TARGETING CHILD PREDATORS ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 883) to amend title 18, United States Code, to provide a certification process for the issuance of nondisclosure requirements accompanying certain administrative subpoenas, to provide for judicial review of such nondisclosure requirements, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 883

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 ''Targeting Child Predators Act of 2017''.

SEC. 2. NONDISCLOSURE OF ADMINISTRATIVE SUBPOENAS.

Section 3486(a) of title 18, United States Code, is amended—

(1) by striking ''the Secretary of the Treasury'' each place it appears and inserting ''the Secretary of Homeland Security'';

(2) in paragraph (5), by striking ''ordered by a court''; and

(3) by striking paragraph (6) and inserting the following:

''(6)(A)(i) If a subpoena issued under this section is accompanied by a certification under clause (ii) and notice of the right to judicial review under subparagraph (C), no recipient of a subpoena under this section shall disclose to any person that the Federal official who issued the subpoena has sought or obtained access to information or records under this section, for a period of 180 days.

''(ii) The requirements of clause (i) shall apply if the Federal official who issued the subpoena certifies that the absence of a prohibition of disclosure under this subsection may result in—

''(I) endangering the life or physical safety of an individual;

''(II) flight from prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses; or

''(V) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

''(B)(i) A recipient of a subpoena under this section may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(I) those persons to whom disclosure is necessary in order to comply with the request;

''(II) an attorney in order to obtain legal advice or assistance regarding the request; or

''(III) other persons as permitted by the Federal official who issued the subpoena.

''(ii) A person to whom disclosure is made under clause (i) shall be subject to the nondisclosure requirements applicable to a person to whom a subpoena is issued under this section in the same manner as the person to whom the subpoena was issued.

''(iii) Any recipient that discloses to a person described in clause (i) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

''(iv) At the request of the Federal official who issued the subpoena, any person making or intending to make a disclosure under subclause (I) or (III) of clause (i) shall identify to the individual making the request under this clause the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(C)(i) A nondisclosure requirement imposed under subparagraph (A) shall be subject to judicial review under section 3486A.

''(ii) A subpoena issued under this section, in connection with which a nondisclosure requirement under subparagraph (A) is imposed, shall include notice of the availability of judicial review described in clause (i).

''(D) A nondisclosure requirement imposed under subparagraph (A) may be extended in accordance with section 3486A(a)(4).''.

SEC. 3. JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by inserting after section 3486 the following:

''§ 3486A. Judicial review of nondisclosure requirements

''(a) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a subpoena under section 3486 wishes to have a court review a nondisclosure requirement imposed in connection with the subpoena, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a)(5) of section 3486.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant subpoena. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the subpoena is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the subpoena is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Federal official who issued the subpoena indicating that the absence of a prohibition of disclosure under this subsection may result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses; or

''(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period may result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses; or

''(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

''(4) EXTENSION.—Upon a showing that the circumstances described in subparagraphs (A) through (E) of paragraph (3) continue to exist, a district court of the United States may issue an ex parte order extending a nondisclosure order imposed under this subsection or under section 3486(a)(6)(A) for additional periods of 180 days, or, if the court determines that the circumstances necessitate a longer period of nondisclosure, for additional periods which are longer than 180 days.

''(b) CLOSED HEARINGS.—In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 3486. Petitions, filings, records, orders, certifications, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a subpoena under section 3486.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3486 the following:

''3486A. Judicial review of nondisclosure requirements.''.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 883, currently under consideration.

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

There was no objection.

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

Mr. Speaker, over the years, we as a society have made great strides in combating crimes against children. As with many crimes, however, law enforcement often struggles to keep pace with modern technology. That is why H.R. 883, the Targeting Child Predators Act, is both an important and a timely piece of legislation.

While many of the bills we have discussed today have been aimed at prevention and punishment, H.R. 883 provides law enforcement with the tools necessary to stop ongoing abuse, occurring in real time, and to locate offenders.

Because of the severity of sex crimes committed against children and the often irreparable harm they cause, we must take steps to ensure that law enforcement has the ability to swiftly locate sexual predators.

In 1998, Congress recognized this urgency by passing the Protection of Children From Sexual Predators Act, which permitted the FBI to use administrative subpoenas in cases of child exploitation. That legislation was intended to enhance the FBI's ability to

investigate online child exploitation offenses in an expeditious manner.

