

S 1738

PROTECT Our Children Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jun 28, 2007

Current Status: Became Public Law No: 110-401.

Latest Action: Became Public Law No: 110-401. (Oct 13, 2008)

Law: 110-401 (Enacted Oct 13, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/1738>

Sponsor

Name: Sen. Biden, Joseph R., Jr. [D-DE]

Party: Democratic • **State:** DE • **Chamber:** Senate

Cosponsors (60 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Jun 28, 2007
Sen. Durbin, Richard J. [D-IL]	D · IL		Jul 23, 2007
Sen. Bayh, Evan [D-IN]	D · IN		Jul 25, 2007
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Sep 5, 2007
Sen. Hatch, Orrin G. [R-UT]	R · UT		Feb 7, 2008
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Feb 7, 2008
Sen. Obama, Barack [D-IL]	D · IL		Feb 7, 2008
Sen. Schumer, Charles E. [D-NY]	D · NY		Feb 7, 2008
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Feb 12, 2008
Sen. Dorgan, Byron L. [D-ND]	D · ND		Feb 25, 2008
Sen. Murkowski, Lisa [R-AK]	R · AK		Feb 25, 2008
Sen. Johnson, Tim [D-SD]	D · SD		Feb 26, 2008
Sen. Stevens, Ted [R-AK]	R · AK		Mar 13, 2008
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Apr 7, 2008
Sen. Brown, Sherrod [D-OH]	D · OH		Apr 16, 2008
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Apr 22, 2008
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Jul 14, 2008
Sen. Coleman, Norm [R-MN]	R · MN		Jul 14, 2008
Sen. Klobuchar, Amy [D-MN]	D · MN		Jul 28, 2008
Sen. Leahy, Patrick J. [D-VT]	D · VT		Sep 12, 2008
Sen. Barrasso, John [R-WY]	R · WY		Sep 15, 2008
Sen. Baucus, Max [D-MT]	D · MT		Sep 15, 2008
Sen. Cantwell, Maria [D-WA]	D · WA		Sep 15, 2008
Sen. Dole, Elizabeth [R-NC]	R · NC		Sep 15, 2008
Sen. Harkin, Tom [D-IA]	D · IA		Sep 15, 2008
Sen. Inouye, Daniel K. [D-HI]	D · HI		Sep 15, 2008
Sen. Kerry, John F. [D-MA]	D · MA		Sep 15, 2008
Sen. Murray, Patty [D-WA]	D · WA		Sep 15, 2008
Sen. Roberts, Pat [R-KS]	R · KS		Sep 15, 2008
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Sep 15, 2008
Sen. Salazar, Ken [D-CO]	D · CO		Sep 15, 2008
Sen. Wyden, Ron [D-OR]	D · OR		Sep 15, 2008
Sen. Carper, Thomas R. [D-DE]	D · DE		Sep 16, 2008
Sen. Hagel, Chuck [R-NE]	R · NE		Sep 16, 2008
Sen. Kohl, Herb [D-WI]	D · WI		Sep 16, 2008
Sen. Reed, Jack [D-RI]	D · RI		Sep 16, 2008
Sen. Stabenow, Debbie [D-MI]	D · MI		Sep 16, 2008
Sen. Dodd, Christopher J. [D-CT]	D · CT		Sep 17, 2008
Sen. Feinstein, Dianne [D-CA]	D · CA		Sep 17, 2008
Sen. Levin, Carl [D-MI]	D · MI		Sep 17, 2008
Sen. Lugar, Richard G. [R-IN]	R · IN		Sep 17, 2008

