

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

# S. 2073

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## AN ACT

To authorize appropriations for the National Center for  
Missing and Exploited 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. FINDINGS.**

2 Congress makes the following findings:

3 (1) For 14 years, the National Center for Miss-  
4 ing and Exploited Children (referred to in this sec-  
5 tion as the “Center”) has—

6 (A) served as the national resource center  
7 and clearinghouse congressionally mandated  
8 under the provisions of the Missing Children’s  
9 Assistance Act of 1984; and

10 (B) worked in partnership with the De-  
11 partment of Justice, the Federal Bureau of In-  
12 vestigation, the Department of the Treasury,  
13 the Department of State, and many other agen-  
14 cies in the effort to find missing children and  
15 prevent child victimization.

16 (2) Congress has given the Center, which is a  
17 private non-profit corporation, unique powers and  
18 resources, such as having access to the National  
19 Crime Information Center of the Federal Bureau of  
20 Investigation, and the National Law Enforcement  
21 Telecommunications System.

22 (3) Since 1987, the Center has operated the  
23 National Child Pornography Tipline, in conjunction  
24 with the United States Customs Service and the  
25 United States Postal Inspection Service and, begin-  
26 ning this year, the Center established a new

1 CyberTipline on child exploitation, thus becoming  
2 “the 911 for the Internet”.

3 (4) In light of statistics that time is of the es-  
4 sence in cases of child abduction, the Director of the  
5 Federal Bureau of Investigation in February of  
6 1997 created a new NCIC child abduction (“CA”)  
7 flag to provide the Center immediate notification in  
8 the most serious cases, resulting in 642 “CA” notifi-  
9 cations to the Center and helping the Center to have  
10 its highest recovery rate in history.

11 (5) The Center has established a national and  
12 increasingly worldwide network, linking the Center  
13 online with each of the missing children clearing-  
14 houses operated by the 50 States, the District of Co-  
15 lumbia, and Puerto Rico, as well as with Scotland  
16 Yard in the United Kingdom, the Royal Canadian  
17 Mounted Police, INTERPOL headquarters in Lyon,  
18 France, and others, which has enabled the Center to  
19 transmit images and information regarding missing  
20 children to law enforcement across the United States  
21 and around the world instantly.

22 (6) From its inception in 1984 through March  
23 31, 1998, the Center has—

1 (A) handled 1,203,974 calls through its  
2 24-hour toll-free hotline (1-800-THE-LOST)  
3 and currently averages 700 calls per day;

4 (B) trained 146,284 law enforcement,  
5 criminal and juvenile justice, and healthcare  
6 professionals in child sexual exploitation and  
7 missing child case detection, identification, in-  
8 vestigation, and prevention;

9 (C) disseminated 15,491,344 free publica-  
10 tions to citizens and professionals; and

11 (D) worked with law enforcement on the  
12 cases of 59,481 missing children, resulting in  
13 the recovery of 40,180 children.

14 (7) The demand for the services of the Center  
15 is growing dramatically, as evidenced by the fact  
16 that in 1997, the Center handled 129,100 calls, an  
17 all-time record, and by the fact that its new Internet  
18 website ([www.missingkids.com](http://www.missingkids.com)) receives 1,500,000  
19 “hits” every day, and is linked with hundreds of  
20 other websites to provide real-time images of break-  
21 ing cases of missing children, helping to cause such  
22 results as a police officer in Puerto Rico searching  
23 the Center’s website and working with the Center to  
24 identify and recover a child abducted as an infant

1 from her home in San Diego, California, 7 years  
2 earlier.

3 (8) In 1997, the Center provided policy training  
4 to 256 police chiefs and sheriffs from 50 States and  
5 Guam at its new Jimmy Ryce Law Enforcement  
6 Training Center.

7 (9) The programs of the Center have had a re-  
8 markable impact, such as in the fight against infant  
9 abductions in partnership with the healthcare indus-  
10 try, during which the Center has performed 668 on-  
11 site hospital walk-throughs and inspections, and  
12 trained 45,065 hospital administrators, nurses, and  
13 security personnel, and thereby helped to reduce in-  
14 fant abductions in the United States by 82 percent.