Administrative subpoenas are especially useful in child exploitation cases because they are not burdened with grand jury secrecy obligations, so the information may be shared among law enforcement to quickly locate offenders in emergency situations.

Under current law, the FBI is permitted to use an administrative subpoena to obtain non-content information from internet service providers in child exploitation cases.

H.R. 883 allows the government to prohibit the recipient of a subpoena from disclosing the existence of the subpoena, provided the government certifies there is reason to believe that disclosure may result in endangerment to the life or physical safety of any person, flight to avoid prosecution, destruction of or tampering with evidence, or intimidation of potential witnesses.

Presently, if agents want to obtain this information with a nondisclosure provision, it must go through the courts, which, of course, defeats the purpose of a speedy mechanism to obtain non-content information.

Importantly, the bill contains a provision that allows a company in receipt of such a subpoena to insist that the government obtain a court order prohibiting the company from disclosing the subpoena to the target. Alternatively, the company may initiate such proceedings itself in a relevant court to challenge the nondisclosure requirement.

Mr. Speaker, a nondisclosure provision is vitally important in child exploitation cases. If a bad guy who has taken a child knows that law enforcement is on to him, or is looking for him, what might he do to get away? What might he do to that child?

H.R. 883 is an important bill which promotes Congress' original intent to ensure law enforcement has quick access to this information. It is narrowly tailored to ensure that its provisions apply in cases where time is of the essence. It provides a mechanism for companies to challenge the nondisclosure requirements.

□ 1730

I commend Mr. DESANTIS, the gentleman from Florida and a member of the Judiciary Committee, for introducing this bill, and I urge my colleagues to support it.

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

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

Mr. Speaker, I reluctantly rise in opposition to H.R. 883, the Targeting Child Predators Act of 2017.

You see, child sexual exploitation and abuse are reprehensible crimes committed against the most vulnerable members of our society. Unfortunately, these offenses have been increasingly facilitated by the use of the internet in recent years. H.R. 883 would change the administrative subpoena statute to facilitate the prosecution of criminals who commit these terrible crimes against children.

Without question, I support the goal of pursuing these criminals, but, nevertheless, I am concerned that this bill would eliminate judicial oversight of nondisclosure orders currently required prior to the issuance of the administrative subpoenas.

Section 3486 of title 18 of the United States Code authorizes investigators to request a 90-day order of nondisclosure from a district court judge. The order of nondisclosure forbids the recipient, such as an internet service provider, from alerting the target of the investigation of the law enforcement's inquiry. H.R. 883 would extend the nondisclosure period from 90 days to 180 days to allow investigators more time to complete their investigations before the target is informed of the inquiry.

Although I would like to have more information about why it is necessary to extend this time period, it is particularly problematic combined with the other significant change to the law made by this very legislation. H.R. 883 would allow investigators to require nondisclosure of internet service providers without the approval of a judge, thereby eliminating any judicial oversight prior to issuance of the subpoena.

The administrative subpoena authority is an extraordinary power given to certain agencies by Congress under its limited circumstances. While the legislation would allow a recipient to challenge a nondisclosure order in court, I am concerned about the bill's elimination of judicial approval on the front end.

I understand the desire to do more to facilitate the investigation of these crimes and that the online context for them has raised issues that we should continue to examine, but I do not believe we have been given enough information justifying this bill, at least in its current form.

Elimination of prior judicial approval of nondisclosure orders is a step we should undertake only based on evidence and careful deliberation. A bill such as the one before us warrants at least a legislative hearing to consider its potential ramifications. I don't think that is asking too much that we have a hearing on this matter before we decide what to do with the proposal rather than not have one at all. Our committee has not had the benefit of any such hearing on this legislation, and I think this is not the proper way the members of the House Judiciary Committee, who are mostly lawyers, should proceed.

Mr. Speaker, accordingly, I oppose H.R. 883, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. DESANTIS), who is the chief sponsor of this legislation.

Mr. DESANTIS. Mr. Speaker, every year, thousands of children are victims of cyber exploitation. As a former prosecutor who has handled child exploitation cases, I know just how important it is to preserve evidence that can bring predators to justice.

After speaking with Florida law enforcement officials about the challenges they face when tracking suspects online, I introduced the Targeting Child Predators Act. This is a sensible reform that will better protect our children by preventing suspected child predators from destroying evidence and covering their tracks.

