A BILL

[Report No. 105-557]

H. R. 3494

105TH CONGRESS

Union Calendar No. 312

June 3, 1998

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.
H. R. 3494

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IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1998

Mr. McCollum (for himself, Ms. Dunn, Ms. Pryce of Ohio, Ms. Granger, Mrs. Northup, Mrs. Fowler, Mr. Franks of New Jersey, Mr. Foley, Mr. Cunningham, Mr. Deal of Georgia, Mr. Ramstad, Mr. Barr of Georgia, Mr. Chabot, Mr. Diaz-Balart, Mr. Gutknecht, and Mr. Lampson) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 3, 1998

Additional sponsors: Mr. Ensign, Mr. English of Pennsylvania, Mr. Calvert, Mrs. Kelly, Mr. Nethercutt, Mr. Hastert, Ms. Lofgren, Mr. McInnis, Mr. Talent, and Mr. Pappas

JUNE 3, 1998

Reported with an amendment, committed to the Committee of the Whole

House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 18, 1997]

A BILL

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Protection and
Sexual Predator Punishment Act of 1998”.

TITLE I—PROTECTING CHILDREN FROM SEXUAL PREDATORS AND COMPUTER PORNOGRAPHY

SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.

Section 2422 of title 18, United States Code, is amend-
ed by adding at the end the following:

“(c) Whoever, using the mail or any facility or means
of interstate or foreign commerce, or within the special mar-
time and territorial jurisdiction of the United States—

“(1) knowingly contacts an individual who has
not attained the age of 18 years; or

“(2) knowingly contacts an individual, who has
been represented to the person making the contact as
not having attained the age of 18 years;

for the purposes of engaging in any sexual activity, with
a person who has not attained the age of 18 years, for which
any person may be criminally prosecuted, or attempts to
do so, shall be fined under this title or imprisoned not more
than 5 years, or both. It is a defense to a prosecution for
an offense under this section that the sexual activity is pros-
ecutable only because of the age of the individual contacted,
the individual contacted had attained the age of 12 years,
and the defendant was not more than 4 years older than
the individual contacted.”.

SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) In General.—Chapter 71 of title 18, United
States Code, is amended by adding at the end the following:

“§ 1470. Transfer of obscene material to minors

“Whoever, using the mail or any facility or means of
interstate or foreign commerce—

“(1) knowingly transfers obscene matter to an
individual who has not attained the age of 18 years,
or attempts to do so; or

“(2) knowingly transfers obscene matter to an
individual who has been represented to the transferor
as not having attained the age of 18 years;

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

(b) Clerical Amendment.—The table of sections at
the beginning of chapter 71 of title 18, United States Code,
is amended by adding at the end the following new item:

“1470. Transfer of obscene material to minors.”.
SEC. 103. INCREASED PRISON SENTENCES FOR ENTICE-
MENT OF MINORS.

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

(1) in subsection (a), by adding at the end “If
the individual had not attained the age of 18 years
at the time of the offense, the maximum imprison-
ment for an offense under this subsection is 10
years.”; and

(2) in subsection (b), by striking “10” and in-
serting “15”.

SEC. 104. ADDITIONAL JURISDICTIONAL BASE FOR PROS-
ECUTION OF PRODUCTION OF CHILD POR-
NOGRAPHY.

(a) USE OF A CHILD.—Subsection (a) of section 2251
of title 18, United States Code, is amended by inserting
“if such visual depiction was produced with materials that
had been mailed, shipped, or transported in interstate or
foreign commerce by any means, including a computer,”
before “or if”.

(b) ALLOWING USE OF A CHILD.—Subsection (b) of
section 2251 of title 18, United States Code, is amended
by inserting “, if such visual depiction was produced with
materials that had been mailed, shipped, or transported in
interstate or foreign commerce by any means, including a
computer,” before “or if”.

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SEC. 105. INCREASED PENALTIES FOR CERTAIN ACTIVITIES

RELATING TO MATERIAL INVOLVING THE
SEXUAL EXPLOITATION OF MINORS OR CHILD
PORNOGRAPHY AND TECHNICAL CORRECTION.

(a) Increased Penalties in Section 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking “or chapter 109A” and inserting “, chapter 109A, or chapter 117”; and

(2) in paragraph (2), by inserting “the offense consisted of the possession of 50 or more items of the sort described in subsection (a)(4) or” after “if”.

