

And you don't get the chairman of this committee talking about tougher sentencing on very many things around here; this is one that I can support without qualification.

So what we've done is deal with a serious problem of grooming and get to the same place as other approaches that have been suggested to us in what we believe, from a criminal justice point of view, is far more efficient. And with the new provisions that would fight financial facilitation of child pornography, we think we've got a bill. And we thank Mr. POMEROY for helping us get there.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time I have no further speakers remaining on this legislation, so I would yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have the final closing speaker, Mr. POMEROY, to whom I will yield the balance of our time.

Mr. POMEROY. I thank my friend, the chairman, for yielding.

I want to begin by acknowledging the work Paul Gillmor put into this legislation. He and I were the original cosponsors. He was a colleague with whom I worked on a variety of initiatives trying to keep our children safe against those who would prey upon them through the Internet. We miss Paul, but his efforts and his work continue with this legislation.

I agree with the words of the chairman in the facet of this bill relating to grooming, and I think stiffening the sentences for those convicted of engaging in deceptive behavior relative to lying about their age to incur the trust of minors with whom they're interacting on the Internet, making that an item that would bring them longer prison time when convicted is a positive clarification to this bill, probably better than the original bill.

There is a feature of the bill that was left out, that I'm quite disappointed at, and work is going to need to continue on this one, and that is, helping these Internet sites keep sexual predators off in the first place.

We have a number of provisions in our code dealing with what's required of high-risk sexual predators, and I believe it would be appropriate to have a voluntary registry where their names would be required to be on file, and social networking sites could keep them off of their site.

I want to especially commend the efforts of MySpace, one of the most popular sites out there, for the extraordinary efforts they've gone to to identify sex predators and keep them off the site; 29,000 are blocked from participating on the MySpace domain because of their efforts, and I think the Federal Government ought to do more to help them. That's work in progress. A lot of bills that come to the floor aren't perfect, at least at this iteration in the legislative process, so this is an aspect of this bill I want to continue to work on.

There are a couple of other things that I think are very useful, and that is the authorization of funds to step up the supervision of the Internet activities of high-risk sexual predators, as well as the portion that criminalizes financial facilitation of child pornography. If there is a banker making a buck by basically facilitating the credit card transactions on child pornography over the Internet, that is not an acceptable business practice. It is so not acceptable that we are criminalizing it, and I hope they get that message loud and clear.

We've worked a lot with the Judiciary Committee on this bill. I think the chairman's comments about higher sentences aren't something that he is often willing to put in a code. I think that he has been fair-minded in this, and I look forward to continuing to work with him as we get this legislation where it needs to be.

Thank you. This is a positive bill. I urge Members to vote for it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 719, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Child Pornography Prosecution Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Recent data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay 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. 3. EFFECTIVE CHILD PORNOGRAPHY PROSECUTION.

(a) SECTION 2252.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or affecting" after "ships in";

(2) in subsection (a)(2), by striking "knowingly" and all that follows through "mails" and inserting "knowingly receives, distributes, or reproduces for distribution, in or affecting interstate or foreign commerce, any visual depiction";

(3) in subsection (a)(3)(B), by inserting "or affecting" before "interstate"; and

(4) in subsection (a)(4)(B)—

(A) by inserting "in or affecting interstate or foreign commerce" after "possesses"; and

(B) by striking "that has been" and all that follows through "by computer".

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

(1) in paragraphs (1) through (4) and (6) of subsection (a), by inserting "or affecting" before "interstate or foreign commerce" each place it appears; and

(2) in subsection (a)(5)(b)—

(A) by inserting "in or affecting interstate or foreign commerce" after "possesses"; and

(B) by striking "that has been" and all that follows through "by computer" the second place it appears.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the committee, H.R. 4120, the Effective Child Pornography Prosecution Act, addresses a truly unfortunate and, in my view, wrongly decided decision by the 10th Circuit Court of Appeals in the case of *United States v. Schaefer*.