When tracking a suspected child predator online, law enforcement far too often hits roadblocks that can critically threaten their investigation. Internet service providers who have been issued a duly issued, lawful subpoena from law enforcement will often inform the suspect that police investigators have requested their information. Once notified that they are the target of an investigation, child predators can wipe their systems clean and go into hiding, leaving law enforcement empty-handed and potentially putting their victims at further risk.

The Targeting Child Predators Act is a simple and necessary amendment to our criminal code requiring that ISPs wait 180 days before disclosing to suspected child predators that their information has been requested by law enforcement. The bill is narrowly targeted to child exploitation cases where the destruction of valuable evidence could endanger the safety of a child or seriously jeopardize an ongoing investigation. Additionally, the Targeting Child Predators Act provides judicial review of subpoenas and affords both ISPs and suspects due process as required by law.

The Targeting Child Predators Act will protect our children from those who wish to exploit them while maintaining the constitutional rights of suspected criminals. This is an issue that should garner wide bipartisan support from the House.

Mr. Speaker, I urge my colleagues to step up. Let's support our vulnerable children. Let's target child predators, and let's vote ''yes'' on this bill.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE), who is one of the consistent leaders for a good criminal justice system.

Ms. JACKSON LEE. Mr. Speaker, I thank the ranking member very much, and I thank him for his work.

I think the work that we are doing in Judiciary certainly has far-reaching impact. It is important to try to make more efficient the way that we address these very heinous acts against our children.

As a strong advocate for children throughout my career, I agree that we in Congress must do everything within our power and authority to prevent child sexual exploitation and abuse. The Targeting Child Predators Act of 2017 is intended to assist investigators in their pursuit of online predators.

I fully support efforts to locate and prosecute individuals who commit such heinous crimes. However, I believe we should discuss the proposal before us with more information from all who would be impacted prior to approving the changes to the law this bill proposes.

This has a lot of moving parts and participants, particularly in relation to online internet and the variety of providers that are stakeholders in all of this.

This bill would modify a powerful yet historically controversial investigatory tool: the administrative subpoena. Administrative subpoenas allow certain investigators investigating specified crimes to obtain private records without judicial approval. I can account for the fact, Mr. Speaker, that there are many instances where this may be a vital approach.

We know that we live in a very difficult time, and a number of incidents dealing with national security and others may certainly be impacted by such; but, obviously, there are other subpoenas that are attendant to those particular acts. But the administrative subpoenas, as indicated, allow Federal investigators investigating specified crimes to obtain private records, as indicated, without judicial approval.

Although investigators do not need sign-off from a judge before issuing such a subpoena, there is one layer of judicial review that prevents them from abusing their subpoena power. That is the judicial consideration of nondisclosure orders prior to the issuance of subpoenas.

At present, a district court judge must determine if circumstances exist to justify issuance of a 90-day nondisclosure order in connection with administrative subpoenas. Under the terms that I understand are in this proposed bill, investigators could require nondisclosure by subpoena recipients for a longer period—180 days—and without first receiving the approval of a district judge, effectively eliminating judicial consideration of nondisclosure orders prior to the issuance of subpoenas. Subpoena recipients would have the ability to seek judicial review of the nondisclosure requirement only after receiving the subpoena. I believe that this provision raises concerns that remove the wisdom of district judges from this process at the time the gag orders are imposed.

Congress authorized the use of these subpoenas to allow investigators to obtain information quickly and expeditiously, and I think they work that way. The intervention of judicial review has not proven to be an obstruction so much so that you might remove it and the wisdom of the court. Congress also expressly required that investigators seek the approval of a district judge for nondisclosure orders connected to these subpoenas.

I share my colleagues' desire to locate and prosecute those who commit child exploitation and abuse crimes, and, in essence, let's get them, but I do think that the willingness to remove judicial review is one of question.

Those individuals who hide behind computer screens committing abhorrent acts against children on the internet must be apprehended and made to answer for their crimes. I would think that the judge would be well aware of how sensitive this is and use their best impression to get moving and to allow the process to proceed.

I think this Nation is a land of laws. We abide by the rule of law, and Congress has a right to draft laws. But I do think, in this instance, the rule of law, abiding by the rule of law, allowing for the active participation of the court and the wisdom of the court is not too much to ask in a nation that believes in democracy, believes in the rights of the offenders and, as well, the victims.

