

In the Senate of the United States,

September 23 (legislative day, September 17), 2008.

Resolved, That the bill from the House of Representatives (H.R. 4120) entitled “An Act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 *SECTION 1. TABLE OF CONTENTS.*

2 *The table of contents for this Act is as follows:*

Sec. 1. Table of contents.

***TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF
2007***

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Clarifying ban of child pornography.

***TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD
PORNOGRAPHY ACT OF 2007***

Sec. 201. Short title.

Sec. 202. Money laundering predicate.

*Sec. 203. Knowingly accessing child pornography with the intent to view child
pornography.*

1 ***TITLE I—EFFECTIVE CHILD POR-***
2 ***NOGRAPHY PROSECUTION***
3 ***ACT OF 2007***

4 ***SEC. 101. SHORT TITLE.***

5 *This title may be cited as the “Effective Child Pornog-*
6 *raphy Prosecution Act of 2007”.*

7 ***SEC. 102. FINDINGS.***

8 *Congress finds the following:*

9 *(1) Child pornography is estimated to be a*
10 *multibillion dollar industry of global proportions, fa-*
11 *cilitated by the growth of the Internet.*

12 *(2) Data has shown that 83 percent of child por-*
13 *nography possessors had images of children younger*
14 *than 12 years old, 39 percent had images of children*
15 *younger than 6 years old, and 19 percent had images*
16 *of children younger than 3 years old.*

17 *(3) Child pornography is a permanent record of*
18 *a child’s abuse and the distribution of child pornog-*
19 *raphy images revictimizes the child each time the*
20 *image is viewed.*

21 *(4) Child pornography is readily available*
22 *through virtually every Internet technology, including*
23 *Web sites, email, instant messaging, Internet Relay*
24 *Chat, newsgroups, bulletin boards, and peer-to-peer.*

(5) *The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.*

(6) *The Internet is well recognized as a method of distributing goods and services across State lines.*

(7) *The transmission of child pornography using the Internet constitutes transportation in interstate commerce.*

SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) *IN GENERAL.*—Chapter 110 of title 18, United States Code, is amended—

(1) *in section 2251—*

(A) *in each of subsections (a), (b), and (d), by inserting “using any means or facility of interstate or foreign commerce or” after “be transported”;*

(B) *in each of subsections (a) and (b), by inserting “using any means or facility of interstate or foreign commerce or” after “been transported”;*

(C) *in subsection (c), by striking “computer” each place that term appears and insert-*

1 *ing “using any means or facility of interstate or*
2 *foreign commerce”; and*

3 *(D) in subsection (d), by inserting “using*
4 *any means or facility of interstate or foreign*
5 *commerce or” after “is transported”;*

6 *(2) in section 2251A(c), by inserting “using any*
7 *means or facility of interstate or foreign commerce*
8 *or” after “or transported”;*

9 *(3) in section 2252(a)—*

10 *(A) in paragraph (1), by inserting “using*
11 *any means or facility of interstate or foreign*
12 *commerce or” after “ships”;*

13 *(B) in paragraph (2)—*

14 *(i) by inserting “using any means or*
15 *facility of interstate or foreign commerce*
16 *or” after “distributes, any visual depic-*
17 *tion”; and*

18 *(ii) by inserting “using any means or*
19 *facility of interstate or foreign commerce*
20 *or” after “depiction for distribution”;*

21 *(C) in paragraph (3)—*

22 *(i) by inserting “using any means or*
23 *facility of interstate or foreign commerce”*
24 *after “so shipped or transported”; and*

25 *(ii) by striking “by any means,”; and*

1 (D) in paragraph (4), by inserting “using
2 any means or facility of interstate or foreign
3 commerce or” after “has been shipped or trans-
4 ported”; and
5 (4) in section 2252A(a)—

6 (A) in paragraph (1), by inserting “using
7 any means or facility of interstate or foreign
8 commerce or” after “ships”;

9 (B) in paragraph (2), by inserting “using
10 any means or facility of interstate or foreign
11 commerce” after “mailed, or” each place it ap-
12 pears;

13 (C) in paragraph (3), by inserting “using
14 any means or facility of interstate or foreign
15 commerce or” after “mails, or” each place it ap-
16 pears;

17 (D) in each of paragraphs (4) and (5), by
18 inserting “using any means or facility of inter-
19 state or foreign commerce or” after “has been
20 mailed, or shipped or transported”; and

21 (E) in paragraph (6), by inserting “using
22 any means or facility of interstate or foreign
23 commerce or” after “has been mailed, shipped, or
24 transported”.

1 (b) *AFFECTING INTERSTATE COMMERCE.*—Chapter
 2 110 of title 18, United States Code, is amended in each
 3 of sections 2251, 2251A, 2252, and 2252A, by striking “in
 4 interstate” each place it appears and inserting “in or af-
 5 fecting interstate”.

6 (c) *CERTAIN ACTIVITIES RELATING TO MATERIAL IN-*
 7 *VOLVING THE SEXUAL EXPLOITATION OF MINORS.*—Section
 8 2252(a)(3)(B) of title 18, United States Code, is amended
 9 by inserting “, shipped, or transported using any means
 10 or facility of interstate or foreign commerce” after “that
 11 has been mailed”.

12 (d) *CERTAIN ACTIVITIES RELATING TO MATERIAL*
 13 *CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.*—
 14 Section 2252A(a)(6)(C) of title 18, United States Code, is
 15 amended by striking “or by transmitting” and all that fol-
 16 lows through “by computer,” and inserting “or any means
 17 or facility of interstate or foreign commerce,”.

18 ***TITLE II—ENHANCING THE EF-***
 19 ***FECTIVE PROSECUTION OF***
 20 ***CHILD PORNOGRAPHY ACT OF***
 21 ***2007***

22 ***SEC. 201. SHORT TITLE.***

23 *This title may be cited as the “Enhancing the Effective*
 24 *Prosecution of Child Pornography Act of 2007”.*

1 **SEC. 202. MONEY LAUNDERING PREDICATE.**

2 *Section 1956(c)(7)(D) of title 18, United States Code,*
 3 *is amended by inserting “section 2252A (relating to child*
 4 *pornography) where the child pornography contains a vis-*
 5 *ual depiction of an actual minor engaging in sexually ex-*
 6 *plicit conduct, section 2260 (production of certain child*
 7 *pornography for importation into the United States),” be-*
 8 *fore “section 2280”.*

9 **SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY**
 10 **WITH THE INTENT TO VIEW CHILD PORNOG-**
 11 **RAPHY.**

12 *(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF*
 13 *MINORS.—Section 2252(a)(4) of title 18, United States*
 14 *Code, is amended—*

15 *(1) in subparagraph (A), by inserting “, or*
 16 *knowingly accesses with intent to view,” after “pos-*
 17 *sesses”; and*

18 *(2) in subparagraph (B), by inserting “, or*
 19 *knowingly accesses with intent to view,” after “pos-*
 20 *sesses”.*

21 *(b) MATERIALS CONSTITUTING OR CONTAINING CHILD*
 22 *PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United*
 23 *States Code, is amended—*

24 *(1) in subparagraph (A), by inserting “, or*
 25 *knowingly accesses with intent to view,” after “pos-*
 26 *sesses”; and*

1 (2) in subparagraph (B), by inserting “, or
2 *knowingly accesses with intent to view,*” after “pos-
3 *sesses*”.

Attest:

Secretary.

110TH CONGRESS
2D SESSION

H.R. 4120

AMENDMENT