

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1965

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## AN ACT

To protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

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; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
5 “Protecting Children in the 21st Century Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.

Sec. 102. Public awareness campaign.

Sec. 103. Annual reports.

Sec. 104. Online safety and technology working group.

Sec. 105. Promoting online safety in schools.

Sec. 106. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.

3 **TITLE I—PROMOTING A SAFE**  
 4 **INTERNET FOR CHILDREN**

5 **SEC. 101. INTERNET SAFETY.**

6 For the purposes of this title, the issue of Internet  
 7 safety includes issues regarding the use of the Internet  
 8 in a manner that promotes safe online activity for chil-  
 9 dren, protects children from cybercrimes, including crimes  
 10 by online predators, and helps parents shield their children  
 11 from material that is inappropriate for minors.

12 **SEC. 102. PUBLIC AWARENESS CAMPAIGN.**

13 The Federal Trade Commission shall carry out a na-  
 14 tionwide program to increase public awareness and pro-  
 15 vide education regarding strategies to promote the safe  
 16 use of the Internet by children. The program shall utilize  
 17 existing resources and efforts of the Federal Government,  
 18 State and local governments, nonprofit organizations, pri-  
 19 vate technology and financial companies, Internet service

1 providers, World Wide Web-based resources, and other ap-  
2 propriate entities, that includes—

3           (1) identifying, promoting, and encouraging  
4 best practices for Internet safety;

5           (2) establishing and carrying out a national  
6 outreach and education campaign regarding Internet  
7 safety utilizing various media and Internet-based re-  
8 sources;

9           (3) facilitating access to, and the exchange of,  
10 information regarding Internet safety to promote up-  
11 to-date knowledge regarding current issues; and

12           (4) facilitating access to Internet safety edu-  
13 cation and public awareness efforts the Commission  
14 considers appropriate by States, units of local gov-  
15 ernment, schools, police departments, nonprofit or-  
16 ganizations, and other appropriate entities.

17 **SEC. 103. ANNUAL REPORTS.**

18       The Commission shall submit a report to the Senate  
19 Committee on Commerce, Science, and Transportation not  
20 later than March 31 of each year that describes the activi-  
21 ties carried out under section 102 by the Commission dur-  
22 ing the preceding calendar year.

1 **SEC. 104. ONLINE SAFETY AND TECHNOLOGY WORKING**  
2 **GROUP.**

3 (a) ESTABLISHMENT.—Within 90 days after the date  
4 of enactment of this Act, the Assistant Secretary of Com-  
5 merce for Communications and Information shall establish  
6 an Online Safety and Technology working group com-  
7 prised of representatives of relevant sectors of the business  
8 community, public interest groups, and other appropriate  
9 groups and Federal agencies to review and evaluate—

10 (1) the status of industry efforts to promote on-  
11 line safety through educational efforts, parental con-  
12 trol technology, blocking and filtering software, age-  
13 appropriate labels for content or other technologies  
14 or initiatives designed to promote a safe online envi-  
15 ronment for children;

16 (2) the status of industry efforts to promote on-  
17 line safety among providers of electronic communica-  
18 tions services and remote computing services by re-  
19 porting apparent child pornography under section  
20 13032 of title 42, United States Code, including  
21 amendments made by this Act with respect to the  
22 content of such reports and any obstacles to such re-  
23 porting;

24 (3) the practices of electronic communications  
25 service providers and remote computing service pro-

1       viders related to record retention in connection with  
2       crimes against children; and

3               (4) the development of technologies to help par-  
4       ents shield their children from inappropriate mate-  
5       rial on the Internet.

6       (b) REPORT.—Within 1 year after the working group  
7 is first convened, it shall submit a report to the Assistant  
8 Secretary and the Senate Committee on Commerce,  
9 Science, and Transportation that—

10               (1) describes in detail its findings, including  
11       any information related to the effectiveness of such  
12       strategies and technologies and any information  
13       about the prevalence within industry of educational  
14       campaigns, parental control technologies, blocking  
15       and filtering software, labeling, or other technologies  
16       to assist parents; and

17               (2) includes recommendations as to what types  
18       of incentives could be used or developed to increase  
19       the effectiveness and implementation of such strate-  
20       gies and technologies.

21       (c) FACA NOT TO APPLY TO WORKING GROUP.—  
22 The Federal Advisory Committee Act (5 U.S.C. App.)  
23 shall not apply to the working group.

1 **SEC. 105. PROMOTING ONLINE SAFETY IN SCHOOLS.**

2 Section 254(h)(5)(B) of the Communications Act of  
3 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

4 (1) by striking “and” after the semicolon in  
5 clause (i);

6 (2) by striking “minors.” in clause (ii) and in-  
7 serting “minors; and”; and

8 (3) by adding at the end the following:

9 “(iii) as part of its Internet safety  
10 policy is educating minors about appro-  
11 priate online behavior, including inter-  
12 acting with other individuals on social net-  
13 working websites and in chat rooms and  
14 cyberbullying awareness and response.”.

15 **SEC. 106. DEFINITIONS.**

16 In this title:

17 (1) COMMISSION.—The term “Commission”  
18 means the Federal Trade Commission.

19 (2) INTERNET.—The term “Internet” means  
20 collectively the myriad of computer and tele-  
21 communications facilities, including equipment and  
22 operating software, which comprise the inter-  
23 connected world-wide network of networks that em-  
24 ploy the Transmission Control Protocol/Internet  
25 Protocol, or any predecessor successor protocols to

1 such protocol, to communicate information of all  
2 kinds by wire or radio.

3 **TITLE II—ENHANCING CHILD**  
4 **PORNOGRAPHY ENFORCEMENT**

5 **SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEIT-**  
6 **URES RELATED TO CHILD PORNOGRAPHY**  
7 **VIOLATIONS.**

8 (a) IN GENERAL.—Section 503(b)(1) of the Commu-  
9 nications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

10 (1) by striking “or” after the semicolon in sub-  
11 paragraph (C);

12 (2) by striking “or 1464” in subparagraph (D)  
13 and inserting “1464, or 2252”;

14 (3) by inserting “or” after the semicolon in  
15 subparagraph (D); and

16 (4) by inserting after subparagraph (D) the fol-  
17 lowing:

18 “(E) violated any provision of section 227 of  
19 the Victims of Child Abuse Act of 1990 (42 U.S.C.  
20 13032);”.

Passed the Senate May 22, 2008.

Attest:

*Secretary.*

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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