So I am very concerned about this bill, and I would hope that we would have the opportunity to have this addressed or the issues addressed, or addressed in the Senate; and I look forward to those issues being addressed in the Senate so that we can, together, handle the concerns that are being expressed and have a bill that does not remove judicial oversight and the wisdom of the court.

Mr. Speaker, I rise today to discuss H.R. 883, the ''Targeting Child Predators Act of 2017.'' As a strong advocate for children throughout my career, I agree that we in Congress must do everything within our power and authority to prevent child sexual exploitation and abuse.

The ''Targeting Child Predators Act of 2017'' is intended to assist investigators in their pursuit of online child predators.

I fully support efforts to locate and prosecute individuals who commit such heinous crimes. However, I believe we should discuss the proposal before us—with more information from all who would be impacted—prior to approving the changes to the law this bill proposes.

This bill would modify a powerful, yet historically controversial, investigatory tool—the administrative subpoena.

Administrative subpoenas allow certain Federal investigators, investigating specified crimes, to obtain private records without judicial approval.

Although investigators do not need sign-off from a judge before issuing such a subpoena, there is one layer of judicial review that prevents them from abusing their subpoena power.

That is the judicial consideration of nondisclosure orders prior to the issuance of subpoenas.

At present, a district court judge must determine if circumstances exist to justify issuance of a 90-day nondisclosure order in connection with administrative subpoenas.

Under the terms proposed in this bill, investigators could require nondisclosure by subpoena recipients for a longer period—180 days—and without first receiving the approval of a district judge, effectively eliminating judicial consideration of nondisclosure orders prior to the issuance of subpoenas.

Subpoena recipients would have the ability to seek judicial review of the nondisclosure requirement only after receiving the subpoena.

I am deeply concerned with the provision that would remove the wisdom of district judges from this process at the time the gag orders are imposed.

Congress authorized the use of these subpoenas to allow investigators to obtain information quickly and expeditiously.

But, Congress also expressly required that investigators seek the approval of a district judge for nondisclosure orders connected to these subpoenas.

I share my colleagues' desire to locate and prosecute those who commit child exploitation and abuse crimes.

Those individuals, who hide behind computer screens, committing abhorrent acts against children on the internet, must be apprehended and made to answer for their crimes.

I am not convinced that this bill is the best way to go about doing so.

I hope we can find a way to address this issue, with more information from all concerned.

Mr. GOODLATTE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the most problematic aspect of H.R. 883 is that it would eliminate prior judicial approval of nondisclosure orders. I am firmly opposed to that. And while I fully support efforts to investigate crime, particularly those perpetrated against children, I cannot support this bill without knowing more about how it will affect an already extraordinary investigative power.

Let's have a hearing. That is what our committee is for. The Judiciary Committee should inquire into this very carefully, and, in the absence of such evidence, I must urge, at this time, our colleagues join me in opposing H.R. 883.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time to urge my colleagues to support this very important, very targeted legislation.

This is not some broad authority. This is very targeted under circumstances where the sexual predator has the child and the authorities need to get information from third parties now so they can find that child and they need those third parties to not disclose information that they are yielding to the government about their whereabouts and other information about them because of the emergency circumstances that are at play here, or you are dealing with someone who has a child and needs to be found so that child can be saved. That is the purpose of this legislation.

□ 1745

It is a good purpose. This legislation should be supported by all the Members of the House. I urge them to do so.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 883.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 695) to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 695

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 ''Child Protection Improvements Act of 2017''.

SEC. 2. NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended—

(1) in section 3—

(A) by amending subsection (a)(3) to read as follows:

''(3)(A) The Attorney General shall establish a program, in accordance with this section, to provide qualified entities located in States which do not have in effect procedures described in paragraph (1), or qualified entities located in States which do not prohibit the use of the program established under this paragraph, with access to national criminal history background checks on, and criminal history reviews of, covered individuals.