Now, while the defendant was found to be in the possession of child pornography, the court nevertheless reversed his conviction because it concluded that the statute required, and the government had failed to prove, that the contraband had actually crossed State lines. This statute in question makes it illegal to possess child pornography "in commerce."

The court held that this phrase, “in commerce,” meant that Congress intended that the contraband had to actually cross State lines. Had the statute instead used the phrase “in or affecting interstate commerce,” the court held, the conviction would have been upheld, as that phrase is well understood as reflecting Congress’ intent to use the full reach of its constitutional commerce clause power.

H.R. 4120 makes clear that the Congress intends that the prohibitions against child pornography reach the full extent of its constitutional authority. And as hearings in the Judiciary Committee hearing demonstrated, the child pornography business is no respecter of national or international borders. Even conduct that may appear to be wholly localized in its manifestation can nevertheless have an unmistakable effect in interstate commerce.

So let there be no mistake that Congress intends to use its full commerce clause authority to reach activities concluded by this odious business. And we want to make it so clear that even the 10th Circuit Court of Appeals cannot be mistaken by that.

And so I urge my colleagues to fully support this bill, as I expect that they will.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4120, the Effective Child Pornography Prosecution Act of 2007.

This bill responds to a recent decision by the 10th Circuit United States Court of Appeals in *United States v. Schaefer*, in which the court ruled that the transmission of child pornography on the Internet did not satisfy the interstate requirement in child pornography laws.

The proposed legislative fix will allow the government to satisfy the interstate requirement by proving beyond a reasonable doubt that the material moved in or affected interstate foreign commerce, which would expand the jurisdiction to prosecute these crimes when the Internet is used. This is the broadest assertion of interstate commerce power that the Congress can make consistent with the Constitution.

Unfortunately, this bill, and the majority’s package of bills, does not include a needed modification to existing law which would require a 2-year mandatory minimum for possession of child pornography. At an October 17, 2007, full committee hearing on the subject, the Justice Department witness outlined why such a measure was needed. Deputy Assistant Attorney General Laurence Rothenberg explained that child pornography fueled the victimization of children and led to sexual assaults against children. He also noted that Federal judges were routinely giving out lenient sentences to child pornographers below levels established by the Federal sentencing guidelines.

While the fix proposed today in H.R. 4120 is a good step forward, it is a limited step in comparison to other measures that are needed, including a mandatory minimum for child pornography crimes.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I want to again extend my compliments and express my gratefulness to the gentleman from Virginia for his support on this measure. And as usual, he points out perhaps small items that only a person with his experience would want to bring to the attention of the Members of the House.

The author of this bill is NANCY BOYDA of Kansas, our distinguished colleague, to whom I am proud to yield as much time as she may consume.

Mrs. BOYDA of Kansas. Mr. Speaker, the Department of Justice estimates last year that one in five children between the ages of 10 and 17 had received a sexual solicitation or approach while they were using the Internet. With so many threats out there, Congress must provide a unified message that we, as a society, together, will stand strong for Internet safety.

What we will do today is good; it’s very good. We will pass five pieces of legislation that will help keep our children safe. And I’m so proud that my legislation, H.R. 4120, the Effective Child Pornography Prosecution Act of 2007, is going to be part of that message.

□ 1700

In September of this year, a man that I am sorry to say was from Kansas, William Schaefer, was found guilty of both “knowingly receiving” and “knowingly possessing” child pornography that had “been transported in interstate commerce, by any means including by computer.” Sadly, the 10th Circuit Court of Appeals overturned the decision and that offender was acquitted. The Court ruled that just because images are obtained on the Internet doesn’t mean that they were necessarily transmitted across State lines. The Court essentially then asked Congress to clarify its intent that the Internet is, in fact, interstate commerce, and we will do that with the passage of the Effective Child Pornography Prosecution Act of 2007. This legislation closes the judicial loophole that allowed a guilty man who hurt our children and was allowed to go free.

