

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3993

To amend title 18, United States Code, with respect to the sexual exploitation of children.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1994

Mr. RAMSTAD (for himself, Mr. KENNEDY, and Mr. BLILEY) introduced the following bill; which was referred to the Committee on the Judiciary.

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## A BILL

To amend title 18, United States Code, with respect to the sexual exploitation of children.

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 “Child Sexual Abuse  
5 Prevention Act of 1994”.

6 **SEC. 2. PENALTIES FOR INTERNATIONAL TRAFFICKING IN**  
7 **CHILD PORNOGRAPHY.**

8 (a) IMPORT RELATED OFFENSE.—Chapter 110 of  
9 title 18, United States Code, is amended by adding at the  
10 end the following new section:

1 **“§ 2259. Production of sexually explicit depictions of**  
2 **a minor for importation into the United**  
3 **States**

4 “(a) USE OF MINOR.—A person who, outside the  
5 United States, employs, uses, persuades, induces, entices,  
6 or coerces any minor to engage in, or who has a minor  
7 assist any other person to engage in, or who transports  
8 any minor with the intent that the minor engage in any  
9 sexually explicit conduct for the purpose of producing any  
10 visual depiction of such conduct, intending that the visual  
11 depiction will be imported into the United States or into  
12 waters within 12 miles of the coast of the United States,  
13 shall be punished as provided in subsection (c).

14 “(b) USE OF VISUAL DEPICTION.—A person who,  
15 outside the United States, knowingly receives, transports,  
16 ships, distributes, sells, or possesses with intent to trans-  
17 port, ship, sell, or distribute any visual depiction of a  
18 minor engaging in sexually explicit conduct (if the produc-  
19 tion of the visual depiction involved the use of a minor  
20 engaging in sexually explicit conduct), intending that the  
21 visual depiction will be imported into the United States  
22 or into waters within a distance of 12 miles of the coast  
23 of the United States, shall be punished as provided in sub-  
24 section (c).

25 “(c) PENALTIES.—A person who violates subsection  
26 (a) or (b), or conspires or attempts to do so—

1           “(1) shall be fined under this title, imprisoned  
2 not more than 10 years, or both; and

3           “(2) if the person has a prior conviction under  
4 this chapter or chapter 109A, shall be fined under  
5 this title, imprisoned not more than 20 years, or  
6 both.”.

7           (b) TECHNICAL AMENDMENT.—

8           (1) CHAPTER ANALYSIS.—The table of sections  
9 at the beginning of chapter 110 of title 18, United  
10 States Code, is amended by adding at the end the  
11 following new item:

“2259. Production of sexually explicit depictions of a minor for importation into  
the United States.”.

12           (2) FINE PROVISIONS.—Section 2251(d) of title  
13 18, United States Code, is amended—

14           (A) by striking “not more than \$100,000,  
15 or” and inserting “under this title,”;

16           (B) by striking “not more than \$200,000,  
17 or” and inserting “under this title,”; and

18           (C) by striking “not more than \$250,000”  
19 and inserting “under this title”.

20           (c) SECTION 2251 PENALTY ENHANCEMENT.—Sec-  
21 tion 2251(d) of title 18, United States Code, is amended  
22 by striking “this section” the second place it appears and  
23 inserting “this chapter or chapter 109A”.

1 (d) SECTION 2252 PENALTY ENHANCEMENT.—Sec-  
2 tion 2252(b)(1) of title 18, United States Code, is amend-  
3 ed by striking “this section” and inserting “this chapter  
4 or chapter 109A”.

5 (e) CONSPIRACY AND ATTEMPT.—Sections 2251(d)  
6 and 2252(b) of title 18, United States Code, are each  
7 amended by inserting “, or attempts or conspires to vio-  
8 late,” after “violates” each place it appears.

9 (f) RICO AMENDMENT.—Section 1961(l) of title 18,  
10 United States Code, is amended by striking “2251–2252”  
11 and inserting “2251, 2252, and 2259”.

12 (g) TRANSPORTATION OF MINORS.—Chapter 117 of  
13 title 18, United States Code, is amended—

14 (1) by adding at the end the following new sec-  
15 tion:

16 **“§ 2425. Travel with intent to engage in a sexual act**  
17 **with a juvenile**

18 “A person who travels in interstate commerce, or con-  
19 spires to do so, or a United States citizen or an alien ad-  
20 mitted for permanent residence in the United States who  
21 travels in foreign commerce, or conspires to do so, for the  
22 purpose of engaging in any sexual act (as defined in sec-  
23 tion 2245) with a person under 18 years of age that would  
24 be in violation of chapter 109A if the sexual act occurred  
25 in the special maritime and territorial jurisdiction of the

1 United States shall be fined under this title, imprisoned  
2 not more than 10 years, or both.”; and

3 (2) in the table of sections at the beginning, by  
4 adding at the end the following new item:

“2425. Travel with intent to engage in a sexual act with a juvenile.”.

5 **SEC. 3. SENSE OF CONGRESS CONCERNING STATE LEGIS-**  
6 **LATION REGARDING CHILD PORNOGRAPHY.**

7 It is the sense of the Congress that each State that  
8 has not yet done so should enact legislation prohibiting  
9 the production, distribution, receipt, or simple possession  
10 of materials depicting a person under 18 years of age en-  
11 gaging in sexually explicit conduct (as defined in section  
12 2256 of title 18, United States Code) and providing for  
13 a maximum imprisonment of at least 1 year and for the  
14 forfeiture of assets used in the commission or support of,  
15 or gained from, such offenses.

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