



**Testimony of Congresswoman Marilyn Musgrave
House Judiciary Committee
Hearing on Sex Crimes and the Internet
October 17, 2007**

Good afternoon Chairman Conyers and Ranking Member Smith. Thank you for holding a hearing on this very important topic. I appreciate the opportunity to testify about my bill, H.R. 3148, the Child Pornography Elimination Act of 2007.

The Internet has become a virtual playground for sexual predators and pedophiles who satiate their desire for child pornography with relative anonymity. Pedophiles can download images to their personal computers or, even worse, watch the sexual abuse of children in real-time.

Child pornography consists of more than just visual depictions of children in suggestive poses; rather, child pornography specifically involves the rape, abuse and molestation of innocent children, some cases even involving infants as young as three months old.

The National Center for Missing and Exploited Children CyberTipline receives reports of suspected Internet child pornography every day. Since its launch in 1998, the tipline has received nearly half a million child pornography reports, averaging almost 1,400 tips each week.

Child pornography is a profitable, global criminal enterprise, and is growing rapidly in technical sophistication in response to efforts to detect and disrupt these criminal operations. Child pornography is not even a crime in more than half of the 184 Interpol countries. Unfortunately, this means that many of the children victimized by child pornography are foreign and not protected by the laws of their country.

My legislation makes important improvements to federal law to help eliminate child pornography. Most importantly, the bill prohibits the access of child pornography.

Although current law prohibits the possession, trafficking, or transport of child pornography, a person who uses a computer to knowingly access child pornography intending to view it, and who then views that child pornography, can arguably avoid criminal liability as long as he or she does not download or print the images. The law must be amended to ensure that these offenders do not escape liability because of technicality in the law, and this is something my bill does. It will criminalize the knowing access of child pornography.

My legislation also imposes mandatory penalties for possession of child pornography, increases civil penalties for Internet Service Providers who fail to report child pornography to law enforcement, and provides mandatory restitution for child pornography victims.

Currently, the penalty for sexual exploitation and possession of child pornography is a maximum of 10 years in prison; my bill would change this to make it a minimum of 2 years and a maximum of 15 years.

Current law requires Internet Service Providers who knowingly and willfully fail to report such violations to be subject to a criminal fine of up to \$50,000 for the initial failure to report and \$100,000 for each subsequent failure to report. My bill would triple the criminal fines available for knowing and willful failures to report, making the

available fines \$150,000 for the initial violation and \$300,000 for each subsequent violation.

In addition, the legislation would add civil fines for negligent failure to report a child pornography offense. The civil penalty is set at \$50,000 for the initial violation and \$100,000 for each subsequent violation. The Federal Communications Commission would be provided with the authority to levy the civil fines under this section and to make the necessary regulations, in consultation with the Attorney General, in order to carry the fines into effect and to provide an appropriate administrative review process.

The restitution requirements in my bill would require offenders to pay the full amount of the victim's losses which could include: medical services, therapy, and necessary transportation as a result of the offense, lost income, attorney's fees, and any other losses as determined by the court.

Another very important step my legislation takes is amending the definition of "illicit sexual conduct." The definition of "illicit sexual conduct" for purposes of the sex tourism statutes is too narrow because it does not encompass a sex tourist who either travels for the purpose of producing child pornography or who produces child pornography in a foreign place or persons who facilitate that travel for financial gain. My legislation would amend the definition of "illicit sexual conduct" by adding "production of child pornography" to the definition.

The Internet is an excellent resource for advancing communications, education and business. However, the ready access to explicit content, including child pornography, is dangerous to our children and society. It is our responsibility to protect children from becoming victims, and better policing illegal content on the Internet is one way we can do this.

I applaud the Committee for taking up this important issue and I thank you for your time.