

109TH CONGRESS
1ST SESSION

S. _____

To protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against 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 “Internet Safety and
5 Child Protection Act of 2005”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to—

1 (1) set tighter age verification standards to
2 block minors from entering Internet pornography
3 sites; and

4 (2) provide funding and support to law enforce-
5 ment efforts to combat Internet and pornography-re-
6 lated crimes against children.

7 **TITLE I—CHILD PROTECTION** 8 **EFFORTS**

9 **SEC. 101. AGE VERIFICATION REQUIREMENT.**

10 (a) IN GENERAL.—An operator of a regulated porno-
11 graphic Web site shall verify that any user attempting to
12 access their site is 18 years of age or older using software
13 certified for that purpose by the Commission.

14 (b) REQUIREMENT.—The age verification required by
15 this section shall take place prior to the display of any
16 pornographic material, including free content that may be
17 available prior to the purchase of a subscription or prod-
18 uct.

19 **SEC. 102. CREDIT CARD REQUIREMENT.**

20 A bank, credit card company, third-party merchant,
21 Internet Payment Service Provider, or business that per-
22 forms financial transactions for a regulated pornographic
23 Web site shall only process age-verified Internet pornog-
24 raphy credit card transactions for sales carried out in ac-
25 cordance with this title.

1 **SEC. 103. COMMISSION REQUIREMENT.**

2 The Commission shall require each regulated porno-
3 graphic Web site to—

4 (1) use appropriate age-screening software to
5 carry out this title; and

6 (2) use that software correctly and consistently
7 through such means as conducting periodic tests try-
8 ing to access the Web site without appropriate age
9 verifications.

10 **SEC. 104. ENFORCEMENT BY THE FEDERAL TRADE COM-**
11 **MISSION.**

12 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
13 A violation of section 101 shall be treated as a violation
14 of section 18 of the Federal Trade Commission Act (15
15 U.S.C. 57a) regarding unfair or deceptive acts or prac-
16 tices.

17 (b) POWERS OF COMMISSION.—The Commission
18 shall issue and enforce the regulations for the enforcement
19 of section 101 in the same manner, by the same means,
20 and with the same jurisdiction, powers, and duties as
21 though all applicable terms and provisions of the Federal
22 Trade Commission Act (15 U.S.C. 41 et seq.) were incor-
23 porated into and made a part of this title. Any person
24 who violates such regulations shall be subject to the pen-
25 alties provided in that title.

1 **SEC. 105. DEFINITIONS.**

2 In this title:

3 (1) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (2) REGULATED PORNOGRAPHIC WEB SITE.—
6 The term “regulated pornographic Web site” means
7 a person required to maintain documents verifying
8 the age of persons engaged in sexually explicit con-
9 duct pursuant to section 2257(a) of title 18, United
10 States Code.

11 **TITLE II—FUNDING FOR CHILD**
12 **PROTECTION**

13 **Subtitle A—Excise Tax**

14 **SEC. 201. EXCISE TAX ON INTERNET DISPLAY OR DISTRIBU-**
15 **TION OF PORNOGRAPHY.**

16 (a) IN GENERAL.—Chapter 33 of the Internal Rev-
17 enue Code of 1986 (relating to facilities and services) is
18 amended by inserting after subchapter C the following new
19 subchapter:

20 **“Subchapter D—Internet Display or**
21 **Distribution of Pornography**

“Sec. 4285. Internet display or distribution of pornography.

1 **“SEC. 4285. INTERNET DISPLAY OR DISTRIBUTION OF POR-**
2 **NOGRAPHY.**

3 “(a) IMPOSITION OF TAX.—There is imposed on
4 amounts charged by a regulated pornographic Web site
5 for individuals to receive the display or distribution of por-
6 nography through the Internet a tax equal to 25 percent
7 of the amounts so charged.

8 “(b) PAYMENT OF TAX.—The tax imposed by this
9 section shall be paid by the operator of the regulated por-
10 nographic Web site receiving payment for the display or
11 distribution taxed under subsection (a).

12 “(c) DEFINITIONS.—In this section:

13 “(1) PORNOGRAPHY.—The term ‘pornography’
14 has the same meaning as defined in section 2256(2)
15 of title 18, United States Code.

16 “(2) REGULATED PORNOGRAPHIC WEB SITE.—
17 The term ‘regulated pornographic Web site’ has the
18 same meaning as defined in section 105 of the Inter-
19 net Safety and Child Protection Act of 2005.”.

20 (b) CONFORMING AMENDMENT.—The table of sub-
21 chapters for chapter 33 of the Internal Revenue Code of
22 1986 is amended by adding at the end the following new
23 item:

“SUBCHAPTER D—INTERNET DISPLAY OR DISTRIBUTION OF PORNOGRAPHY”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on January 1, 2006.

1 **Subtitle B—Child Protection**
2 **Programs**

3 **SEC. 211. TRUST FUND.**

4 (a) IN GENERAL.—There is established in the Treas-
5 ury the Internet Safety and Child Protection Trust Fund
6 (referred to in this subtitle as the “trust fund”) into which
7 shall be deposited all taxes collected under section 4285
8 of the Internal Revenue Code of 1986.

9 (b) AVAILABILITY OF AMOUNTS.—Amounts depos-
10 ited into the trust fund shall be available to carry out the
11 programs provided in section 212, subject to annual ap-
12 propriations.

