

**COMMITTEE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 4623**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

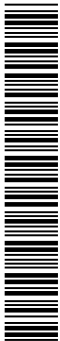
2 This Act may be cited as the “Child Obscenity and
3 Pornography Prevention Act of 2002”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) Obscenity and child pornography are not
7 entitled to protection under the First Amendment
8 under *Miller v. California*, 413 U.S. 15 (1973) (ob-
9 scenity), or *New York v. Ferber*, 458 U.S. 747
10 (1982) (child pornography) and thus may be prohib-
11 ited.

12 (2) The Government has a compelling state in-
13 terest in protecting children from those who sexually
14 exploit them, including both child molesters and
15 child pornographers. “The prevention of sexual ex-
16 ploitation and abuse of children constitutes a gov-
17 ernment objective of surpassing importance,” *New*
18 *York v. Ferber*, 458 U.S. 747, 757 (1982) (empha-
19 sis added), and this interest extends to stamping out
20 the vice of child pornography at all levels in the dis-



1 tribution chain. *Osborne v. Ohio*, 495 U.S. 103, 110
2 (1990).

3 (3) The Government thus has a compelling in-
4 terest in ensuring that the criminal prohibitions
5 against child pornography remain enforceable and
6 effective. “[T]he most expeditious if not the only
7 practical method of law enforcement may be to dry
8 up the market for this material by imposing severe
9 criminal penalties on persons selling, advertising, or
10 otherwise promoting the product.” *Ferber*, 458 U.S.
11 at 760.

12 (4) In 1982, when the Supreme Court decided
13 *Ferber*, the technology did not exist to: (A) create
14 depictions of virtual children that are indistinguish-
15 able from depictions of real children; (B) create de-
16 pictions of virtual children using compositions of real
17 children to create an unidentifiable child; or (C) dis-
18 guise pictures of real children being abused by mak-
19 ing the image look computer generated.

20 (5) Evidence submitted to the Congress, includ-
21 ing from the National Center for Missing and Ex-
22 ploited Children, demonstrates that technology al-
23 ready exists to disguise depictions of real children to
24 make them unidentifiable and to make depictions of
25 real children appear computer generated. The tech-



1 nology will soon exist, if it does not already, to make
2 depictions of virtual children look real.

3 (6) The vast majority of child pornography
4 prosecutions today involve images contained on com-
5 puter hard drives, computer disks, and/or related
6 media.

7 (7) There is no substantial evidence that any of
8 the child pornography images being trafficked today
9 were made other than by the abuse of real children.
10 Nevertheless, technological advances since Ferber
11 have led many criminal defendants to suggest that
12 the images of child pornography they possess are not
13 those of real children, insisting that the government
14 prove beyond a reasonable doubt that the images are
15 not computer-generated. Such challenges will likely
16 increase after the Ashcroft v. Free Speech Coalition
17 decision.

18 (8) Child pornography circulating on the Inter-
19 net has, by definition, been digitally uploaded or
20 scanned into computers and has been transferred
21 over the Internet, often in different file formats,
22 from trafficker to trafficker. An image seized from
23 a collector of child pornography is rarely a first-gen-
24 eration product, and the retransmission of images
25 can alter the image so as to make it difficult for



1 even an expert conclusively to opine that a particular
2 image depicts a real child. If the original image has
3 been scanned from a paper version into a digital for-
4 mat, this task can be even harder since proper fo-
5 rensic delineation may depend on the quality of the
6 image scanned and the tools used to scan it.

7 (9) The impact on the government's ability to
8 prosecute child pornography offenders is already evi-
9 dent. The Ninth Circuit has seen a significant ad-
10 verse effect on prosecutions since the 1999 Ninth
11 Circuit Court of Appeals decision in Free Speech
12 Coalition. After that decision, prosecutions generally
13 have been brought in the Ninth Circuit only in the
14 most clear-cut cases in which the government can
15 specifically identify the child in the depiction or oth-
16 erwise identify the origin of the image. This is a
17 fraction of meritorious child pornography cases. The
18 National Center for Missing and Exploited Children
19 testified that, in light of the Supreme Court's affir-
20 mation of the Ninth Circuit decision, prosecutors in
21 various parts of the country have expressed concern
22 about the continued viability of previously indicted
23 cases as well as declined potentially meritorious
24 prosecutions.



