

H.R. 2

IN THE HOUSE OF REPRESENTATIVES

January 11th, 2023

Mr. Posting (for himself, Mr. O'Connor, Mr. Sullivan, Mr. Brown)
introduced the following bill;

A BILL

To increase penalties for child exploitation in the United States, expand resources designed to protect children from exploitation, and give the FBI jurisdiction over state-level sex crimes involving children.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Protect American Children Act."

SEC. 2. PURPOSE.

The purpose of this Act is to strengthen laws and increase penalties related to child abuse, neglect, and exploitation, in order to better protect minors from harm and provide greater support to victims and their families.

SEC. 3. FINDINGS.

The Congress finds that:

- (a) Child abuse, neglect, and exploitation are serious problems that require immediate action.
- (b) Minors need additional protections online.
- (c) Government should support the victims and their families.
- (d) The current penalties for child exploitation are not sufficient to deter the crime.

SEC. 4. DEFINITIONS.

In this Act:

- (a) "Child sexual abuse" means the sexual exploitation or sexual contact with a child, including but not limited to sexual abuse, sexual molestation, sexual conduct, sexual exploitation, or sexual contact, or any conduct that constitutes a violation of federal law or the law of any State or the District of Columbia.
- (b) "Child sexual abuse material" (CSAM) refers to any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct.
- (c) "Minor" refers to any person under the age of 18.
- (d) "Online sexual exploitation" refers to the act of recruiting, enticing, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting by means of the internet or other electronic means, a minor for the purpose of a commercial sex act.
- (e) "Grooming" refers to the act of preparing a child for sexual abuse or exploitation by building trust, providing gifts or money, and engaging in other forms of manipulation.

SEC. 5. SUPPORT AND SERVICES FOR VICTIMS

- (a) The Attorney General shall establish and maintain a program to provide comprehensive services to victims of child sexual abuse and their families, including but not limited to:
 - (i) crisis intervention services;
 - (ii) counseling and therapy services;
 - (iii) medical and forensic examination and treatment services;
 - (iv) legal advocacy and representation services;
 - (v) support groups and peer counseling services;
 - (vi) assistance in obtaining compensation and restitution;
 - (vii) translation and interpretation services;
 - (viii) transportation and relocation assistance;
 - (ix) educational and vocational training services;
 - (x) long-term housing and aftercare services.
- (b) The program established under this section shall provide services to child sexual abuse victims, regardless of whether the crime has been reported to law enforcement, and shall ensure the

provision of services to child sexual abuse victims who are otherwise underserved or at-risk, including but not limited to:

- (i) children who are part of marginalized communities;
 - (ii) children who are homeless or in foster care;
 - (iii) children who are involved in the child welfare or juvenile justice systems;
 - (iv) children who are immigrants or refugees.
- (c) The program established under this section shall provide training and technical assistance to professionals, including but not limited to:
- (i) law enforcement officers;
 - (ii) Prosecutors;
 - (iii) child welfare workers;
 - (iv) medical and mental health professionals;
 - (v) Educators;
 - (vi) community-based organizations and service providers;
 - (vii) judges and other court personnel;
 - (viii) religious leaders and other community leaders.
- (d) The program established under this section shall collaborate with relevant Federal, State, local, and tribal entities, as well as with private organizations, to provide a coordinated response to child sexual abuse and to ensure the provision of comprehensive and culturally appropriate services to child sexual abuse victims and their families.
- (e) The Attorney General shall make grants to public and private entities to establish or expand services for child sexual abuse victims, as well as to support the activities and programs established under this section.

SEC. 6. ONLINE PROTECTION OF MINORS

- (a) The Federal Trade Commission (FTC) shall establish and implement a program to protect minors from online sexual exploitation and abuse. The program shall include but not be limited to:
- (i) Development and dissemination of best practices for industry and stakeholders on the prevention and identification of online child sexual exploitation and abuse
 - (ii) The creation of a centralized database of known offenders, convicted or charged of online sexual exploitation and abuse of minors.
 - (iii) The establishment of a CyberTipline to receive and process reports of online child sexual exploitation and abuse.

- (iv) The conducting of investigations and enforcements against those who violate federal laws and regulations related to online child sexual exploitation and abuse.
 - (v) The coordination and collaboration with state and local law enforcement agencies, as well as international partners, to investigate and prosecute online child sexual exploitation and abuse cases.
 - (vi) Providing training and technical assistance to law enforcement agencies, educators, and other stakeholders on the identification and prevention of online child sexual exploitation and abuse.
- (b) The FTC shall, in collaboration with relevant federal agencies and industry stakeholders, conduct regular reviews of online platforms to identify and prevent the distribution of child sexual abuse material (CSAM) and the grooming of children for sexual abuse. The review shall include but not be limited to:
- (i) Conducting regular audits of platforms to ensure that appropriate measures are in place to identify and remove CSAM and other illegal content.
 - (ii) Reviewing and assessing the effectiveness of current technologies and practices used by platforms to identify and remove CSAM and other illegal content.
 - (iii) Identifying and sharing new technologies and practices to aid in the identification and removal of CSAM and other illegal content.
- (c) The FTC shall establish a program to provide education and awareness about online sexual exploitation and abuse of minors to parents, educators, and children. The program shall include but not be limited to:
- (i) Developing and distributing educational materials for parents, educators, and children on the dangers of online sexual exploitation and abuse and how to protect themselves.
 - (ii) Providing training and technical assistance to educators, parents, and children on internet safety and digital literacy.
 - (iii) Partnering with schools, community organizations, and other stakeholders to provide educational resources and programs on online safety and digital literacy to parents and children.
 - (iv) Promoting public awareness campaigns to increase awareness of online sexual exploitation and abuse of minors and how to protect against it.
- (d) The FTC shall establish a program to provide support and services to minors who have been victimized by online sexual exploitation and abuse. The program shall include but not be limited to:
- (i) Providing immediate crisis intervention services and counseling to victims.