As concerned citizens, as parents, and as Members of Congress, Mr. Speaker, we must do all that we can to keep our children safe. That means we must make a commitment to being tough on crime, and to make sure those who violate the law are fully prosecuted, to ensure that the law is so clear that it deters such heinous crimes from ever happening again.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to thank the chairman of the Judiciary Committee for his gracious comments regarding

my involvement on issues related to the Internet, particularly as it relates to fighting child pornography, but also to point out that a mandatory minimum sentence of 2 years for these child pornographers is not a small thing. What is a small thing are the sentences that many judges unfortunately are imposing upon child pornographers much, much less than 2 years, and a mandatory minimum sentence would go a long way towards curing this problem and keeping more of these pornographers off of the Internet.

Mr. CONYERS. I couldn’t agree with the gentleman more.

Mr. GOODLATTE. I thank the chairman.

It is now my pleasure to yield for such time as she may consume the gentlewoman from Illinois (Mrs. BIGGERT) who has been a leading advocate on this issue and a strong supporter of this legislation.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my strong support for H.R. 4120, the Effective Child Pornography Prosecution Act. I am very pleased to be the lead Republican cosponsor, and I thank the gentlewoman from Kansas for all of her hard work, but I am proud to be part of this important bill which will close an unacceptable loophole in the Federal criminal code.

As my colleagues have already pointed out, the U.S. Court of Appeals for the 10th Circuit handed down a decision this year which freed a defendant who had been convicted of receiving and possessing child pornography. The case of *U.S. v. Schaefer* was not overturned for lack of evidence but rather because the prosecution failed to prove that images downloaded from the Internet moved across State lines in “interstate commerce.”

The judges who decided this case pointed out that the use of the phrase “in commerce” instead of “affecting commerce” in the law signaled Congress’ intent to limit Federal jurisdiction in the prosecution of child pornographers. As cochair of the Missing and Exploited Children’s Caucus, I can assure you, Mr. Speaker, nothing could be further from the truth. We in Congress know the horrible consequences that result from the sexual exploitation of children used to create these images. We also take very seriously our duty to do everything in our power to protect children, punish predators and deter future acts of abuse.

That is why the bill we are considering today deserves our full support. It will close the loophole in current law by replacing the phrase “in commerce” with the phrase “affecting commerce” in the child pornography statute. It classifies the intent of Congress and will ensure that predators that use the Internet to transmit child pornography end up behind bars where they belong.

I would like to take this opportunity to again thank the gentlewoman from Kansas, my good friend, NANCY BOYDA,

for introducing this legislation. I also would like to thank the National Center for Missing and Exploited Children for their assistance and counsel in drafting the bill. Mr. Speaker, as a mother of four and grandmother of seven, I know there is nothing more important than safeguarding our children from predators. We must not allow those who sexually exploit children to avoid prosecution because of a technicality.

I urge all my colleagues to support H.R. 4120 to help close this egregious loophole in the law.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Kansas.

Mrs. BOYDA of Kansas. I thank my esteemed colleague from Illinois for her help. I know the fathers in this room are just as concerned as the mothers, but as we mothers stick together and stand up to keep our children safe, this bill will go a long way, and I certainly appreciate the wonderful help that we have had on this bill. Thank you so much.

Mr. CONYERS. I thank the author (Mrs. BOYDA) and her Republican cosponsor.

I return the balance of our time. There are no further speakers.

Mr. GOODLATTE. Mr. Speaker, I have no further speakers, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DIRECTING PROVISION OF GRANTS FOR INTERNET CRIME PREVENTION EDUCATION PROGRAMS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4134) to direct the Attorney General to provide grants for Internet crime prevention education programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR INTERNET CRIME PREVENTION EDUCATION PROGRAMS.

(a) GRANT FOR I-SAFE.—

(1) GRANT.—Subject to the availability of the funds authorized to be appropriated under paragraph (2), the Attorney General shall provide a grant to i-Safe, Inc., to carry out Internet crime prevention education programs.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated

\$5,000,000 for grants under paragraph (1) for each of the fiscal years 2008 through 2012.