1 (10) In the absence of congressional action, this
2 problem will continue to grow increasingly worse.
3 The mere prospect that the technology exists to cre-
4 ate computer or computer-generated depictions that
5 are indistinguishable from depictions of real children
6 will allow defendants who possess images of real
7 children to escape prosecution, for it threatens to
8 create a reasonable doubt in every case of computer
9 images even when a real child was abused. This
10 threatens to render child pornography laws that pro-
11 tect real children unenforceable.

12 (11) To avoid this grave threat to the Govern-
13 ment's unquestioned compelling interest in effective
14 enforcement of the child pornography laws that pro-
15 tect real children, a statute must be adopted that
16 prohibits a narrowly-defined subcategory of images.

17 (12) The Supreme Court's 1982 *Ferber v. New*
18 York decision holding that child pornography was
19 not protected drove child pornography off the shelves
20 of adult bookstores. Congressional action is nec-
21 essary to ensure that open and notorious trafficking
22 in such materials does not reappear.



1 **SEC. 3. IMPROVEMENTS TO PROHIBITION ON VIRTUAL**
2 **CHILD PORNOGRAPHY.**

3 (a) Section 2256(8)(B) of title 18, United States
4 Code, is amended to read as follows:

5 “(B) such visual depiction is a computer
6 image or computer-generated image that is, or
7 is indistinguishable (as defined in section
8 1466A) from, that of a minor engaging in sexu-
9 ally explicit conduct; or”.

10 (b) Section 2256(2) of title 18, United States Code,
11 is amended to read as follows:

12 “(2)(A) Except as provided in subparagraph
13 (B), ‘sexually explicit conduct’ means actual or
14 simulated—

15 “(i) sexual intercourse, including genital-
16 genital, oral-genital, anal-genital, or oral-anal,
17 whether between persons of the same or oppo-
18 site sex;

19 “(ii) bestiality;

20 “(iii) masturbation;

21 “(iv) sadistic or masochistic abuse; or

22 “(v) lascivious exhibition of the genitals or
23 pubic area of any person;

24 “(B) For purposes of subsection 8(B) of this
25 section, ‘sexually explicit conduct’ means—



1 “(i) actual sexual intercourse, including
2 genital-genital, oral-genital, anal-genital, or
3 oral-anal, whether between persons of the same
4 or opposite sex, or lascivious simulated sexual
5 intercourse where the genitals, breast, or pubic
6 area of any person is exhibited;

7 “(ii) actual or lascivious simulated;

8 “(I) bestiality;

9 “(II) masturbation; or

10 “(III) sadistic or masochistic abuse;

11 or

12 “(iii) actual or simulated lascivious exhi-
13 bition of the genitals or pubic area of any per-
14 son;”.

15 (c) Section 2252A(c) of title 18, United States Code,
16 is amended to read as follows:

17 “(c)(1) Except as provided in paragraph (2), it shall
18 be an affirmative defense to a charge of violating this sec-
19 tion that the alleged offense did not involve the use of a
20 minor or an attempt or conspiracy to commit an offense
21 under this section involving such use.

22 “(2) A violation of, or an attempt or conspiracy to
23 violate, this section which involves child pornography as
24 defined in section 2256(8)(A) or (C) shall be punishable



1 without regard to the affirmative defense set forth in para-
2 graph (1).”.

3 **SEC. 4. PROHIBITION ON PANDERING MATERIALS AS**
4 **CHILD PORNOGRAPHY.**

5 (a) Section 2256(8) of title 18, United States Code,
6 is amended—

7 (1) by inserting “or” at the end of subpara-
8 graph (B);

9 (2) in subparagraph (C), by striking “or” at
10 the end and inserting “and”; and

11 (3) by striking subparagraph (D).

