

110TH CONGRESS
1ST SESSION

S. 1965

To protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. STEVENS (for himself, Mr. INOUE, Mrs. HUTCHISON, Mr. PRYOR, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting Children in the 21st Century Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

- Sec. 101. Internet safety.
 Sec. 102. Public awareness campaign.
 Sec. 103. Annual reports.
 Sec. 104. Authorization of appropriations.
 Sec. 105. Online safety and technology working group.
 Sec. 106. Promoting online safety in schools.
 Sec. 107. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

- Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.
 Sec. 202. Additional child pornography amendments.

1 **TITLE I—PROMOTING A SAFE**
 2 **INTERNET FOR CHILDREN**

3 **SEC. 101. INTERNET SAFETY.**

4 For the purposes of this title, the issue of Internet
 5 safety includes issues regarding the use of the Internet
 6 in a manner that promotes safe online activity for chil-
 7 dren, protects children from cybercrimes, including crimes
 8 by online predators, and helps parents shield their children
 9 from material that is inappropriate for minors.

10 **SEC. 102. PUBLIC AWARENESS CAMPAIGN.**

11 The Federal Trade Commission shall carry out a na-
 12 tionwide program to increase public awareness and pro-
 13 vide education regarding strategies to promote the safe
 14 use of the Internet by children. The program shall utilize
 15 existing resources and efforts of the Federal Government,
 16 State and local governments, nonprofit organizations, pri-
 17 vate technology and financial companies, Internet service

1 providers, World Wide Web-based resources, and other ap-
2 propriate entities, that includes—

3 (1) identifying, promoting, and encouraging
4 best practices for Internet safety;

5 (2) establishing and carrying out a national
6 outreach and education campaign regarding Internet
7 safety utilizing various media and Internet-based re-
8 sources;

9 (3) facilitating access to, and the exchange of,
10 information regarding Internet safety to promote up-
11 to-date knowledge regarding current issues; and

12 (4) facilitating access to Internet safety edu-
13 cation and public awareness efforts the Commission
14 considers appropriate by States, units of local gov-
15 ernment, schools, police departments, nonprofit or-
16 ganizations, and other appropriate entities.

17 **SEC. 103. ANNUAL REPORTS.**

18 The Commission shall submit a report to the Senate
19 Committee on Commerce, Science, and Transportation not
20 later than March 31 of each year that describes the activi-
21 ties carried out under section 102 by the Commission dur-
22 ing the preceding calendar year.

23 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

24 For carrying out the public awareness campaign
25 under section 102, there are authorized to be appropriated

1 to the Commission \$5,000,000 for each of fiscal years
2 2008 and 2009.

3 **SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING**
4 **GROUP.**

5 (a) ESTABLISHMENT.—Within 90 days after the date
6 of enactment of this Act, the Assistant Secretary of Com-
7 merce for Communications and Information shall establish
8 an Online Safety and Technology working group com-
9 prised of representatives of relevant sectors of the business
10 community, public interest groups, and other appropriate
11 groups and Federal agencies to review and evaluate—

12 (1) the status of industry efforts to promote on-
13 line safety through educational efforts, parental con-
14 trol technology, blocking and filtering software, age-
15 appropriate labels for content or other technologies
16 or initiatives designed to promote a safe online envi-
17 ronment for children;

18 (2) the status of industry efforts to promote on-
19 line safety among providers of electronic communica-
20 tions services and remote computing services by re-
21 porting apparent child pornography under section
22 13032 of title 42, United States Code, including
23 amendments made by this Act with respect to the
24 content of such reports and any obstacles to such re-
25 porting;

1 (3) the practices of electronic communications
2 service providers and remote computing service pro-
3 viders related to record retention in connection with
4 crimes against children; and

5 (4) the development of technologies to help par-
6 ents shield their children from inappropriate mate-
7 rial on the Internet.

8 (b) REPORT.—Within 1 year after the working group
9 is first convened, it shall submit a report to the Assistant
10 Secretary and the Senate Committee on Commerce,
11 Science, and Transportation that—

12 (1) describes in detail its findings, including
13 any information related to the effectiveness of such
14 strategies and technologies and any information
15 about the prevalence within industry of educational
16 campaigns, parental control technologies, blocking
17 and filtering software, labeling, or other technologies
18 to assist parents; and

19 (2) includes recommendations as to what types
20 of incentives could be used or developed to increase
21 the effectiveness and implementation of such strate-
22 gies and technologies.

23 (c) FACA NOT TO APPLY TO WORKING GROUP.—
24 The Federal Advisory Committee Act (5 U.S.C. App.)
25 shall not apply to the working group.

1 **SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.**

2 Section 254(h)(5)(B) of the Communications Act of
3 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

4 (1) by striking “and” after the semicolon in
5 clause (i);

6 (2) by striking “minors.” in clause (ii) and in-
7 serting “minors; and”; and

8 (3) by adding at the end the following:

9 “(iii) as part of its Internet safety
10 policy is educating minors about appro-
11 priate online behavior, including inter-
12 acting with other individuals on social net-
13 working websites and in chat rooms and
14 cyberbullying awareness and response.”.