13 **SEC. 212. FUNDING FOR CHILD INTERNET SAFETY AND**
14 **PROTECTION PROGRAMS.**

15 (a) PRIORITIES.—Amounts available in the trust
16 fund shall be allocated on a priority basis as follows:

17 (1) DEPARTMENT OF JUSTICE CYBER TIP-
18 LINE.—The first priority for the use of amounts in
19 the trust fund shall be to provide funds to the Office
20 of Juvenile Justice and Delinquency Prevention to
21 ensure that the congressionally-mandated cyber tip
22 line is fully operational and staffed 24 hours a day.

23 (2) INTERNET CRIMES AGAINST CHILDREN
24 TASK FORCE.—The second priority for the use of
25 amounts in the trust fund shall be to provide funds

1 to States to support 1 Internet Crimes Against Chil-
2 dren Task Force center per 5,000,000 State resi-
3 dents, with each State receiving sufficient funding to
4 support at least 1 center and no State receiving
5 funding for more than 7 centers.

6 (3) RESEARCH AND DEVELOPMENT GRANTS.—

7 (A) IN GENERAL.—The third priority for
8 the use of amounts in the trust fund is to es-
9 tablish a competitive grant process for compa-
10 nies and other organizations who work in the
11 technology field to support the research and de-
12 velopment into new filtering technologies that
13 will help parents control children’s access to in-
14 appropriate content via wireless and other
15 emerging technologies.

16 (B) SET ASIDE.—The Attorney General
17 shall allocate up to 10 percent of annual trust
18 fund revenues to award a minimum of 15 re-
19 search and development grants under this para-
20 graph.

21 (4) EDUCATIONAL TRAINING.—

22 (A) IN GENERAL.—The fourth priority for
23 the use of amounts in the trust fund shall be
24 to provide relevant State agencies with funds to
25 support educational training contributing to

1 greater child Internet safety and reductions in
2 sex trafficking and sex crimes against children.

3 (B) CONDITIONS.—The program author-
4 ized by this paragraph shall be carried out sub-
5 ject to the following conditions:

6 (i) States shall receive funding
7 amounting to \$1 for every resident, with a
8 minimum of \$1,000,000 for each State.

9 (ii) 25 percent of each State’s funding
10 shall go to the State education agency to
11 support State and local programs pro-
12 viding child Internet safety training to
13 teachers.

14 (iii) 30 percent of each State’s fund-
15 ing shall go to the State Attorneys’ Gen-
16 eral office to support child Internet safety
17 training for law enforcement, as well as
18 training that enhances the capacity of law
19 enforcement to combat sex trafficking and
20 sex crimes against children.

21 (iv) 10 percent of each State’s fund-
22 ing shall be allocated to the Governor’s of-
23 fice to develop and implement a coordi-
24 nated State child internet safety strategy.

1 (v) 35 percent of the State funding
2 shall go to the relevant State agency to
3 support Public Service Announcements
4 promoting child Internet safety.

5 (5) REMAINING AMOUNTS.—After fully funding
6 the priorities established in paragraphs (1) through
7 (4) for a fiscal year any remaining amounts shall be
8 allocated as follows:

9 (A) FEDERAL AGENCY SUPPORT.—50 per-
10 cent of remaining amounts shall be used to pro-
11 vide funding to support child Internet safety ac-
12 tivities, as well as activities combating sex traf-
13 ficking and sex crimes against children, on the
14 part of the following Federal Agencies:

15 (i) Department of Justice, United
16 States Attorneys' Offices (national and
17 State).

18 (ii) Department of Justice, Criminal
19 Division, Child Exploitation and Obscenity
20 Section.

21 (iii) Department of Justice, Office of
22 Justice Programs, Office for Victims of
23 Crimes.

1 (iv) Department of Justice, Office of
2 Justice Programs, Office of Juvenile and
3 Delinquency Prevention.

4 (v) Department of Justice, Federal
5 Bureau of Investigation, Crimes Against
6 Children Program.

7 (vi) Department of Homeland Secu-
8 rity, United States Citizenship and Immi-
9 gration Services.

10 (vii) State, Office to Monitor and
11 Combat Trafficking in Persons.

12 (viii) Treasury, United States Cus-
13 toms, Cyber Smuggling Center.

14 (ix) United States Postal Services, In-
15 spection Service.

16 (B) PRIVATE ENTITIES.—

17 (i) IN GENERAL.—50 percent of re-
18 maining amounts shall be allocated
19 through a competitive grant process to
20 international and domestic nongovern-
21 mental organizations and not-for profits, to
22 support work promoting child Internet
23 safety and combating sex trafficking and
24 sex crimes against children.

1 (ii) DETAILS.—The Attorney General
2 shall—

3 (I) publish guidance in the Fed-
4 eral Register describing the variety
5 and scope of organizational work to be
6 funded under this subparagraph in a
7 fiscal year and soliciting grant pro-
8 posals under this subparagraph; and

9 (II) allocate funds on the basis of
10 a competitive grant process.

11 (iii) FUNDING LIMIT.—For every \$1
12 allocated for international work under this
13 subparagraph, the Attorney General shall
14 allocate \$2.5 dollars for domestic work.

15 (b) GRANT PROGRAMS.—

16 (1) IN GENERAL.—The Attorney General shall
17 carry out this section.

18 (2) TERMS AND CONDITIONS.—The Attorney
19 General shall prescribe the terms and conditions for
20 grant applications and awards under this section.