12 (b) Chapter 110 of title 18, United States Code, is
13 amended—

14 (1) by inserting after section 2252A the fol-
15 lowing:

16 **“§ 2252B. Pandering and solicitation**

17 “(a) Whoever, in a circumstance described in sub-
18 section (d), offers, agrees, attempts, or conspires to pro-
19 vide or sell a visual depiction to another, and who in con-
20 nection therewith knowingly advertises, promotes, pre-
21 sents, or describes the visual depiction with the intent to
22 cause any person to believe that the material is, or con-
23 tains, a visual depiction of a minor engaging in sexually
24 explicit conduct shall be subject to the penalties set forth



1 in section 2252A(b)(1), including the penalties provided
2 for cases involving a prior conviction.

3 “(b) Whoever, in a circumstance described in sub-
4 section (d), offers, agrees, attempts, or conspires to receive
5 or purchase from another a visual depiction that he be-
6 lieves to be, or to contain, a visual depiction of a minor
7 engaging in sexually explicit conduct shall be subject to
8 the penalties set forth in section 2252A(b)(1), including
9 the penalties provided for cases involving a prior convic-
10 tion.

11 “(c) It is not a required element of any offense under
12 this section that any person actually provide, sell, receive,
13 purchase, possess, or produce any visual depiction.

14 “(d) The circumstance referred to in subsection (a)
15 and (b) is that—

16 “(1) any communication involved in or made in
17 furtherance of the offense is communicated or trans-
18 ported by the mail, or in interstate or foreign com-
19 merce by any means, including by computer, or any
20 means or instrumentality of interstate or foreign
21 commerce is otherwise used in committing or in fur-
22 therance of the commission of the offense;

23 “(2) any communication involved in or made in
24 furtherance of the offense contemplates the trans-
25 mission or transportation of a visual depiction by the



1 mail, or in interstate or foreign commerce by any
2 means, including by computer;

3 “(3) any person travels or is transported in
4 interstate or foreign commerce in the course of the
5 commission or in furtherance of the commission of
6 the offense;

7 “(4) any visual depiction involved in the offense
8 has been mailed, or has been shipped or transported
9 in interstate or foreign commerce by any means, in-
10 cluding by computer, or was produced using mate-
11 rials that have been mailed, or that have been
12 shipped or transported in interstate or foreign com-
13 merce by any means, including by computer; or

14 “(5) the offense is committed in the special
15 maritime and territorial jurisdiction of the United
16 States or in any territory or possession of the
17 United States.”;

18 (2) in the analysis for the chapter, by inserting
19 after the item relating to section 2252A the fol-
20 lowing:

“2252B. Pandering and solicitation.”.

21 **SEC. 5. PROHIBITION OF OBSCENITY DEPICTING YOUNG**
22 **CHILDREN.**

23 (a) Chapter 71 of title 18, United States Code, is
24 amended—



1 (1) by inserting after section 1466 the fol-
2 lowing:

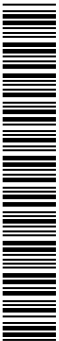
3 **“§ 1466A. Obscene visual depictions of young children**

4 “(a) Whoever, in a circumstance described in sub-
5 section (d), knowingly produces, distributes, receives, or
6 possesses with intent to distribute a visual depiction that
7 is, or is indistinguishable from, that of a pre-pubescent
8 child engaging in sexually explicit conduct, or attempts or
9 conspires to do so, shall be subject to the penalties set
10 forth in section 2252A(b)(1), including the penalties pro-
11 vided for cases involving a prior conviction.

12 “(b) Whoever, in a circumstance described in sub-
13 section (d), knowingly possesses a visual depiction that is,
14 or is indistinguishable from, that of a pre-pubescent child
15 engaging in sexually explicit conduct, or attempts or con-
16 spires to do so, shall be subject to the penalties set forth
17 in section 2252A(b)(2), including the penalties provided
18 for cases involving a prior conviction.

