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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

# H. R.

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To improve the collection and use of data related to crimes of child exploitation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CARNEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To improve the collection and use of data related to crimes of child exploitation, 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 “Responsible and Effec-  
5 tive Solutions for Children Using and Entering Online  
6 Services Act of 2007”.

1 **SEC. 2. DATA RELATING TO CRIMES OF CHILD EXPLOI-**  
2 **TATION.**

3 Section 227(b) of the Victims of Child Abuse Act of  
4 1990 (42 U.S.C. 13032(b)) is amended—

5 (1) by redesignating paragraphs (3) and (4) as  
6 paragraphs (4) and (5), respectively;

7 (2) by inserting after paragraph (2) the fol-  
8 lowing new paragraph:

9 “(3) CONTENTS OF REPORT.—

10 “(A) A provider of electronic communica-  
11 tion services or remote computing services de-  
12 scribed in paragraph (1) who makes a report  
13 under that paragraph shall, to the extent pos-  
14 sible, include in such report information related  
15 to the facts and circumstances of such report  
16 that is reasonably available to the provider, and  
17 that the provider considers to be reliable infor-  
18 mation, which may include—

19 “(i) any identifying information of the  
20 person who is the subject of the report, in-  
21 cluding—

22 “(I) a user identification or other  
23 online identifier;

24 “(II) an electronic mail address;

25 “(III) a website address; or

26 “(IV) a uniform resource locator;

1           “(ii) information pertaining to the ge-  
2           ographic location of the person, website, or  
3           URL involved in the alleged incident,  
4           which may include—

5                   “(I) street address;

6                   “(II) telephone number;

7                   “(III) area code;

8                   “(IV) ZIP code; or

9                   “(V) Internet Protocol address.

10           “(iii) any image of apparent child por-  
11           nography that is the subject of the report;

12           “(iv) the dates and times of the inci-  
13           dent of apparent child pornography, which  
14           may include when images were uploaded,  
15           transmitted, reported, or discovered; and

16           “(v) if not registered with the Na-  
17           tional Center for Missing and Exploited  
18           Children, accurate contact information for  
19           such provider, including address, telephone  
20           number, facsimile number, electronic mail  
21           address, and an individual point of contact  
22           for such provider.

23           “(B) A provider of electronic communica-  
24           tion services or remote computing services who  
25           makes a report under paragraph (1) and pro-

1           vides information in good faith compliance shall  
2           not be considered in violation of this section.”;

3           (3) by amending paragraph (4) (as so redesign-  
4           nated by paragraph (1) of this subsection) to read  
5           as follows:

6           “(4) STATE, LOCAL, AND INTERNATIONAL RE-  
7           FERRALS.—In addition to forwarding such reports  
8           to those agencies designated in paragraph (2), the  
9           National Center for Missing and Exploited Children  
10          is authorized to forward any such report to an ap-  
11          propriate official of a State or subdivision of a State  
12          for the purpose of enforcing State criminal law, or  
13          to an appropriate official of a foreign law enforce-  
14          ment agency that—

15                 “(A) is willing to reciprocally refer such re-  
16                 ports to law enforcement authorities in the  
17                 United States;

18                 “(B) is a signatory to the Council of Eu-  
19                 rope Convention on Cybercrime or a Mutual  
20                 Legal Assistance Treaty with the United States;

21                 “(C) has set forth a legal basis to use the  
22                 materials for purposes of investigating, or en-  
23                 gaging in enforcement proceedings related to,  
24                 possible violations of foreign laws related to  
25                 child pornography and child exploitation similar

1 to practices prohibited by sections 2251,2251A,  
2 2252, 2252A, 2252B, or 2260 of title 18,  
3 United States Code, involving child pornog-  
4 raphy (as defined in section 2256 of that title),  
5 or 1466A of that title;

6 “(D) has set forth a bona fide legal basis  
7 for the foreign law enforcement agency’s au-  
8 thority to maintain the material in confidence;  
9 and

10 “(E) is not from a foreign state that the  
11 Secretary of State has determined, in accord-  
12 ance with section 6(i) of the Export Adminis-  
13 tration Act of 1979 (50 U.S.C. App. 2405(i)),  
14 has repeatedly provided support for acts of  
15 international terrorism, unless and until such  
16 determination is rescinded pursuant to section  
17 6(i)(4) of that Act (50 U.S.C. App.  
18 2405(i)(4)).”; and

19 (5) by adding at the end the following new  
20 paragraph:

21 “(6) DUTY TO PRESERVE EVIDENCE.—The At-  
22 torney General shall designate necessary staff mem-  
23 bers, as specified by the Attorney General, who are  
24 assigned to work full-time at the National Center for  
25 Missing and Exploited Children on reports of child

1        pornography to have responsibility for issuing pres-  
2        ervation requests under section 2703(f) of title 18,  
3        United States Code, to a provider of electronic com-  
4        munication services or remote computing services to  
5        preserve any records or other information related to  
6        the facts or circumstances used by such provider to  
7        make a report under paragraph (1) which has been  
8        referred for investigation to an Internet Crimes  
9        Against Children Task Force in the jurisdiction of  
10       such law enforcement agency. Such preservation re-  
11       quest may be issued related to—

12                “(A) a report to the Cyber Tip Line made  
13                by a provider of electronic communication serv-  
14                ices or remote computing services pursuant to  
15                paragraph (1); or

16                “(B) a report to the Cyber Tip Line made  
17                by a member of the public or a provider of elec-  
18                tronic communication services or remote com-  
19                puting services, if the circumstances are such  
20                that the provider of electronic communication  
21                services or remote computing services reason-  
22                ably believes that an emergency involving the  
23                immediate danger or serious physical injury to  
24                any child justifies preservation.”.