- (ii) Providing legal and advocacy services for victims and their families.
- (iii) Coordinating with relevant federal, state, and local agencies and organizations to provide comprehensive services to victims and their families.
- (iv) Providing long-term care and aftercare services for victims.

SEC. 7. INCREASED PENALTIES FOR CHILD EXPLOITATION

(a) The following sections of Title 18, United States Code, are amended as follows:

- (i) Section 2252(a)(1), relating to certain activities relating to material involving the sexual exploitation of minors, is amended by replacing "not less than 5 years and not more than 20 years" with "not less than 10 years and not more than 40 years" for a first offense and "not less than 15 years and not more than life" for a second or subsequent offense.
- (ii) Section 2254, relating to civil forfeiture, is amended by adding the following new subsection:

The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States any property used or intended to be used to commit or to facilitate the commission of such violation.
- (iii) A new section is added as follows:

Section 2259A. Sexual Abuse of Children Under 14 Years of Age

 - (a) Any person who engages in sexual conduct with a child who is less than 14 years of age anywhere in the United States shall be punished by life imprisonment.
- (iv) The United States Sentencing Commission shall amend the sentencing guidelines to reflect the increased penalties provided in this section.

SEC. 8. JURISDICTION AND FUNDING FOR INVESTIGATION OF CHILD SEX CRIMES

(a) The following section of Title 18, United States Code, is amended as follows:

- (i) Add a new section "18 U.S.C. § 3060. Jurisdiction of the Federal Bureau of Investigation in child sexual abuse cases" that shall state:

§ 3060. Jurisdiction of the Federal Bureau of Investigation in child sexual abuse cases

(a) The Federal Bureau of Investigation shall have jurisdiction to investigate and prosecute any offense under sections 2251, 2251A, 2252, 2252A, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2421, 2422, 2423, and 2425 of this title, and any offense under

chapter 109A of this title, if the victim is a child, and shall have jurisdiction to investigate and prosecute any other child sexual abuse offenses that involve a child who is a citizen or permanent resident alien of the United States or that occurs within the special maritime and territorial jurisdiction of the United States.

(b) The Federal Bureau of Investigation may investigate any conduct that constitutes a child sexual abuse offense under Federal law.

- (b) The Attorney General shall provide the Federal Bureau of Investigation with the necessary funds to investigate and prosecute sex crimes involving children, which shall be made available from the Federal Bureau of Investigation's budget. ~~The sum of \$100 million per fiscal year is authorized to be appropriated to the Department of Justice for the express purpose of investigating and prosecuting child sexual abuse offenses under the jurisdiction of the Federal Bureau of Investigation.~~
- (c) The Attorney General shall establish or support any specialized units, programs, or task forces within the Federal Bureau of Investigation, as deemed necessary, to investigate and prosecute child sex crimes.

SEC. 9. FUNDING

- ~~(a) The programs and activities established under this Act shall be funded through the following sources:~~
- ~~(b) Annual appropriations from the general treasury of the United States:~~
- ~~(i) — \$20 million for the program established under Section 6 to provide support and services to child sexual abuse victims and their families;~~
 - ~~(ii) — \$20 million for the program established under Section 7 to protect minors from online sexual exploitation and abuse;~~
 - ~~(iii) — \$40 million for the program established under Section 8 to give the FBI jurisdiction over sex crimes involving children committed anywhere in the U.S. as well as providing funding for the FBI to go after sex crimes involving children;~~
 - ~~(iv) — \$5 million for the program established under Section 6 to provide training and technical assistance to professionals;~~
- ~~(e) Funds made available through grants, contracts, or cooperative agreements with public or private entities:~~
- ~~(i) — The program established under Section 6 to establish or expand services for child sexual abuse victims.~~

~~(d) The funds collected from individuals or entities convicted of offenses under this Act shall be deposited into the general treasury of the United States and shall be available for appropriation to fund the programs and activities established under this Act.~~

(a) The following sums are authorized to be appropriated from the general treasury of the United States each fiscal year:

- (i) \$10,000,000.00, for the purposes of providing support and services to child sexual abuse victims and their families, pursuant to the program established in Section 6;**
- (ii) \$10,000,000.00, for the purposes of protecting minors from online sexual exploitation and abuse, pursuant to the program established in Section 7;**
- (iii) 20,000,000.00 for the purposes of prosecuting sex crimes involving minors under eight-teen years of age, pursuant to the program established in Section 8; and**
- (iv) 2,500,000.00 for the purposes of providing training and technical assistance to professionals, pursuant to the program established in Section 6.**

~~SEC. 9. ENACTMENT.~~

~~EFFECTIVE DATE. The provisions of this Act shall come into force immediately upon passage.~~