19 “(c) For purposes of this section—

20 “(1) the term ‘visual depiction’ includes unde-
21 veloped film and videotape, and data stored on com-
22 puter disk or by electronic means which is capable
23 of conversion into a visual image, and also includes
24 any photograph, film, video, picture, or computer or
25 computer-generated image or picture, whether made

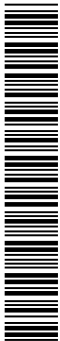


1 or produced by electronic, mechanical, or other
2 means;

3 “(2) the term ‘pre-pubescent child’ means that
4 (A) the child, as depicted, is one whose physical de-
5 velopment indicates the child is 12 years of age or
6 younger; or (B) the child, as depicted, does not ex-
7 hibit significant pubescent physical or sexual matu-
8 ration. Factors that may be considered in deter-
9 mining significant pubescent physical maturation in-
10 clude body habitus and musculature, height and
11 weight proportion, degree of hair distribution over
12 the body, extremity proportion with respect to the
13 torso, and dentition. Factors that may be considered
14 in determining significant pubescent sexual matura-
15 tion include breast development, presence of axillary
16 hair, pubic hair distribution, and visible growth of
17 the sexual organs;

18 “(3) the term ‘sexually explicit conduct’ has the
19 meaning set forth in section 2256(2); and

20 “(4) the term ‘indistinguishable’ used with re-
21 spect to a depiction, means virtually indistinguish-
22 able, in that the depiction is such that an ordinary
23 person viewing the depiction would conclude that the
24 depiction is of an actual minor engaged in sexually
25 explicit conduct. This definition does not apply to



1 depictions that are drawings, cartoons, sculptures, or
2 paintings depicting minors or adults.

3 “(d) The circumstance referred to in subsections (a)
4 and (b) is that—

5 “(1) any communication involved in or made in
6 furtherance of the offense is communicated or trans-
7 ported by the mail, or in interstate or foreign com-
8 merce by any means, including by computer, or any
9 means or instrumentality of interstate or foreign
10 commerce is otherwise used in committing or in fur-
11 therance of the commission of the offense;

12 “(2) any communication involved in or made in
13 furtherance of the offense contemplates the trans-
14 mission or transportation of a visual depiction by the
15 mail, or in interstate or foreign commerce by any
16 means, including by computer;

17 “(3) any person travels or is transported in
18 interstate or foreign commerce in the course of the
19 commission or in furtherance of the commission of
20 the offense;

21 “(4) any visual depiction involved in the offense
22 has been mailed, or has been shipped or transported
23 in interstate or foreign commerce by any means, in-
24 cluding by computer, or was produced using mate-
25 rials that have been mailed, or that have been



1 shipped or transported in interstate or foreign com-
2 merce by any means, including by computer; or

3 “(5) the offense is committed in the special
4 maritime and territorial jurisdiction of the United
5 States or in any territory or possession of the
6 United States.

7 “(e) In a case under subsection (b), it is an affirma-
8 tive defense that the defendant—

9 “(1) possessed less than three such images; and

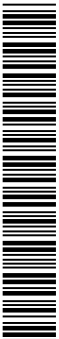
10 “(2) promptly and in good faith, and without
11 retaining or allowing any person, other than a law
12 enforcement agency, to access any image or copy
13 thereof—

14 “(A) took reasonable steps to destroy each
15 such image; or

16 “(B) reported the matter to a law enforce-
17 ment agency and afforded that agency access to
18 each such image.

19 **“§ 1466B. Obscene visual representations of pre-pu-
20 bescent sexual abuse**

21 “(a) Whoever, in a circumstance described in sub-
22 section (e), knowingly produces, distributes, receives, or
23 possesses with intent to distribute a visual depiction of any
24 kind, including a drawing, cartoon, sculpture, or painting,
25 that—



1 “(1) depicts a pre-pubescent child engaging in
2 sexually explicit conduct, and

3 “(2) is obscene, or who attempts or conspires to
4 do so, shall be subject to the penalties set forth in
5 section 2252A(b)(1), including the penalties pro-
6 vided for cases involving a prior conviction.

