

§ 81.11 Purpose.

The regulations in this subpart B designate the agencies that are authorized to receive and investigate reports of child pornography under the provisions of 42 U.S.C. 13032.

§ 81.12 Submission of reports; designation of agencies in cases where identifying information about the perpetrator is known.

Where the provider of the electronic communication service or remote computing service to the public learns of information concerning a violation of federal child pornography statutes, as defined by section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, it shall report the violation, as required by 42 U.S.C. 13032, to the Federal Bureau of Investigation or the United States Customs Service. If the provider knows the location of the perpetrator, it shall report the violation to the Federal Bureau of Investigation in the state where the perpetrator lives. If the provider knows that the perpetrator is located in a foreign country, it shall report the violation to the United States Customs Service. The Federal Bureau of Investigation and the United States Customs Service are hereby respectively designated as the agency to receive and investigate such reports, pursuant to 42 U.S.C. 13032(b)(2).

§ 81.13 Designation of Federal Bureau of Investigation and United States Customs Service in cases where the identity of the perpetrator is unknown.

For cases where the identity of the perpetrator is unknown, the Federal Bureau of Investigation is hereby designated as the agency to receive and investigate reports of child pornography made pursuant to 42 U.S.C. 13032. For cases where the identity of the perpetrator is unknown, but the items of child pornography are believed to be of foreign origin, the United States Customs Service is designated as the agency to receive and investigate reports of child pornography made pursuant to 42 U.S.C. 13032. The provider shall report the violation to the Federal Bureau of Investigation or the United States Customs Service in the state where the provider is located.

§ 81.14 Contents of report; no duty to develop additional information or monitor customer use or content.

(a) The provider shall report whatever information it obtained that led it to conclude that a violation of federal child pornography statutes, as defined by section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, has occurred. The report could include information concerning: visual

depictions of child pornography; the identity of persons or screen names of persons transmitting or receiving child pornography; or requests by persons to receive child pornography. Although not required, the report may include additional information or material developed by the provider. However, this does not require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

(b) The report to the Federal Bureau of Investigation may be made telephonically to the local number for the FBI, which can be retrieved from the Web site "www.FBI.gov." The report to the U.S. Customs Service may be made telephonically by calling the local number for the U.S. Customs Service or by calling "1-800-BE ALERT."

(c) Providers are advised to consult the requirements of the Electronic Communications Privacy Act of 1986, Public Law 99-508, 100 Stat. 1848, which enacted sections 1367, 2521, 2701 to 2710, 3117, and 3121 to 3126 of title 18, United States Code, and amended section 2510 and sections 2232, 2511 to 2513, and 2516 to 2520 of title 18, United States Code.

§ 81.15 Definitions.

The term "child pornography" has the meaning given the term in section 2256 of title 18, United States Code. The term "electronic communication service" has the meaning given the term in section 2510 of title 18, United States Code; and the term "remote computing service" has the meaning given the term in section 2711 of title 18, United States Code.

Dated: May 20, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99-13427 Filed 5-25-99; 8:45 am]

BILLING CODE 4410-14-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 99-161, RM-9565]

Radio Broadcasting Services; Hershey, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by

Mountain West Broadcasting to allot Channel 297C1 to Hershey, NE, as the community's first local aural service. Channel 297C1 can be allotted to Hershey in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 41-09-30 NL; 101-00-00 WL.

DATES: Comments must be filed on or before July 6, 1999, and reply comments on or before July 21, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-161, adopted May 5, 1999, and released May 14, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99-13255 Filed 5-25-99; 8:45 am]

BILLING CODE 6712-01-P