

Union Calendar No. 261

103^D CONGRESS
2^D SESSION

H. R. 3993

[Report No. 103-469]

A BILL

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

MARCH 25, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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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

MARCH 25, 1994

Additional sponsors: Mr. LANTOS, Mrs. BYRNE, Mr. FIELDS of Texas, Mr. JOHNSON of South Dakota, Mr. CUNNINGHAM, Mr. LEWIS of Florida, Mr. FILNER, Mr. FOGLIETTA, Mr. RAHALL, Mr. UNDERWOOD, Mr. AP-
PLEGATE, Mr. WOLF, Mr. FROST, and Mr. PORTER

MARCH 25, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Sexual Abuse
3 Prevention Act of 1994”.

4 **SEC. 2. PENALTIES FOR INTERNATIONAL TRAFFICKING IN**
5 **CHILD PORNOGRAPHY.**

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

9 **“§ 2259. Production of sexually explicit depictions of**
10 **a minor for importation into the United**
11 **States**

12 “(a) USE OF MINOR.—A person who, outside the
13 United States, employs, uses, persuades, induces, entices,
14 or coerces any minor to engage in, or who has a minor
15 assist any other person to engage in, or who transports
16 any minor with the intent that the minor engage in any
17 sexually explicit conduct for the purpose of producing any
18 visual depiction of such conduct, intending that the visual
19 depiction will be imported into the United States or into
20 waters within 12 miles of the coast of the United States,
21 shall be punished as provided in subsection (c).

22 “(b) USE OF VISUAL DEPICTION.—A person who,
23 outside the United States, knowingly receives, transports,
24 ships, distributes, sells, or possesses with intent to trans-
25 port, ship, sell, or distribute any visual depiction of a
26 minor engaging in sexually explicit conduct (if the produc-

1 tion of the visual depiction involved the use of a minor
2 engaging in sexually explicit conduct), intending that the
3 visual depiction will be imported into the United States
4 or into waters within a distance of 12 miles of the coast
5 of the United States, shall be punished as provided in sub-
6 section (c).

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

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

11 “(2) if the person has a prior conviction under
12 this chapter or chapter 109A, shall be fined under
13 this title, imprisoned not more than 20 years, or
14 both.”.

15 (b) TECHNICAL AMENDMENT.—

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

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

20 (2) FINE PROVISIONS.—Section 2251(d) of title
21 18, United States Code, is amended—

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

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

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

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

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

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

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

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

22 (1) by adding at the end the following new sec-
23 tion:

1 **“§ 2425. Travel with intent to engage in a sexual act**
2 **with a juvenile**

3 “A person who travels in interstate commerce, or con-
4 spires to do so, or a United States citizen or an alien ad-
5 mitted for permanent residence in the United States who
6 travels in foreign commerce, or conspires to do so, for the
7 purpose of engaging in any sexual act (as defined in sec-
8 tion 2245) with a person under 18 years of age that would
9 be in violation of chapter 109A if the sexual act occurred
10 in the special maritime and territorial jurisdiction of the
11 United States shall be fined under this title, imprisoned
12 not more than 10 years, or both.”; and

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

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

15 **SEC. 3. SENSE OF CONGRESS CONCERNING STATE LEGIS-**
16 **LATION REGARDING CHILD PORNOGRAPHY.**

17 It is the sense of the Congress that each State that
18 has not yet done so should enact legislation prohibiting
19 the production, distribution, receipt, or simple possession
20 of materials depicting a person under 18 years of age en-
21 gaging in sexually explicit conduct (as defined in section
22 2256 of title 18, United States Code) and providing for
23 a maximum imprisonment of at least 1 year and for the
24 forfeiture of assets used in the commission or support of,
25 or gained from, such offenses.