(b) Increased Penalties in Section 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking “or chapter 109A” each place it appears and inserting “, chapter 109A, or chapter 117”.

(c) Increased Penalties in Section 2252A.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting “the offense consisted of the possession of 50 or more images of the sort described in subsection (a)(4) or” after “if”.

(d) Technical Correction.—Section 2252(a) of title 18, United States Code, is amended so that paragraph (4) reads as follows:

“(4) either—
“(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151 of this title), knowingly possesses—

“(i) 3 or more books, magazines, periodicals, computer disks, films, video tapes, or other matter that contain any visual depiction, if—

“(I) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

“(II) such visual depiction is of such conduct; or

“(ii) any book, magazine, periodical, computer disk, film, videotape, computer disk, or any other material that contains 3 or more visual depictions, if—

“(I) the producing of each visual depiction involves the use of a minor engaging in sexually explicit conduct; and
“(II) each visual depiction is of such conduct; or

“(B) knowingly possesses—

“(i) 3 or more books, magazines, periodicals, computer disks, films, video tapes, or other matter that contain any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

“(I) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

and

“(II) such visual depiction is of such conduct; or

“(ii) any book, magazine, periodical, computer disk, film, videotape, computer disk, or any other material that contains 3 or more visual depictions, if—

“(I) the producing of each visual depiction involves the use of a minor
engaging in sexually explicit conduct;
and
“(II) each visual depiction is of such conduct;”.

SEC. 106. CRIMINAL FORFEITURE FOR SOLICITATION OF MINORS AND INTERSTATE PROSTITUTION.

Section 2253(a) of title 18, United States Code, is amended by inserting “, or who is convicted of an offense under section 2421, 2422, 2423, 2252A, or 2260 of this title,” after “2252 of this chapter” in the matter preceding paragraph (1).

SEC. 107. PRETRIAL DETENTION OF CHILD SEX OFFENDERS.

Subparagraph (C) of section 3156(a)(4) of title 18, United States Code, is amended to read as follows:
“(C) any felony under chapter 109A, 110, or 117; and”

SEC. 108. INCREASED PRISON SENTENCES.

Subsection (b) of section 2422 of title 18, United States Code, is amended by adding at the end the following: “If in the course of committing the offense under this subsection, the defendant used a computer to transmit a communication to the minor, the minimum term of imprisonment for the offense under this subsection is 3 years.”.
SEC. 109. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) Generally.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“§2425. Repeat offenders

“(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

“(b) As used in this section, the term ‘prior sex offense conviction’ means a conviction for an offense—

“(1) under this chapter or chapter 109A or 110; or

“(2) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States or in any Territory or Possession of the United States.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

“2425. Repeat offenders.”.

SEC. 110. DEFINITION AND ADDITION OF ATTEMPT OFFENSE.

(a) Definition.—
(1) **GENERALLY.**—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

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§ 2426. Definition for chapter

“For the purposes of this chapter, sexual activity for which any person can be charged with a criminal offense includes the production of child pornography, as defined in section 2256(8).”.
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(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

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2426. Definition for chapter.
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(b) **ATTEMPT OFFENSE.**—Section 2422(a) of title 18, United States Code, is amended by inserting “or attempts to do so,” after “criminal offense,”.

SEC. 111. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) **IN GENERAL.**—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

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§ 2260A. Use of interstate facilities to transmit information about a minor

“Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, know-
ingly transmits, prints, publishes, or reproduces, or causes to be transmitted, printed, published, or reproduced, the name, address, telephone number, electronic mail address, or other identifying information of an individual who has not attained the age of 18 years for the purposes of facilitating, encouraging, offering, or soliciting any person to engage in any sexual activity for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2260A. Use of interstate facilities to transmit information about a minor.”.

**TITLE II—PUNISHING SEXUAL PREDATORS**

**SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423 CASES.**

(a) In General.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2423 of title 18, United States Code.

(b) Instruction to Commission.—The Sentencing Commission shall ensure that the sentences, guidelines, and
policy statements for offenders convicted of offenses des-
scribed in subsection (a) are appropriately severe and rea-
sonably consistent with other relevant directives and with
other guidelines.

SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION
OF MINORS OR ASSUMED MINORS FOR ILLE-
GAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amend-
ed to read as follows:

§ 2423. Transportation of minors and assumed mi-
nors

“(a) Transportation With Intent To Engage In
Criminal Sexual Activity.—A person who knowingly—
“(1) transports an individual who has not at-
tained the age of 18 years; or
“(2) transports an individual who has been rep-
resented to the person doing that transportation as
not having attained the age of 18 years;
in interstate or foreign commerce, or in any Territory or
Possession of the United States, with intent that the indi-
vidual engage in prostitution, or in any sexual activity for
which any person can be charged with a criminal offense,
shall be fined under this title or imprisoned not more than
15 years, or both.
“(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual activity, with another person who has not attained the age of 18 years or who has been represented to the traveler or conspirator as not having attained the age of 18 years, for which any person can be charged with a criminal offense, shall be fined under this title, imprisoned not more than 15 years, or both.”.

SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

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

SEC. 204. PUNISHMENT FOR REPEAT OFFENDERS.

Section 2241 of title 18, United States Code, is amended by inserting after subsection (d) the following:
“(e) PUNISHMENT FOR REPEAT OFFENDERS.—(1)
Whoever has twice previously been convicted of a serious State or Federal sex crime and who—
“(A) violates this section; or
“(B) in a circumstance described in paragraph (2) of this subsection, engages in conduct that would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States;
shall be imprisoned for life.
“(2) The circumstance referred to in paragraph (1) of this subsection is that—
“(A) the person engaging in such conduct traveled in interstate or foreign commerce or used the mail or any facility or means of interstate or foreign commerce in furtherance of the offense; or
“(B) such conduct occurs in or affects interstate or foreign commerce and would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States.
“(f) SERIOUS STATE OR FEDERAL SEX CRIME.—For the purposes of subsections (e) and (f), the term serious State or Federal sex crime means a State or Federal offense for conduct which—
“(1) is an offense under this section or section 2242 of this title; or
“(2) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.”.

SEC. 205. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.
Section 2247 of title 18, United States Code, is amended to read as follows:

“§ 2247. Repeat offenders
“(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.
“(b) As used in this section, the term ‘prior sex offense conviction’ has the meaning given that term in section 2425.”.

SEC. 206. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.
Section 2255(a) of title 18, United States Code, is amended by striking “2251 or 2252” and inserting “2241(c), 2243, 2251, 2252, 2421, 2422, or 2423”.

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SEC. 207. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

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

(b) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking “younger than that person” and inserting “younger than the person so engaging”.

(c) DEFINITION OF STATE.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period and inserting a semicolon; and

(2) by adding a new paragraph as follows:

“(6) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.”.

SEC. 208. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

“(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a vio-
lation of section 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense is under 14 years of age, the victim dies as a result of the offense, and the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).”.

**TITLE III—FEDERAL INVESTIGATIONS OF SEX CRIMES AGAINST CHILDREN AND SERIAL KILLERS**

**SEC. 301. ADMINISTRATIVE SUBPOENAS.**

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by adding at the end the following: “§3064. Administrative subpoenas

“(a) AUTHORIZATION OF USE.—In an investigation of an alleged violation of section 2241(c), 2243, 2421, 2422, or 2423 of this title where a victim is an individual who has not attained the age of 18 years, the Attorney General may subpoena witnesses, compel the production of any records (including books, papers, documents, electronic data, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to
the jurisdiction of the United States at any designated place of hearing, except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where the witness was served with a subpoena. Witnesses summoned under this section shall be paid the same fees and commissions that are paid witnesses in the courts of the United States.

“(b) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

“(c) ENFORCEMENT.—In the case of contumacy by or the refusal to obey a subpoena issued to any person under this section, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on, or of which the person
is an inhabitant or in which the person carries on business
or may be found, to compel compliance with the subpoena.
The court may issue an order requiring the subpoenaed per-
son to appear before the Attorney General to produce
records, if so ordered, or to give testimony regarding the
matter under investigation. Any failure to obey the order
of the court may be punished by the court as contempt there-
of. All process in any such case may be served in any judi-
cial district in which such person may be found.”.

(b) CLERICAL AMENDMENT.—The table of sections at
the beginning of chapter 203 of title 18, United States Code,
is amended by adding at the end the following new item:
“3064. Administrative subpoenas.”.

SEC. 302. KIDNAPPING.

(a) 24-HOUR RULE.—Section 1201(b) of title 18,
United States Code, is amended by adding at the end the
following: “However, the fact that the presumption under
this section has not yet taken effect does not preclude a Fed-
eral investigation of a possible violation of this section be-
fore the twenty-four hour period has ended.”.

