Missing*  
15 *and Exploited Children, shall develop a specialized*  
16 *course of instruction devoted to training members of*  
17 *the CASMIRC consistent with the purpose of this sec-*  
18 *tion. The CASMIRC shall also work with the Na-*  
19 *tional Center For Missing and Exploited Children*  
20 *and the Office of Juvenile Justice and Delinquency*  
21 *Prevention of the Department of Justice to develop a*  
22 *course of instruction for State and local law enforce-*  
23 *ment personnel to facilitate the dissemination of the*  
24 *most current multidisciplinary expertise in the inves-*  
25 *tigation of child abductions, mysterious disappear-*

1        *ances of children, child homicides, and serial murder*  
2        *of children.*

3        *(e) REPORT TO CONGRESS.—One year after the estab-*  
4        *lishment of the CASMIRC, the Attorney General shall sub-*  
5        *mit to Congress a report, which shall include—*

6                *(1) a description of the goals and activities of the*  
7        *CASMIRC; and*

8                *(2) information regarding—*

9                        *(A) the number and qualifications of the*  
10        *members appointed to the CASMIRC;*

11                        *(B) the provision of equipment, administra-*  
12        *tive support, and office space for the CASMIRC;*  
13        *and*

14                        *(C) the projected resource needs for the*  
15        *CASMIRC.*

16        *(f) AUTHORIZATION OF APPROPRIATIONS.—There are*  
17        *authorized to be appropriated to carry out this section such*  
18        *sums as may be necessary for each of fiscal years 1999,*  
19        *2000, and 2001.*

20        *(g) CONFORMING AMENDMENT.—Subtitle C of title*  
21        *XVII of the Violent Crime Control and Law Enforcement*  
22        *Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.*

1 **TITLE VIII—RESTRICTED AC-**  
2 **CESS TO INTERACTIVE COM-**  
3 **PUTER SERVICES**

4 **SEC. 801. PRISONER ACCESS.**

5 *Notwithstanding any other provision of law, no agen-*  
6 *cy, officer, or employee of the United States shall imple-*  
7 *ment, or provide any financial assistance to, any Federal*  
8 *program or Federal activity in which a Federal prisoner*  
9 *is allowed access to any electronic communication service*  
10 *or remote computing service without the supervision of an*  
11 *official of the Federal Government.*

12 **SEC. 802. RECOMMENDED PROHIBITION.**

13 *(a) FINDINGS.—Congress finds that—*

14 *(1) a Minnesota State prisoner, serving 23 years*  
15 *for molesting teenage girls, worked for a nonprofit*  
16 *work and education program inside the prison,*  
17 *through which the prisoner had unsupervised access to*  
18 *the Internet;*

19 *(2) the prisoner, through his unsupervised access*  
20 *to the Internet, trafficked in child pornography over*  
21 *the Internet;*

22 *(3) Federal law enforcement authorities caught*  
23 *the prisoner with a computer disk containing 280*  
24 *pictures of juveniles engaged in sexually explicit con-*  
25 *duct;*

1           (4) *a jury found the prisoner guilty of conspir-*  
2           *ing to trade in child pornography and possessing*  
3           *child pornography;*

4           (5) *the United States District Court for the Dis-*  
5           *trict of Minnesota sentenced the prisoner to 87*  
6           *months in Federal prison, to be served upon the com-*  
7           *pletion of his 23-year State prison term; and*

8           (6) *there has been an explosion in the use of the*  
9           *Internet in the United States, further placing our Na-*  
10          *tion's children at risk of harm and exploitation at the*  
11          *hands of predators on the Internet and increasing the*  
12          *ease of trafficking in child pornography.*

13          (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
14          *that State Governors, State legislators, and State prison ad-*  
15          *ministrators should prohibit unsupervised access to the*  
16          *Internet by State prisoners.*

17          **SEC. 803. SURVEY.**

18          (a) *SURVEY.—Not later than 6 months after the date*  
19          *of enactment of this Act, the Attorney General shall conduct*  
20          *a survey of the States to determine to what extent each State*  
21          *allows prisoners access to any interactive computer service*  
22          *and whether such access is supervised by a prison official.*

23          (b) *REPORT.—The Attorney General shall submit a re-*  
24          *port to Congress of the findings of the survey conducted pur-*  
25          *suant to subsection (a).*



1           (3) *Any inherent limitations of computer-based*  
2           *control technologies for controlling electronic trans-*  
3           *mission of pornographic images.*

4           (4) *Operational policies or management tech-*  
5           *niques needed to ensure the effectiveness of these con-*  
6           *trol technologies for controlling electronic trans-*  
7           *mission of pornographic images.*

8           (c) *FINAL REPORT.*—*Not later than 2 years after the*  
9           *date of enactment of this Act, the Attorney General shall*  
10          *submit to the Committees on the Judiciary of the House*  
11          *of Representatives and the Senate a final report of the study*  
12          *under this section, which report shall—*

13                 (1) *set forth the findings, conclusions, and rec-*  
14                 *ommendations of the Council; and*

15                 (2) *be submitted by the Committees on the Judi-*  
16                 *ciary of the House of Representatives and the Senate*  
17                 *to relevant Government agencies and committees of*  
18                 *Congress.*

19          **SEC. 902. STUDY OF HOTLINES.**

20           (a) *IN GENERAL.*—*Not later than 1 year after the date*  
21           *of the enactment of this Act, the Attorney General shall con-*  
22           *duct a study in accordance with subsection (b) and submit*  
23           *to Congress a report on the results of that study.*

24           (b) *CONTENTS OF STUDY.*—*The study under this sec-*  
25           *tion shall include an examination of—*

1           (1) *existing State programs for informing the*  
2           *public about the presence of sexual predators released*  
3           *from prison, as required in section 170101 of the Vio-*  
4           *lent Crime Control and Law Enforcement Act of 1994*  
5           *(42 U.S.C. 14071), including the use of CD-ROMs,*  
6           *Internet databases, and Sexual Offender Identifica-*  
7           *tion Hotlines, such as those used in the State of Cali-*  
8           *fornia; and*

9           (2) *the feasibility of establishing a national hot-*  
10          *line for parents to access a Federal Bureau of Inves-*  
11          *tigation database that tracks the location of convicted*  
12          *sexual predators established under section 170102 of*  
13          *the Violent Crime Control and Law Enforcement Act*  
14          *of 1994 (42 U.S.C. 14072) and, in determining that*  
15          *feasibility, the Attorney General shall examine issues*  
16          *including the cost, necessary changes to Federal and*  
17          *State laws necessitated by the creation of such a hot-*  
18          *line, consistency with Federal and State case law per-*  
19          *taining to community notification, and the need for,*  
20          *and accuracy and reliability of, the information*  
21          *available through such a hotline.*

Amend the title so as to read: “An Act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.”.

Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3494**

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**AMENDMENTS**