15 **SEC. 107. DEFINITIONS.**

16 In this title:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Trade Commission.

19 (2) INTERNET.—The term “Internet” means
20 collectively the myriad of computer and tele-
21 communications facilities, including equipment and
22 operating software, which comprise the inter-
23 connected world-wide network of networks that em-
24 ploy the Transmission Control Protocol/Internet
25 Protocol, or any predecessor successor protocols to

1 such protocol, to communicate information of all
 2 kinds by wire or radio.

3 **TITLE II—ENHANCING CHILD**
 4 **PORNOGRAPHY ENFORCEMENT**

5 **SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEIT-**
 6 **URES RELATED TO CHILD PORNOGRAPHY**
 7 **VIOLATIONS.**

8 (a) IN GENERAL.—Section 503(b)(1) of the Commu-
 9 nications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

10 (1) by striking “or” after the semicolon in sub-
 11 paragraph (C);

12 (2) by striking “or 1464” in subparagraph (D)
 13 and inserting “1464, or 2252”;

14 (3) by inserting “or” after the semicolon in
 15 subparagraph (D); and

16 (4) by inserting after subparagraph (D) the fol-
 17 lowing:

18 “(E) violated any provision of section 227 of
 19 the Victims of Child Abuse Act of 1990 (42 U.S.C.
 20 13032);”.

21 **SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMEND-**
 22 **MENTS.**

23 (a) INCREASE IN FINE FOR FAILURE TO REPORT.—
 24 Section 227(b)(4) of the Crime Control Act of 1990 (42
 25 U.S.C. 13032(b)(4)) is amended—

1 (1) by striking “\$50,000;” in subparagraph (A)
2 and inserting “\$150,000;”; and

3 (2) by striking “\$100,000.” in subparagraph
4 (B) and inserting “\$300,000.”.

5 (b) INTERNATIONAL INFORMATION SHARING.—Sec-
6 tion 227 of the Victims of Child Abuse Act of 1990 (42
7 U.S.C. 13032) is amended—

8 (1) by striking “a law enforcement agency or”
9 in subsection (b)(1) and inserting “appropriate Fed-
10 eral, State, or foreign law enforcement agencies”;

11 (2) by inserting “Federal, State, or foreign”
12 after “designate the” in subsection (b)(2);

13 (3) by striking “law.” in subsection (b)(3) and
14 inserting “law, or appropriate officials of foreign law
15 enforcement agencies designated by the Attorney
16 General for the purpose of enforcing State or Fed-
17 eral laws of the United States.”;

18 (4) by redesignating paragraphs (3) and (4) of
19 subsection (b) as paragraphs (4) and (5), respec-
20 tively, and inserting after paragraph (2) the fol-
21 lowing:

22 “(3) CONTENTS OF REPORT.—To the extent
23 this information is reasonably available to an elec-
24 tronic communication service provider or a remote

1 computing service provider, each report under para-
2 graph (1) shall include—

3 “(A) information relating to the Internet
4 identity of any individual who appears to have
5 violated any section of title 18, United States
6 Code, referenced in paragraph (1), including
7 any relevant user ID or other online identifier,
8 electronic mail addresses, website address, uni-
9 form resource locator, or other identifying in-
10 formation;

11 “(B) information relating to when any ap-
12 parent child pornography was uploaded, trans-
13 mitted, reported to, or discovered by the elec-
14 tronic communication service provider or a re-
15 mote computing service provider, as the case
16 may be, including a date and time stamp and
17 time zone.

18 “(C) information relating to geographic lo-
19 cation of the involved individual or reported
20 content, including the hosting website, uniform
21 resource locator, street address, zip code, area
22 code, telephone number, or Internet Protocol
23 address;

1 “(D) any image of any apparent child por-
2 nography relating to the incident such report is
3 regarding; and

4 “(E) accurate contact information for the
5 electronic communication service provider or re-
6 mote computing service provider making the re-
7 port, including the address, telephone number,
8 facsimile number, electronic mail address of,
9 and individual point of contact for such elec-
10 tronic communication service provider or remote
11 computing service provider.”;

12 (5) by inserting “section 404 of the Missing
13 Children’s Assistance Act (42 U.S.C. 5773),” after
14 “section,” in subsection (g)(1); and

15 (6) by adding at the end thereof the following:

16 “(h) USE OF INFORMATION TO COMBAT CHILD POR-
17 NOGRAPHY.—The National Center for Missing and Ex-
18 ploited Children is authorized to provide elements relating
19 to any image, including the image itself, or other relevant
20 information reported to its Cyber Tip Line to an electronic
21 communication service provider or a remote computing
22 service provider for the sole and exclusive purpose of per-
23 mitting that electronic communication service provider or
24 remote computing service provider to stop the further
25 transmission of images and develop anti-child pornography

1 technologies and related industry best practices. Any elec-
2 tronic communication service provider or remote com-
3 puting service provider that receives information from the
4 National Center for Missing and Exploited Children under
5 this subsection may use such information only for the pur-
6 poses described in this subsection.”.

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