15 (10) The Center is now playing a significant  
16 role in international child abduction cases, serving as  
17 a representative of the Department of State at cases  
18 under The Hague Convention, and successfully re-  
19 solving the cases of 343 international child abduc-  
20 tions, and providing greater support to parents in  
21 the United States.

22 (11) The Center is a model of public/private  
23 partnership, raising private sector funds to match  
24 congressional appropriations and receiving extensive  
25 private in-kind support, including advanced tech-

1 nology provided by the computer industry such as  
2 imaging technology used to age the photographs of  
3 long-term missing children and to reconstruct facial  
4 images of unidentified deceased children.

5 (12) The Center was 1 of only 10 of 300 major  
6 national charities given an A+ grade in 1997 by the  
7 American Institute of Philanthropy.

8 (13) In light of its impressive history, the Cen-  
9 ter has been redesignated as the Nation's missing  
10 children clearinghouse and resource center once  
11 every 3 years through a competitive selection process  
12 conducted by the Office of Juvenile Justice and De-  
13 linquency Prevention of the Department of Justice,  
14 and has received grants from that Office to conduct  
15 the crucial purposes of the Center.

16 (14) An official congressional authorization will  
17 increase the level of scrutiny and oversight by Con-  
18 gress and continue the Center's long partnership  
19 with the Department of Justice and the Office of  
20 Juvenile Justice and Delinquency Prevention of the  
21 Department of Justice.

22 (15) The exemplary record of performance and  
23 success of the Center, as exemplified by the fact that  
24 the Center's recovery rate has climbed from 62 to 91  
25 percent, justifies action by Congress to formally rec-



1 missing and exploited children and their fami-  
2 lies;

3 (3) coordinate public and private programs that  
4 locate, recover, or reunite missing children with their  
5 families;

6 (4) disseminate, on a national basis, informa-  
7 tion relating to innovative and model programs,  
8 services, and legislation that benefit missing and ex-  
9 ploited children;

10 (5) provide technical assistance and training to  
11 law enforcement agencies, State, and local govern-  
12 ments, elements of the criminal justice system, pub-  
13 lic and private nonprofit agencies, and individuals in  
14 the prevention, investigation, prosecution, and treat-  
15 ment of cases involving missing and exploited chil-  
16 dren; and

17 (6) provide assistance to families and law en-  
18 forcement agencies in locating and recovering miss-  
19 ing and exploited children, both nationally and inter-  
20 nationally.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the Administrator to  
23 carry out this section, \$10,000,000 for each of fiscal years  
24 1999, 2000, 2001, 2002, and 2003.

1 **SEC. 3. CHILD EXPLOITATION SENTENCING ENHANCE-**  
2 **MENTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) CHILD; CHILDREN.—The term “child” or  
5 “children” means a minor or minors of an age speci-  
6 fied in the applicable provision of title 18, United  
7 States Code, that is subject to review under this sec-  
8 tion.

9 (2) MINOR.—The term “minor” means any in-  
10 dividual who has not attained the age of 18, except  
11 that, with respect to references to section 2243 of  
12 title 18, United States Code, the term means an in-  
13 dividual described in subsection (a) of that section.

14 (b) INCREASED PENALTIES FOR USE OF A COM-  
15 PUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A  
16 CHILD.—Pursuant to the authority granted to the United  
17 States Sentencing Commission under section 994(p) of  
18 title 28, United States Code, the United States Sentencing  
19 Commission shall—

20 (1) review the Federal sentencing guidelines on  
21 aggravated sexual abuse under section 2241 of title  
22 18, United States Code, sexual abuse under section  
23 2242 of title 18, United States Code, sexual abuse  
24 of a minor or ward under section 2243 of title 18,  
25 United States Code, coercion and enticement of a ju-  
26 venile under section 2422(b) of title 18, United

1 States Code, and transportation of minors under  
2 section 2423 of title 18, United States Code; and

3 (2) upon completion of the review under para-  
4 graph (1), promulgate amendments to the Federal  
5 sentencing guidelines to provide an appropriate sen-  
6 tencing enhancement if the defendant used a com-  
7 puter with the intent to persuade, induce, entice, or  
8 coerce a child of an age specified in the applicable  
9 provision referred to in paragraph (1) to engage in  
10 any prohibited sexual activity.

