

111TH CONGRESS
1ST SESSION

S. 436

To amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2009

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, 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 “Internet Stopping
5 Adults Facilitating the Exploitation of Today’s Youth Act
6 of 2009” or the “SAFETY Act”.

7 **SEC. 2. FINANCIAL FACILITATION OF ACCESS TO CHILD**
8 **PORNOGRAPHY.**

9 (a) OFFENSE.—Chapter 95 of title 18, United States
10 Code, is amended by adding at the end the following:

1 **“§ 1960A. Financial facilitation of access to child por-**
 2 **nography**

3 “Whoever knowingly conducts, or attempts or con-
 4 spires to conduct, a financial transaction (as defined in
 5 section 1956(c)) in or affecting interstate or foreign com-
 6 merce, knowing that such transaction will facilitate access
 7 to, or the possession of, child pornography (as defined in
 8 section 2256) shall be fined under this title or imprisoned
 9 not more than 20 years, or both.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of chapter 95 of title 18, United States
 12 Code, is amended by adding at the end the following new
 13 item:

“1960A. Financial facilitation of access to child pornography.”.

14 **SEC. 3. INTERNET FACILITATION OF CHILD PORNOGRAPHY**
 15 **AND EXPLOITATION OF CHILDREN.**

16 (a) OFFENSE.—Chapter 95 of title 18, United States
 17 Code, is amended by adding at the end the following:

18 **“§ 1960B. Internet facilitation of child pornography**
 19 **and exploitation of children**

20 “(a) OFFENSE.—Whoever, being an Internet content
 21 hosting provider or email service provider, knowingly en-
 22 gages in any conduct the provider knows or has reason
 23 to believe facilitates access to, or the possession of, child
 24 pornography (as defined in section 2256) shall be fined

1 under this title or imprisoned not more than 10 years, or
2 both.

3 “(b) DEFINITIONS.—As used in this section—

4 “(1) the term ‘Internet content hosting pro-
5 vider’ means a service that—

6 “(A) stores, through electromagnetic or
7 other means, electronic data, including the con-
8 tent of web pages, electronic mail, documents,
9 images, audio and video files, online discussion
10 boards, and weblogs; and

11 “(B) makes such data available via the
12 Internet; and

13 “(2) the term ‘email service provider’ means a
14 person that—

15 “(A) provides a service, using the Internet,
16 for the transmission, receipt, storage, and re-
17 trieval, by registered users, of electronic mail
18 messages; and

19 “(B) receives the content of, and recipient
20 list for, electronic mail messages that it trans-
21 mits, receives, or stores for the person or entity
22 procuring such services.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 95 of title 18, United States

1 Code, is amended by adding at the end the following new
2 item:

“1960B. Internet facilitation of child pornography and exploitation of children.”.

3 **SEC. 4. MONEY LAUNDERING PREDICATE.**

4 Section 1956(c)(7)(D) of title 18, United States
5 Code, is amended—

6 (1) by inserting “1466A (relating to obscene
7 visual representation of the abuse of children),” be-
8 fore “section 1708”;

9 (2) by inserting “1960A (relating to financial
10 facilitation of access to child pornography), 1960B
11 (relating to Internet facilitation of child pornography
12 and exploitation of children),” before “section
13 2113”; and

14 (3) by inserting “2260A (relating to increased
15 penalties for registered sex offenders),” before “sec-
16 tion 2280”.

17 **SEC. 5. RETENTION OF RECORDS BY ELECTRONIC COMMU-
18 NICATION SERVICE PROVIDERS.**

19 Section 2703 of title 18, United States Code, is
20 amended by adding at the end the following:

21 “(h) **RETENTION OF CERTAIN RECORDS AND INFOR-
22 MATION.**—A provider of an electronic communication serv-
23 ice or remote computing service shall retain for a period
24 of at least two years all records or other information per-

1 taining to the identity of a user of a temporarily assigned
2 network address the service assigns to that user.”.

3 **SEC. 6. INCREASED PENALTIES FOR SEXUAL EXPLOI-**
4 **TATION OF CHILDREN.**

5 Section 2251(e) of title 18, United States Code, is
6 amended—

7 (1) by striking “15 years nor more than 30
8 years” and inserting “20 years or for life”; and

9 (2) by striking “not less than 25 years nor
10 more than 50 years,” and all that follows through
11 “not less than 30 years nor more than life.” and in-
12 serting “life.”.

13 **SEC. 7. INCREASED PENALTIES FOR ACTIVITIES RELATING**
14 **TO MATERIAL INVOLVING THE SEXUAL EX-**
15 **PLOITATION OF CHILDREN.**

16 Section 2252(b) of title 18, United States Code, is
17 amended—

18 (1) in paragraph (1)—

19 (A) by striking “5 years and not more
20 than 20 years” and inserting “15 years or for
21 life”; and

22 (B) by striking “not less than 15 years nor
23 more than 40 years.” and inserting “not less
24 than 30 years or for life.”; and

25 (2) in paragraph (2)—

1 (A) by striking “or imprisoned not more
2 than 10 years, or both” and inserting “and im-
3 prisoned for not less than 3 years nor more
4 than 20 years”; and

5 (B) by striking “10 years nor more than
6 20 years.” and inserting “20 years or for life.”.

7 **SEC. 8. INCREASED PENALTIES FOR ACTIVITIES RELATING**
8 **TO MATERIAL CONSTITUTING OR CON-**
9 **TAINING CHILD PORNOGRAPHY.**

10 Section 2252A(b) of title 18, United States Code, is
11 amended—

12 (1) in paragraph (1)—

13 (A) by striking “5 years and not more
14 than 20 years” and inserting “15 years or for
15 life”; and

16 (B) by striking “not less than 15 years nor
17 more than 40 years” and inserting “not less
18 than 30 years or for life”; and

19 (2) in paragraph (2)—

20 (A) by striking “or imprisoned not more
21 than 10 years, or both” and inserting “and im-
22 prisoned for not less than 3 years nor more
23 than 20 years”; and

24 (B) by striking “10 years nor more than
25 20 years” and inserting “20 years or for life”.

1 **SEC. 9. ADDITIONAL RICO PREDICATES.**

2 Section 1961(1) of title 18, United States Code, is
3 amended—

4 (1) by inserting “section 641 (relating to em-
5 bezzlement or theft of public money, property, or
6 records,” after “473 (relating to counterfeiting),”;
7 and

8 (2) by inserting “section 666 (relating to theft
9 or bribery concerning programs receiving Federal
10 funds),” after “section 664 (relating to embezzle-
11 ment from pension and welfare funds),”.

12 **SEC. 10. ADDITIONAL RESOURCES FOR THE INNOCENT IM-
13 AGES NATIONAL INITIATIVE.**

14 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
15 are authorized to be appropriated to the Director of the
16 Federal Bureau of Investigation to carry out the Innocent
17 Images National Initiative, \$30,000,000 for each of the
18 fiscal years 2010 through 2014.

19 (b) **AVAILABILITY.**—Any amounts appropriated pur-
20 suant to subsection (a) shall remain available until ex-
21 pended.

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