

107TH CONGRESS
2^D SESSION

H. R. 4667

To protect children from exploitive child modeling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2002

Mr. FOLEY (for himself, Mr. LAMPSON, Mr. GILMAN, Mr. POMEROY, Mr. REYES, Mr. GREEN of Wisconsin, Mr. WAMP, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. CRENSHAW, Mr. CAMP, Mr. WICKER, Mr. PUTNAM, Mr. JONES of North Carolina, Mr. HOEKSTRA, Mr. RYAN of Wisconsin, Mr. DELAY, and Mrs. WILSON of New Mexico) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect children from exploitive child modeling, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Modeling Exploi-
5 tation Prevention Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) The use of children in the production of
2 exploitive child modeling, including on Internet
3 websites, in photographs, films, videos, and other
4 visual depictions, is a form of child abuse that can
5 result in physical and psychological harm to the chil-
6 dren involved.

7 (2) Exploitive child modeling is different from
8 other, legitimate, child modeling because exploitive
9 child modeling involves marketing the child himself
10 or herself in lascivious positions and acts, rather
11 than actually marketing products to average Amer-
12 ican consumers.

13 (3) The purpose of exploitive child modeling is
14 to satisfy the demand of pedophiles.

15 (4) Unlike legitimate child modeling, exploitive
16 child modeling may involve a direct and personal
17 interaction between the child model and the
18 pedophile. The pedophile often knows the child's
19 name and has a way of communicating with the
20 child.

21 (5) The interaction between the exploited child
22 model and the pedophile can lead the child to trust
23 pedophiles and to believe that it is acceptable and
24 safe to meet with pedophiles in private.

1 (6) Over 70 percent of convicted pedophiles
2 have used child pornography or exploitive child mod-
3 eling depictions to whet their sexual appetites. Be-
4 cause children are used in its production, exploitive
5 child modeling can place the child in danger of being
6 abducted, abused, or murdered by the pedophiles
7 who view such depictions.

8 (7) These exploitive exhibitions of children are
9 unacceptable by social standards and lead to a direct
10 harm to the children involved.

11 **SEC. 3. EMPLOYMENT IN EXPLOITIVE CHILD MODELING.**

12 (a) PROHIBITION ON EMPLOYMENT.—Section 12 of
13 the Fair Labor Standards Act of 1938 (29 U.S.C. 212)
14 is amended by adding at the end the following new sub-
15 section:

16 “(e)(1) No employer may employ a minor under 17
17 years old to work in exploitive child modeling.

18 “(2) Notwithstanding section 16(a), whoever violates
19 paragraph (1) shall be fined under title 18 or imprisoned
20 not more than 10 years, or both.

21 “(3) In this subsection, the term ‘exploitive child
22 modeling’ means the display of a minor (through any me-
23 dium) without a direct or indirect purpose of marketing
24 a product or service other than the minor.”.

1 (b) OPPRESSIVE CHILD LABOR.—Section 3(l) of such
2 Act (29 U.S.C. 203(l)) is amended—

3 (1) by striking “(1) any” and inserting “(A)
4 any”;

5 (2) by striking “(2) any” and inserting “(B)
6 any”;

7 (3) by inserting “(1)” after “(l)”; and

8 (4) by adding at the end the following new
9 paragraph:

10 “(2) Such term includes employment of a minor in
11 violation of section 12(e)(1).”.

12 **SEC. 4. EXPLOITIVE CHILD MODELING OFFENSE.**

13 (a) IN GENERAL.—110 of title 18, United States
14 Code, is amended by inserting after section 2252A the fol-
15 lowing:

16 **“§ 2252B. Exploitive child modeling**

17 “Whoever displays, in or affecting interstate or for-
18 eign commerce, the image of a child who has not attained
19 the age of 17 years, with the intent to make a financial
20 gain thereby, or offers, in or affecting interstate or foreign
21 commerce, to provide an image of such a child with the
22 intent to make a financial gain thereby, without a purpose
23 of marketing a product or service other than an image
24 of a child model, shall be fined under this title or impris-
25 oned not more than 10 years, or both.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 110 of title 18, United States
3 Code, is amended by inserting after the item relating to
4 section 2252A the following:

“2252B. Exploitive child modeling.”.

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