11 (c) INCREASED PENALTIES FOR KNOWING MIS-  
12 REPRESENTATION IN THE SEXUAL ABUSE OR EXPLOI-  
13 TATION OF A CHILD.—Pursuant to the authority granted  
14 to the United States Sentencing Commission under section  
15 994(p) of title 28, United States Code, the United States  
16 Sentencing Commission shall—

17 (1) review the Federal sentencing guidelines on  
18 aggravated sexual abuse under section 2241 of title  
19 18, United States Code, sexual abuse under section  
20 2242 of title 18, United States Code, sexual abuse  
21 of a minor or ward under section 2243 of title 18,  
22 United States Code, coercion and enticement of a ju-  
23 venile under section 2422(b) of title 18, United  
24 States Code, and transportation of minors under  
25 section 2423 of title 18, United States Code; and

1           (2) upon completion of the review under para-  
2           graph (1), promulgate amendments to the Federal  
3           sentencing guidelines to provide an appropriate sen-  
4           tencing enhancement if the defendant knowingly  
5           misrepresented the actual identity of the defendant  
6           with the intent to persuade, induce, entice, or coerce  
7           a child of an age specified in the applicable provision  
8           referred to in paragraph (1) to engage in a prohib-  
9           ited sexual activity.

10          (d) INCREASED PENALTIES FOR PATTERN OF ACTIV-  
11          ITY OF SEXUAL EXPLOITATION OF CHILDREN.—Pursuant  
12          to the authority granted to the United States Sentencing  
13          Commission under section 994(p) of title 28, United  
14          States Code, the United States Sentencing Commission  
15          shall—

16                (1) review the Federal sentencing guidelines on  
17                criminal sexual abuse, the production of sexually ex-  
18                plicit material, the possession of materials depicting  
19                a child engaging in sexually explicit conduct, coer-  
20                cion and enticement of minors, and the transpor-  
21                tation of minors; and

22                (2) upon completion of the review under para-  
23                graph (1), promulgate amendments to the Federal  
24                sentencing guidelines to provide an appropriate sen-  
25                tencing enhancement applicable to the offenses re-

1       ferred to in paragraph (1) in any case in which the  
 2       defendant engaged in a pattern of activity involving  
 3       the sexual abuse or exploitation of a minor.

4       (e) REPEAT OFFENDERS; INCREASED MAXIMUM  
 5 PENALTIES FOR TRANSPORTATION FOR ILLEGAL SEXUAL  
 6 ACTIVITY AND RELATED CRIMES.—

7               (1) REPEAT OFFENDERS.—

8                       (A) CHAPTER 117.—

9                               (i) IN GENERAL.—Chapter 117 of title  
 10                               18, United States Code, is amended by  
 11                               adding at the end the following:

12       **“§ 2425. Repeat offenders**

13               “(a) IN GENERAL.—Any person described in this  
 14 subsection shall be subject to the punishment under sub-  
 15 section (b). A person described in this subsection is a per-  
 16 son who violates a provision of this chapter, after one or  
 17 more prior convictions—

18                       “(1) for an offense punishable under this chap-  
 19                       ter, or chapter 109A or 110; or

20                       “(2) under any applicable law of a State relat-  
 21                       ing to conduct punishable under this chapter, or  
 22                       chapter 109A or 110.

23               “(b) PUNISHMENT.—A violation of a provision of this  
 24 chapter by a person described in subsection (a) is punish-  
 25 able by a term of imprisonment of a period not to exceed

1 twice the period that would otherwise apply under this  
2 chapter.”.

3 (ii) CONFORMING AMENDMENT.—The  
4 chapter analysis for chapter 117 of title  
5 18, United States Code, is amended by  
6 adding at the end the following:

“2425. Repeat offenders.”.

7 (B) CHAPTER 109A.—Section 2247 of title  
8 18, United States Code, is amended to read as  
9 follows:

10 **“§ 2247. Repeat offenders**

11 “(a) IN GENERAL.—Any person described in this  
12 subsection shall be subject to the punishment under sub-  
13 section (b). A person described in this subsection is a per-  
14 son who violates a provision of this chapter, after one or  
15 more prior convictions—

16 “(1) for an offense punishable under this chap-  
17 ter, or chapter 110 or 117; or

18 “(2) under any applicable law of a State relat-  
19 ing to conduct punishable under this chapter, or  
20 chapter 110 or 117.