7 “(b) Whoever, in a circumstance described in sub-
8 section (e), knowingly possesses a visual depiction of any
9 kind, including a drawing, cartoon, sculpture, or painting,
10 that—

11 “(1) depicts a pre-pubescent child engaging in
12 sexually explicit conduct, and

13 “(2) is obscene,

14 “or who attempts or conspires to do so, shall be sub-
15 ject to the penalties set forth in section 2252A(b)(2), in-
16 cluding the penalties provided for cases involving a prior
17 conviction.

18 “(c) It is not a required element of any offense under
19 this section that the pre-pubescent child depicted actually
20 exist.

21 “(d) For purposes of this section, the terms ‘visual
22 depiction’ and ‘pre-pubescent child’ have respectively the
23 meanings given those terms in section 1466A, and the
24 term ‘sexually explicit conduct’ has the meaning given that
25 term in section 2256(2)(B).



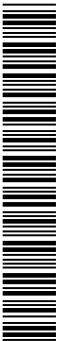
1 “(e) The circumstance referred to in subsection (a)
2 and (b) is that—

3 “(1) any communication involved in or made in
4 furtherance of the offense is communicated or trans-
5 ported by the mail, or in interstate or foreign com-
6 merce by any means, including by computer, or any
7 means or instrumentality of interstate or foreign
8 commerce is otherwise used in committing or in fur-
9 therance of the commission of the offense;

10 “(2) any communication involved in or made in
11 furtherance of the offense contemplates the trans-
12 mission or transportation of a visual depiction by the
13 mail, or in interstate or foreign commerce by any
14 means, including by computer;

15 “(3) any person travels or is transported in
16 interstate or foreign commerce in the course of the
17 commission or in furtherance of the commission of
18 the offense;

19 “(4) any visual depiction involved in the offense
20 has been mailed, or has been shipped or transported
21 in interstate or foreign commerce by any means, in-
22 cluding by computer, or was produced using mate-
23 rials that have been mailed, or that have been
24 shipped or transported in interstate or foreign com-
25 merce by any means, including by computer; or



1 “(5) the offense is committed in the special
2 maritime and territorial jurisdiction of the United
3 States or in any territory or possession of the
4 United States.

5 “(f) In a case under subsection (b), it is an affirma-
6 tive defense that the defendant—

7 “(1) possessed less than three such images; and

8 “(2) promptly and in good faith, and without
9 retaining or allowing any person, other than a law
10 enforcement agency, to access any image or copy
11 thereof—

12 “(A) took reasonable steps to destroy each
13 such image; or

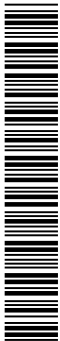
14 “(B) reported the matter to a law enforce-
15 ment agency and afforded that agency access to
16 each such image”; and

17 (2) in the analysis for the chapter, by inserting
18 after the item relating to section 1466 the following:

“1466A. Obscene visual depictions of young children.

“1466B. Obscene visual representations of pre-pubescent sexual abuse.”.

19 (b)(1) Except as provided in paragraph (2), the appli-
20 cable category of offense to be used in determining the
21 sentencing range referred to in section 3553(a)(4) of title
22 18, United States Code, with respect to any person con-
23 victed under section 1466A or 1466B of such title, shall



1 be the category of offenses described in section 2G2.2 of
2 the Sentencing Guidelines.

3 (2) The Sentencing Commission may promulgate
4 guidelines specifically governing offenses under section
5 1466A of title 18, United States Code, provided that such
6 guidelines shall not result in sentencing ranges that are
7 lower than those that would have applied under paragraph
8 (1).