''(B) A qualified entity described in subparagraph (A) may submit to the appropriate designated entity a request for a national criminal history background check on, and a criminal history review of, a covered individual. Qualified entities making a request under this paragraph shall comply with the guidelines set forth in subsection (b), and with any additional applicable procedures set forth by the Attorney General or by the State in which the entity is located.'';

(B) in subsection (b)—

(i) in paragraph (1)(E), by striking ''unsupervised'';

(ii) in paragraph (2)—

(I) by redesignating subparagraph (A) as clause (i);

(II) in subparagraph (B)—

(aa) by adding ''and'' at the end; and

(bb) by redesignating such subparagraph as clause (ii);

(III) by striking ''that each provider who is the subject of a background check'' and inserting ''(A) that each covered individual who is the subject of a background check conducted pursuant to the procedures established pursuant to subsection (a)(1)''; and

(IV) by adding at the end the following:

''(B) that each covered individual who is the subject of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3) is entitled to challenge the accuracy and completeness of any information in the criminal history record of the individual by contacting the Federal Bureau of Investigation under the procedure set forth in section 16.34 of title 28, Code of Federal Regulations, or any successor thereto.'';

(iii) in paragraph (3), by inserting after ''authorized agency'' the following: ''or designated entity, as applicable''; and

(iv) in paragraph (4), by inserting after ''authorized agency'' the following: ''or designated entity, as applicable,'';

(C) in subsection (d), by inserting after ''officer or employee thereof,'' the following: ''nor shall any designated entity nor any officer or employee thereof,'';

(D) by amending subsection (e) to read as follows:

''(e) FEES.—

''(1) STATE PROGRAM.—In the case of a background check conducted pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a covered individual, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed eighteen dollars, respectively, or the actual cost, whichever is less, of the background check conducted with fingerprints.

''(2) FEDERAL PROGRAM.—In the case of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3), the fees collected by a designated entity shall be set at a level that will ensure the recovery of the full costs of providing all such services. The designated entity shall remit the appropriate portion of such fee to the Attorney General, which amount is in accordance with the amount published in the Federal Register to be collected for the provision of a criminal history background check by the Federal Bureau of Investigation.

''(3) ENSURING FEES DO NOT DISCOURAGE VOLUNTEERS.—A fee system under this subsection shall be established in a manner that ensures that fees to qualified entities for background checks do not discourage volunteers from participating in programs to care for children, the elderly, or individuals with disabilities.'';

(E) by inserting after subsection (e) the following:

''(f) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.—

''(1) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK.—Upon a designated entity receiving notice of a request submitted by a qualified entity pursuant to subsection (a)(3), the designated entity shall forward the request to the Attorney General, who shall, acting through the Director of the Federal Bureau of Investigation, complete a fingerprint-based check of the national criminal history background check system, and provide the information received in response to such national criminal history background check to the appropriate designated entity. The designated entity may, upon request from a qualified entity, complete a check of a State criminal history database.

''(2) CRIMINAL HISTORY REVIEW.—

''(A) DESIGNATED ENTITIES.—The Attorney General shall designate, and enter into an agreement with, one or more entities to make determinations described in paragraph (2). The Attorney General may not designate and enter into an agreement with a Federal agency under this subparagraph.

''(B) DETERMINATIONS.—A designated entity shall, upon the receipt of the information described in paragraph (1), make a determination of fitness described in subsection (b)(4), using the criteria described in subparagraph (C).

''(C) CRIMINAL HISTORY REVIEW CRITERIA.—The Attorney General shall, by rule, establish the criteria for use by designated entities in making a determination of fitness described in subsection (b)(4). Such criteria shall be based on the criteria established pursuant to section 108(a)(3)(G)(i) of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (42 U.S.C. 5119a note).''; and

(F) by striking—

(i) ''provider'' each place it appears, and inserting ''covered individual''; and

(ii) ''provider's'' each place it appears, and inserting ''covered individual's''; and

(2) in section 5—

(A) by amending paragraph (9) to read as follows:

''(9) the term 'covered individual' means an individual—

''(A) who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and

''(B) who—

''(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or

''(ii) owns or operates, or seeks to own or operate, a qualified entity.'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by inserting after paragraph (11) the following:

''(12) the term 'designated entity' means an entity designated by the Attorney General under section 3(f)(2)(A).''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall be fully implemented by not later than 1 year after the date of enactment of this Act.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 695, currently under consideration.

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

There was no objection.

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

Mr. Speaker, we have spent a great deal of time this afternoon discussing legislation designed to detect and punish sexual predators. These bills are all strong, well crafted, and laudable. I urge my colleagues to support them.

However, there is another facet to this problem, which is prevention. This may be the most important action we as Congress can take in the realm of child exploitation laws. We must do all we can to prevent child exploitation from happening in the first place.

Mr. Speaker, that is why I am pleased to bring H.R. 695, the Child Protection Improvements Act, before the House today. This legislation is extremely important in that it makes permanent a successful pilot program that allowed youth-serving organizations access to FBI fingerprint database searches.