21 “(b) PUNISHMENT.—A violation of a provision of this  
22 chapter by a person described in subsection (a) is punish-  
23 able by a term of imprisonment of a period not to exceed  
24 twice the period that would otherwise apply under this  
25 chapter.”.

1           (2) INCREASED MAXIMUM PENALTIES FOR  
2 TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY  
3 AND RELATED CRIMES.—

4           (A) TRANSPORTATION GENERALLY.—Sec-  
5 tion 2421 of title 18, United States Code, is  
6 amended by striking “five” and inserting “10”.

7           (B) COERCION AND ENTICEMENT OF MI-  
8 NORS.—Section 2422 of title 18, United States  
9 Code, is amended—

10           (i) in subsection (a), by striking  
11 “five” and inserting “10”; and

12           (ii) in subsection (b), by striking “10”  
13 and inserting “15”.

14           (C) TRANSPORTATION OF MINORS.—Sec-  
15 tion 2423 of title 18, United States Code, is  
16 amended—

17           (i) in subsection (a), by striking “ten”  
18 and inserting “15”; and

19           (ii) in subsection (b), by striking “10”  
20 and inserting “15”.

21           (3) AMENDMENT OF SENTENCING GUIDE-  
22 LINES.—Pursuant to the authority granted to the  
23 United States Sentencing Commission under section  
24 994(p) of title 28, United States Code, the United  
25 States Sentencing Commission shall—

1 (A) review the Federal sentencing guide-  
2 lines relating to chapter 117 of title 18, United  
3 States Code; and

4 (B) upon completion of the review under  
5 subparagraph (A), promulgate such amend-  
6 ments to the Federal sentencing guidelines as  
7 are necessary to provide for the amendments  
8 made by this subsection.

9 (f) CLARIFICATION OF DEFINITION OF DISTRIBU-  
10 TION OF PORNOGRAPHY.—Pursuant to the authority  
11 granted to the United States Sentencing Commission  
12 under section 994(p) of title 28, United States Code, the  
13 United States Sentencing Commission shall—

14 (1) review the Federal sentencing guidelines re-  
15 lating to the distribution of pornography covered  
16 under chapter 110 of title 18, United States Code,  
17 relating to the sexual exploitation and other abuse of  
18 children; and

19 (2) upon completion of the review under para-  
20 graph (1), promulgate such amendments to the Fed-  
21 eral sentencing guidelines as are necessary to clarify  
22 that the term “distribution of pornography” applies  
23 to the distribution of pornography—

24 (A) for monetary remuneration; or

25 (B) for a nonpecuniary interest.

1 (g) DIRECTIVE TO UNITED STATES SENTENCING  
2 COMMISSION.—In carrying out this section, the United  
3 States Sentencing Commission shall—

4 (1) with respect to any action relating to the  
5 Federal sentencing guidelines subject to this section,  
6 ensure reasonable consistency with other guidelines  
7 of the Federal sentencing guidelines; and

8 (2) with respect to an offense subject to the  
9 Federal sentencing guidelines, avoid duplicative pun-  
10 ishment under the guidelines for substantially the  
11 same offense.

12 (h) AUTHORIZATION FOR GUARDIANS AD LITEM.—

13 (1) AUTHORIZATION OF APPROPRIATIONS.—  
14 There are authorized to be appropriated to the De-  
15 partment of Justice, for the purpose specified in  
16 paragraph (2), such sums as may be necessary for  
17 each of fiscal years 1998 through 2001.

18 (2) PURPOSE.—The purpose specified in this  
19 paragraph is the procurement, in accordance with  
20 section 3509(h) of title 18, United States Code, of  
21 the services of individuals with sufficient profes-  
22 sional training, experience, and familiarity with the  
23 criminal justice system, social service programs, and  
24 child abuse issues to serve as guardians ad litem for

1 children who are the victims of, or witnesses to, a  
2 crime involving abuse or exploitation.

3 (i) **APPLICABILITY.**—This section and the amend-  
4 ments made by this section shall apply to any action that  
5 commences on or after the date of enactment of this Act.