1 **SEC. 3. ENHANCED IMMUNITY TO ENCOURAGE REPORTING**  
2 **BY PROVIDERS.**

3 Section 227(c) of the Victims of Child Abuse Act of  
4 1990 (42 U.S.C. 13032(c)) is amended to read as follows:

5 “(c) LIMITED LIABILITY.—No civil claim or criminal  
6 charge may be brought in Federal or State court against  
7 any provider of electronic communication services or re-  
8 mote computer services on account of any action taken  
9 in good faith by such provider to comply with or pursuant  
10 to this section.”.

11 **SEC. 4. USE OF INFORMATION BY THE NCMEC.**

12 Section 227(f) of the Victims of Child Abuse Act of  
13 1990 (42 U.S.C. 13032(f)) is amended—

14 (1) by redesignating paragraph (2) as para-  
15 graph (3); and

16 (2) by inserting after paragraph (1) the fol-  
17 lowing new paragraph:

18 “(2) USE OF INFORMATION TO COMBAT CHILD  
19 PORNOGRAPHY.—The National Center for Missing  
20 and Exploited Children is authorized to provide ele-  
21 ments relating to any image, including the image  
22 itself, or other relevant information reported to its  
23 Cyber Tipline in accordance with this section, to any  
24 provider of electronic communication services or re-  
25 mote computing services for the purposes described  
26 in subparagraphs (A) and (B), if such provider pro-

1       vides an assurance that such elements shall be used  
2       by the provider only for the following purposes:

3               “(A) To permit such provider to stop the  
4               further transmission of child pornography im-  
5               ages.

6               “(B) To develop technologies to prevent  
7               and detect child pornography.

8               “(C) To develop industry best practices re-  
9               lated to the prevention and detection of child  
10              pornography.”.

11 **SEC. 5. ADDITIONAL PROVISIONS.**

12       Section 227 of the Victims of Child Abuse Act of  
13 1990 (42 U.S.C. 13032(c)) is further amended by adding  
14 at the end the following new subsections:

15       “(h) STATE PREEMPTION.—Any law, regulation, pro-  
16 vision, or action of any State that requires any person to  
17 notify another person, governmental agency, or other enti-  
18 ty regarding images of child pornography or of child sex-  
19 ual exploitation displayed or transmitted on the Internet,  
20 or under which liability is imposed on any person for fail-  
21 ure to notify another person, a governmental agency, or  
22 other entity regarding such images shall be preempted.

23       “(i) REPORTS TO CONGRESS.—

24               “(1) ANNUAL REPORT BY THE ATTORNEY GEN-  
25              ERAL.—The Attorney General of the United States

1 shall submit to Congress, and make publicly avail-  
2 able on the website of the Department of Justice, an  
3 annual report containing—

4 “(A) the number of—

5 “(i) investigations by Federal, State,  
6 and local law enforcement agencies of  
7 crimes of sexual exploitation against chil-  
8 dren that are initiated by a report made to  
9 the National Center for Missing and Ex-  
10 ploited Children under subsection (b)(1);

11 “(ii) prosecutions resulting from in-  
12 vestigations by Federal, State, and local  
13 law enforcement agencies of crimes of sex-  
14 ual exploitation against children initiated  
15 by such a report;

16 “(iii) convictions resulting from pros-  
17 ecutions by Federal, State, and local au-  
18 thorities of crimes of sexual exploitation  
19 against children initiated by such a report;  
20 and

21 “(iv) convictions of repeat offenders  
22 initiated by such a report;

23 “(B) descriptions of sentences given to  
24 persons convicted as a result of investigations  
25 initiated by such a report;

1           “(C) the length of time between initiation  
2           and completion of investigations, prosecutions,  
3           and convictions initiated by such a report;

4           “(D) the results of investigation initiated  
5           by such a report, including whether a closed in-  
6           vestigation was reopened, the reasons an inves-  
7           tigation was reopened (if applicable), and the  
8           ultimate result of the investigation.

9           “(2) ANNUAL VERIFICATION REPORT BY THE  
10          INSPECTOR GENERAL.—The Inspector General of  
11          the Department of Justice shall submit to Congress,  
12          and make publicly available on the website of the  
13          Department of Justice, an independent verification  
14          of the report submitted by the Attorney General in  
15          accordance with paragraph (1).”.

16 **SEC. 6. EFFECTIVE DATE.**

17          This Act, and the amendments made by this Act,  
18          shall take effect 180 days after the date of the enactment  
19          of this Act.