(b) COMPETITIVE GRANT PROGRAM.—

(1) ESTABLISHMENT.—Subject to the availability of the funds authorized to be appropriated under paragraph (2), the Attorney General shall create and administer a competitive grants program for organizations to carry out Internet crime prevention education programs.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for grants under paragraph (1) for each of the fiscal years 2008 through 2012.

SEC. 2. INTERNET CRIME PREVENTION EDUCATION PROGRAMS DEFINED.

(a) IN GENERAL.—The term "Internet crime prevention education programs" means programs that serve to educate parents, children, educators, and communities about how to recognize and prevent potentially criminal activity on the Internet.

(b) RELATED DEFINITIONS.—

(1) POTENTIALLY CRIMINAL ACTIVITY.—The term "potentially criminal activity" includes access through the Internet and other electronic devices to potentially illegal activity including sexual or racial harassment, cyberbullying, sexual exploitation, exposure to pornography, and privacy violations.

(2) CYBERBULLYING.—The term "cyberbullying" includes verbal, visual, or written psychological bullying or harassment by an individual or group, using an electronic device or devices including e-mail, instant messaging, text messages, blogs, telephones, pagers, and websites, to support deliberate, repeated, and hostile behavior that is intended to harm others.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Members of the House, there are many ways to address criminal behavior on the Internet as reflected by the measures that we have already passed this afternoon. Without question, it is critical that Internet sex offenders be identified, arrested, prosecuted and punished as the law provides.

Nevertheless, Internet safety must begin with prevention, especially with our children. They must be taught how to use the Internet safely and how to avoid Internet behavior that puts them at risk. So H.R. 4134 authorizes that the Department of Justice administer grants for the purpose of teaching our children Internet safety.

This is an excellent measure that deserves our support. I commend the chairman of our fifth committee in Judiciary, LINDA SÁNCHEZ of California, for her leadership on this very critical

issue, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4134 which directs the Attorney General to provide grants to I-Safe, Incorporated for Internet safety education programs.

I-Safe provides a number of Internet safety programs with Federal Government agencies, including the Justice Department and the Federal Trade Commission.

Crime prevention is an important component in promoting safe communities. Internet safety programs help to raise the awareness of Internet users, children and parents, to the dangers on the Internet. H.R. 4134 authorizes \$5 million to I-Safe, Incorporated to promote Internet safety. I-Safe is a worthy program, and I support the legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of our subcommittee and the author of this measure, LINDA SÁNCHEZ of California, for as much time as she may consume.

Ms. LINDA T. SÁNCHEZ of California. I want to thank Chairman CONYERS for his support of this bill.

Mr. Speaker, I rise today in support of H.R. 4134, the Internet Crime Prevention Education Program Act. This bill will authorize funding for the i-SAFE program for 5 years and create a new grant competition to provide funds for like-minded Internet safety and crime prevention programs. This new grant program will support and enhance the efforts of schools, law enforcement agencies and parents to give children the skills they need to avoid potential criminal activity on the Internet. By bringing this bill to the floor today, the leadership of the House on both sides of the aisle has demonstrated that it recognizes that our children are in danger from cyberbullying, identity theft, cyberstalking and harassment and other potential cybercrimes.

These are very real threats and they demand real action, and I am proud that we are united in this effort. Although adults, even those with children, don't always realize it, children face a myriad of online dangers whenever they use chat rooms, instant messages and e-mail. They could come across predators, financial scams, or inappropriate content when they go online to do things as innocent as research for school assignments.

The Internet is a powerful tool for progress that is transforming the way our society obtains and shares information. But unfortunately the Internet also carries risks when misused as an avenue for predators, bullies and thieves. Last year, one in five children received a sexual solicitation or were inappropriately approached via the Internet. Unfortunately, numerous