6 **SEC. 4. RUNAWAY AND HOMELESS YOUTH ACT.**

7 (a) **IN GENERAL.**—Section 372(a) of the Juvenile  
8 Justice and Delinquency Prevention Act of 1974 (42  
9 U.S.C. 5714b(a)) is amended by striking “unit of general  
10 local government” and inserting “unit of local govern-  
11 ment”.

12 (b) **AUTHORIZATION OF APPROPRIATIONS.**—

13 (1) **TECHNICAL AMENDMENTS.**—

14 (A) **ERROR RESULTING FROM REDESIGNA-**  
15 **TION.**—

16 (i) **IN GENERAL.**—Section 3(i) of the  
17 Public Law 102–586 (106 Stat. 5026) is  
18 amended by striking “Section 366” and in-  
19 sserting “Section 385”.

20 (ii) **EFFECTIVE DATE.**—The amend-  
21 ment made by clause (i) shall take effect  
22 as if included in the amendments made by  
23 Public Law 102–586.

1 (B) ERROR RESULTING FROM REF-  
2 ERENCES TO NONEXISTENT PROVISIONS OF  
3 LAW.—

4 (i) IN GENERAL.—Section 40155 of  
5 the Violent Crime Control and Law En-  
6 forcement Act of 1994 (Public Law 103-  
7 322; 108 Stat. 1922) is amended by strik-  
8 ing “is amended—” and all that follows  
9 through “after section 315” and inserting  
10 the following: “is amended by adding at  
11 the end”.

12 (ii) EFFECTIVE DATE.—The amend-  
13 ment made by clause (i) shall take effect  
14 as if included in the amendments made by  
15 the Violent Crime Control and Law En-  
16 forcement Act of 1994 (Public Law 103-  
17 322).

18 (2) REAUTHORIZATIONS.—

19 (A) IN GENERAL.—Section 385 of the Ju-  
20 venile Justice and Delinquency Prevention Act  
21 of 1974 (42 U.S.C. 5751) (as amended by sec-  
22 tion 3(i) of the Public Law 102-586 (106 Stat.  
23 5026) (as amended by paragraph (1)(A) of this  
24 subsection)) is amended—

25 (i) in subsection (a)—

1 (I) in paragraph (1), by striking  
2 “1993 and such sums as may be nec-  
3 essary for fiscal years 1994, 1995,  
4 and 1996” and inserting “1998 and  
5 such sums as may be necessary for  
6 each of fiscal years 1999, 2000, 2001,  
7 2002, and 2003”; and

8 (II) in paragraph (3), by striking  
9 subparagraphs (A) through (D) and  
10 inserting the following:

11 “(A) for fiscal year 1998, not less than  
12 \$957,285;

13 “(B) for fiscal year 1999, not less than  
14 \$1,005,150;

15 “(C) for fiscal year 2000, not less than  
16 \$1,055,406;

17 “(D) for fiscal year 2001, not less than  
18 \$1,108,177;

19 “(E) for fiscal year 2002, not less than  
20 \$1,163,585; and

21 “(F) for fiscal year 2003, not less than  
22 \$1,163,585.”;

23 (ii) in subsection (b), by striking  
24 “1993 and such sums as may be necessary  
25 for fiscal years 1994, 1995, and 1996”

1 and inserting “1999 and such sums as  
2 may be necessary for each of fiscal years  
3 2000, 2001, 2002, and 2003”; and

4 (iii) in subsection (c), by striking  
5 “1993, 1994, 1995, and 1996” and insert-  
6 ing “1999, 2000, 2001, 2002, and 2003”.

7 (B) ADDITIONAL REAUTHORIZATION.—  
8 Section 316 of part A of the Runaway and  
9 Homeless Youth Act (42 U.S.C. 5712d) (as  
10 added by section 40155 of the Violent Crime  
11 Control and Law Enforcement Act of 1994 (as  
12 amended by paragraph (1)(B) of this sub-  
13 section)) is—

14 (i) redesignated as section 315; and  
15 (ii) amended by striking subsection (c)  
16 and inserting the following:

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out this section  
19 such sums as may be necessary for each of fiscal years  
20 1999, 2000, 2001, 2002, and 2003.”.

Passed the Senate June 26, 1998.

Attest:

*Secretary.*

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

**S. 2073**

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**AN ACT**

To authorize appropriations for the National Center for Missing and Exploited Children.