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108TH CONGRESS

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1ST SESSION×

H. R. 756

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

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IN THE HOUSE OF REPRESENTATIVES×

FEBRUARY 13, 2003×

Mr. FOLEY (for himself, Mr. LAMPSON, Mr. DELAY, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. GREEN of Wisconsin, Mr. JONES of North Carolina, Mr. SHIMKUS, Mr. BACA, Mr. SIMMONS, Mr. FROST, Mr. KIRK, Mr. FORBES, Mr. MCINTYRE, Mr. BERRY, Mr. MOLLOHAN, Mr. WAMP, Mr. VISCLOSKY, Mr. MARIO DIAZ-BALART of Florida, Mr. BOOZMAN, Mr. CRENSHAW, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. McNULTY, Mr. GORDON, Mr. STENHOLM, Mr. WELDON of Pennsylvania, Mr. KING of New York, Mr. PLATTS, Mr. BARRETT of South Carolina, Mr. BELL, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. OSBORNE, and Mr. HOEKSTRA) 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

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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 ×

4 **SECTION 1. SHORT TITLE.** ×

5 This Act may be cited as the “Child Modeling Exploi-
6 tation Prevention Act”.×

7 **SEC. 2. FINDINGS.** ×

8 The Congress finds the following:×

9 (1) The use of children in the production of
10 exploitive child modeling, including on Internet
11 websites, in photographs, films, videos, and other
12 visual depictions, is a form of child abuse that can
13 result in physical and psychological harm to the chil-
14 dren involved. ×

15 (2) Exploitive child modeling is different from
16 other, legitimate, child modeling because exploitive
17 child modeling involves marketing the child himself
18 or herself in lascivious positions and acts, rather
19 than actually marketing products to average Amer-
20 ican consumers. ×

21 (3) The purpose of exploitive child modeling is
22 to satisfy the demand of pedophiles. ×

23 (4) Unlike legitimate child modeling, exploitive
24 child modeling may involve a direct and personal
25 interaction between the child model and the

1 pedophile. The pedophile often knows the child’s
2 name and has a way of communicating with the
3 child. ×

4 (5) The interaction between the exploited child
5 model and the pedophile can lead the child to trust
6 pedophiles and to believe that it is acceptable and
7 safe to meet with pedophiles in private. ×

8 (6) Over 70 percent of convicted pedophiles
9 have used child pornography or exploitive child mod-
10 eling depictions to whet their sexual appetites. Be-
11 cause children are used in its production, exploitive
12 child modeling can place the child in danger of being
13 abducted, abused, or murdered by the pedophiles
14 who view such depictions. ×

15 (7) These exploitive exhibitions of children are
16 unacceptable by social standards and lead to a direct
17 harm to the children involved. ×

18 **SEC. 3. EMPLOYMENT IN EXPLOITIVE CHILD MODELING.** ×

19 (a) PROHIBITION ON EMPLOYMENT.—Section 12 of
20 the Fair Labor Standards Act of 1938 (29 U.S.C. 212)
21 is amended by adding at the end the following:×

22 “(e)(1) No employer may employ a child model in
23 exploitive child modeling.×

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

4 “(3)(A) In this subsection, the term ‘exploitive child
5 modeling’ means modeling involving the use of a child
6 under 17 years old for financial gain without the purpose
7 of marketing a product or service other than the image
8 of the child.×

9 “(B) Such term applies to any such use, regardless
10 of whether the employment relationship of the child is di-
11 rect or indirect, or contractual or noncontractual, or is
12 termed that of an independent contractor.×

13 “(C) Such term does not apply to an image which,
14 taken as a whole, has serious literary, artistic, political,
15 or scientific value.”.×

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

18 (1) by striking “(1) any” and inserting “(A)
19 any”;×

20 (2) by striking “(2) any” and inserting “(B)
21 any”;×

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

23 (4) by adding at the end the following new
24 paragraph:×

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

3 **SEC. 4. EXPLOITIVE CHILD MODELING OFFENSE.** ×

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

7 **“2252B. Exploitive child modeling**×

8 “(a) IN GENERAL.—Except as provided in subsection
9 (b), whoever, in or affecting interstate or foreign com-
10 merce, with the intent to make a financial gain thereby—
11 displays or offers to provide the image of an individual
12 engaged in exploitive child modeling (as defined in section
13 12(e) of the Fair Labor Standards Act of 1938) shall be
14 fined under this title or imprisoned not more than 10
15 years, or both.×

16 “(b) EXCEPTION.—This section does not apply to an
17 image which, taken as a whole, has serious literary, artis-
18 tic, political, or scientific value.”×

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 110 of title 18, United States
21 Code, is amended by inserting after the item relating to
22 section 2252A the following:×××

“2252B. Exploitive child modeling.”×