(b) JURISDICTIONAL ELEMENTS.—Section 1201(a) of
title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (4);

and

(2) by adding after paragraph (5) the following:
“(6) the mail or any facility or means of inter-state or foreign commerce is used in furtherance of the offense; or

“(7) the offense affects interstate or foreign commerce, or would do so if the offense were consummated;”.

(c) Clarification of Element of Offense.—Section 1201(a) of title 18, United States Code, is amended by inserting “, regardless of whether such person was alive when transported across a State boundary provided the person was alive when the transportation began” before the semicolon at the end of paragraph (1);

SEC. 303. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) In General.—Chapter 33 of title 28, United States Code, is amended by inserting after section 537 the following:

“§ 540B. Investigation of serial killings

“(a) The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense.

“(b) For purposes of this section—
“(1) the term ‘serial killings’ means a series of 3 or more killings, at least one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;

“(2) the term ‘killing’ means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed; and

“(3) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by adding at end the following new item:

“540B. Investigation of serial killings.”.

SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) Establishment.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish a Child Abduction and Serial Murder Investigative Resources Center to be known as the “Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.”
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tive Resources Center” (hereinafter in this section referred to as the “CASMIRC”).

(b) PURPOSE.—The purpose of this section is to establish a Federal Bureau of Investigation Child Abduction and Serial Murder Investigative Resources Center managed by the FBI’s Critical Incident Response Group’s National Center for the Analysis of Violent Crime (NCAVC) and multidisciplinary resource teams in FBI field offices to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General deems appropriate to carry out the purposes of the CASMIRC, including but not limited to—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious dis-
appearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State,
and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the Federal Bureau of Investigation’s NCAVC in coordination with the National Center For Missing and Exploited Children (NCMEC) and the Office of Juvenile Justice and De-
linquency Prevention (OJJDP) to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with FBI personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysteri-
ous disappearance of children, child homicide and se-
rial murder investigations. The Director may, with
concurrence of the appropriate State or local agency,
also appoint State and local law enforcement person-
nel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC
(and each individual from any State or local law en-
forcement agency appointed to work with the
CASMIRC) shall remain as an employee of that
member’s or individual’s respective agency for all
purposes (including the purpose of performance re-
view), and service with the CASMIRC shall be with-
out interruption or loss of civil service privilege or
status and shall be on a nonreimbursable basis, except
where appropriate to reimburse State and local law
enforcement for overtime costs for an individual ap-
pointed to work with the resource team. Additionally,
reimbursement of travel and per diem expenses will
occur for State and local law enforcement participa-
tion in resident fellowship programs at the NCAVC
when offered.

(3) TRAINING.—CASMIRC personnel, under the
guidance of the Federal Bureau of Investigation’s Na-
tional Center for the Analysis of Violent Crime and
in consultation with the NCMEC, shall develop a spe-
cialized course of instruction devoted to training
members of the CASMIRC consistent with the purpose
of this section. The CASMIRC shall also work with
the NCMEC and OJJDP to develop a course of in-
struction for State and local law enforcement person-
nel to facilitate the dissemination of the most current
multidisciplinary expertise in the investigation of
child abductions, mysterious disappearances of chil-
deren, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the estab-
ishment of the CASMIRC, the Attorney General shall pro-
vide a report to Congress that describes the goals and activi-
ties of the CASMIRC. The report shall also contain infor-
mation regarding the number and qualifications of the
members appointed to the CASMIRC, provision for equip-
ment, administrative support, and office space for the
CASMIRC, and projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATION.—There are
authorized to be appropriated to carry out this section such
sums as may be necessary for fiscal year 1999 and each
of the two succeeding fiscal years.

(g) CONFORMING REPEAL.—Subtitle C of title XVII of
the Violent Crime Control and Law Enforcement Act of
1994 (42 U.S.C. 5776a et seq.) is repealed.
TITLE IV—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICE

SEC. 401. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any interactive computer service without the supervision of an official of the Government.

SEC. 402. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

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

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

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;
(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation’s children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) Sense of Congress.—Congress strongly urges State Governors, State legislators, and State prison administrators to prohibit unsupervised access to the Internet by State prisoners.

SEC. 403. SURVEY.

(a) Survey.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.
(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) DEFINITION.—For the purposes of this section, the term “State” means each of the 50 States and the District of Columbia.