9 **SEC. 6. PROHIBITION ON USE OF MATERIALS TO FACILI-**
10 **TATE OFFENSES AGAINST MINORS.**

11 Chapter 71 of title 18, United States Code, is
12 amended—

13 (1) by inserting at the end the following:

14 **“§ 1471. Use of obscene material or child pornog-**
15 **raphy to facilitate offenses against mi-**
16 **nors**

17 “(a) Whoever, in any circumstance described in sub-
18 section (c), knowingly—

19 “(1) provides or shows to a person below the
20 age of 16 years any visual depiction that is, or is in-
21 distinguishable from, that of a pre-pubescent child
22 engaging in sexually explicit conduct, any obscene
23 matter, or any child pornography; or

24 “(2) provides or shows any obscene matter or
25 child pornography, or any visual depiction that is, or



1 is indistinguishable from, that of a pre-pubescent
2 child engaging in sexually explicit conduct, or any
3 other material assistance to any person in connec-
4 tion with any conduct, or any attempt, incitement,
5 solicitation, or conspiracy to engage in any conduct,
6 that involves a minor and that violates chapter
7 109A, 110, or 117, or that would violate chapter
8 109A if the conduct occurred in the special maritime
9 and territorial jurisdiction of the United States,
10 shall be subject to the penalties set forth in section
11 2252A(b)(1), including the penalties provided for cases in-
12 volving a prior conviction.

13 “(b) For purposes of this section—

14 “(1) the term ‘child pornography’ has the
15 meaning set forth in section 2256(8);

16 “(2) the terms ‘visual depiction’, ‘pre-pubescent
17 child’, and ‘indistinguishable’ have the meanings re-
18 spectively set forth for those terms in section
19 1466A(c); and

20 “(3) the term ‘sexually explicit conduct’ has the
21 meaning set forth in section 2256(2).

22 “(c) The circumstance referred to in subsection (a)
23 is that—

24 “(1) any communication involved in or made in
25 furtherance of the offense is communicated or trans-



1 ported by the mail, or in interstate or foreign com-
2 merce by any means, including by computer, or any
3 means or instrumentality of interstate or foreign
4 commerce is otherwise used in committing or in fur-
5 therance of the commission of the offense;

6 “(2) any communication involved in or made in
7 furtherance of the offense contemplates the trans-
8 mission or transportation of a visual depiction or ob-
9 scene matter by the mail, or in interstate or foreign
10 commerce by any means, including by computer;

11 “(3) any person travels or is transported in
12 interstate or foreign commerce in the course of the
13 commission or in furtherance of the commission of
14 the offense;

15 “(4) any visual depiction or obscene matter in-
16 volved in the offense has been mailed, or has been
17 shipped or transported in interstate or foreign com-
18 merce by any means, including by computer, or was
19 produced using materials that have been mailed, or
20 that have been shipped or transported in interstate
21 or foreign commerce by any means, including by
22 computer; or

23 “(5) the offense is committed in the special
24 maritime and territorial jurisdiction of the United



1 States or in any territory or possession of the
2 United States.”;

3 (2) in the analysis for the chapter, by inserting
4 at the end the following:

“1471. Use of obscene material or child pornography to facilitate offenses
against minors.”.

5 **SEC. 7. EXTRATERRITORIAL PRODUCTION OF CHILD POR-**
6 **NOGRAPHY FOR DISTRIBUTION IN THE**
7 **UNITED STATES.**

8 Section 2251 is amended—

9 (1) by striking “subsection (d)” each place it
10 appears in subsections (a), (b), and (c) and inserting
11 “subsection (e)”;

12 (2) by redesignating subsections (c) and (d), re-
13 spectively, as subsections (d) and (e); and

14 (3) by inserting after subsection (b) a new sub-
15 section (c) as follows:

16 “(c)(1) Any person who, in a circumstance described
17 in paragraph (2), employs, uses, persuades, induces, en-
18 tices, or coerces any minor to engage in, or who has a
19 minor assist any other person to engage in, any sexually
20 explicit conduct outside of the United States, its posses-
21 sions and Territories, for the purpose of producing any
22 visual depiction of such conduct, shall be punished as pro-
23 vided under subsection (e).



1 “(2) The circumstance referred to in paragraph (1)
2 is that—

3 “(A) the person intends such visual depiction to
4 be transported to the United States, its possessions,
5 or territories, by any means including by computer
6 or mail;

7 “(B) the person transports such visual depic-
8 tion to, or otherwise makes it available within, the
9 United States, its possessions, or territories, by any
10 means including by computer or mail.”.

11 **SEC. 8. STRENGTHENING ENHANCED PENALTIES FOR RE-**
12 **PEAT OFFENDERS.**

13 Sections 2251(d), 2252(b), and 2252A(b) of title 18,
14 United States Code, are each amended by inserting “chap-
15 ter 71,” immediately before each occurrence of “chapter
16 109A,”.

17 **SEC. 9. SERVICE PROVIDER REPORTING OF CHILD POR-**
18 **NOGRAPHY AND RELATED INFORMATION.**

19 (a) Section 227 of the Victims of Child Abuse Act
20 of 1990 (42 U.S.C. 13032) is amended—

21 (1) in subsection (b)(1)—

22 (A) by inserting “2252B,” after “2252A,”;

23 and



1 (B) by inserting “or a violation of section
2 1466A or 1466B of that title,” after “of that
3 title,”;

4 (2) in subsection (c), by inserting “or pursuant
5 to” after “to comply with”;

6 (3) by amending subsection (f)(1)(D) to read as
7 follows:

8 “(D) where the report discloses a violation
9 of State criminal law, to an appropriate official
10 of a State or subdivision of a State for the pur-
11 pose of enforcing such State law.”;

12 (4) by redesignating paragraph (3) of sub-
13 section (b) as paragraph (4); and

14 (5) by inserting after paragraph (2) of sub-
15 section (b) the following new paragraph:

16 “(3) In addition to forwarding such reports to
17 those agencies designated in subsection (b)(2), the
18 National Center for Missing and Exploited Children
19 is authorized to forward any such report to an ap-
20 propriate official of a state or subdivision of a state
21 for the purpose of enforcing state criminal law.”.

22 (b) Section 2702 of title 18, United States Code is
23 amended—

24 (1) in subsection (b)—

25 (A) in paragraph (6)—



1 (i) by inserting “or” at the end of
2 subparagraph (A)(ii);

3 (ii) by striking subparagraph (B); and

4 (iii) by redesignating subparagraph
5 (C) as subparagraph (B);

6 (B) by redesignating paragraph (6) as
7 paragraph (7);

8 (C) by striking “or” at the end of para-
9 graph (5); and

10 (D) by inserting after paragraph (5) the
11 following new paragraph:

12 “(6) to the National Center for Missing and
13 Exploited Children, in connection with a report sub-
14 mitted thereto under section 227 of the Victims of
15 Child Abuse Act of 1990 (42 U.S.C. 13032); or”;
16 and

17 (2) in subsection (c)—

18 (A) by striking “or” at the end of para-
19 graph (4);

20 (B) by redesignating paragraph (5) as
21 paragraph (6); and

22 (C) by adding after paragraph (4) the fol-
23 lowing new paragraph:

24 “(5) to the National Center for Missing and
25 Exploited Children, in connection with a report sub-



1 mitted thereto under section 227 of the Victims of
2 Child Abuse Act of 1990 (42 U.S.C. 13032); or”.

3 **SEC. 10. SEVERABILITY.**

4 If any provision of this Act, or the application of such
5 provision to any person or circumstance, is held invalid,
6 the remainder of this Act, and the application of such pro-
7 vision to other persons not similarly situated or to other
8 circumstances, shall not be affected by such invalidation.

9 **SEC. 11. INVESTIGATIVE AUTHORITY RELATING TO CHILD**
10 **PORNOGRAPHY.**

11 Section 3486(a)(1)(C)(i) of title 18, United States
12 Code, is amended by striking “the name, address” and
13 all that follows through “subscriber or customer” and in-
14 serting “the information specified in section 2703(c)(2)”.