Cosponsor	Party / State	Role	Date Joined
Sen. Martinez, Mel [R-FL]	R · FL		Sep 17, 2008
Sen. Alexander, Lamar [R-TN]	R · TN		Sep 18, 2008
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Sep 18, 2008
Sen. Pryor, Mark L. [D-AR]	D · AR		Sep 18, 2008
Sen. Tester, Jon [D-MT]	D · MT		Sep 18, 2008
Sen. Isakson, Johnny [R-GA]	R · GA		Sep 22, 2008
Sen. Landrieu, Mary L. [D-LA]	D · LA		Sep 22, 2008
Sen. Smith, Gordon H. [R-OR]	R · OR		Sep 22, 2008
Sen. Webb, Jim [D-VA]	D · VA		Sep 22, 2008
Sen. Chambliss, Saxby [R-GA]	R · GA		Sep 23, 2008
Sen. Corker, Bob [R-TN]	R · TN		Sep 23, 2008
Sen. Menendez, Robert [D-NJ]	D · NJ		Sep 23, 2008
Sen. Nelson, Ben [D-NE]	D · NE		Sep 23, 2008
Sen. Nelson, Bill [D-FL]	D · FL		Sep 23, 2008
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Sep 23, 2008
Sen. Conrad, Kent [D-ND]	D · ND		Sep 24, 2008
Sen. Collins, Susan M. [R-ME]	R · ME		Sep 25, 2008
Sen. Reid, Harry [D-NV]	D · NV		Sep 25, 2008
Sen. Vitter, David [R-LA]	R · LA		Sep 25, 2008

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Hearings By (subcommittee)	Apr 16, 2008

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
110 HR 3845	Related bill	Nov 15, 2007: Received in the Senate and Read twice and referred to the Committee on the Judiciary.
110 S 519	Related bill	Feb 7, 2007: Read twice and referred to the Committee on the Judiciary.

Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2008 or the PROTECT Our Children Act of 2008 - **Title I: National Strategy for Child Exploitation Prevention and Interdiction** - (Sec. 101) Directs the Attorney General to create and implement a National Strategy for Child Exploitation Prevention and Interdiction. Sets forth the required content of such Strategy, including: (1) comprehensive long-range goals for reducing child exploitation; (2) annual budget priorities and federal efforts for combating child exploitation; (3) a five-year projection for program and budget goals and priorities; (4) a review of the policies and work of the Department of Justice (DOJ) related to the prevention and investigation of child exploitation crimes; (5) a description of DOJ efforts to coordinate with international, state, local, and tribal law enforcement and private entities on child exploitation prevention and interdiction efforts; (6) a review of Internet Crimes Against Children (ICAC) Task Force Programs; (7) plans for reducing the backlog of forensic analysis for child exploitation cases; (8) a review of federal programs for child exploitation prevention and education; (9) plans for liaisons with the judiciary on matters relating to child exploitation; (10) an assessment of federal investigative and prosecution activity relating to reported incidents of child exploitation crimes; (11) a review of statistical data indicating the overall magnitude of U.S. and international child pornography trafficking; and (12) a review of the cooperation between the private and public sector in combating child exploitation.

Requires the Attorney General to designate a DOJ senior official to coordinate the development of the Strategy.

(Sec. 102) Establishes within DOJ a National Internet Crimes Against Children (ICAC) Task Force Program consisting of state and local task forces (including at least one ICAC task force for each state) to address online enticement of children, child exploitation, and child obscenity and pornography. Requires the Attorney General to conduct periodic reviews of the effectiveness of each ICAC task force. Authorizes the Attorney General to establish new task forces and establish national training programs to support the mission of ICAC task forces.

(Sec. 103) Sets forth the purposes of the ICAC Task Force Program, including: (1) increasing the investigative capabilities of state and local law enforcement officers in the detection and investigation of child exploitation crimes facilitated by the Internet and the apprehension of offenders; (2) providing training and technical assistance to ICAC task forces and other federal, state, and local law enforcement agencies; (3) increasing the number of Internet crimes against children offenses to be investigated and prosecuted; (4) enhancing the nationwide response to Internet crimes against children offenses; and (5) developing and delivering Internet crimes against children public awareness and prevention programs.

(Sec. 104) Sets forth the duties and functions of state and local ICAC task forces relating to investigations, forensic examinations, and prosecutions of Internet crimes against children.

(Sec. 105) Directs the Attorney General to establish a National Internet Crimes Against Children Data System (ICAC Data System) to assist the National ICAC Task Force Program and federal, state, local, and tribal agencies investigating and prosecuting child exploitation. Requires the ICAC Data System to develop and maintain a technology and training program to provide: (1) a secure system of online communications between ICAC task forces and federal, state, and local law enforcement agencies regarding ongoing investigations; (2) a secure online system for resolving case conflicts; (3) a secure data storage and analysis system; and (4) guidelines and technical assistance for the use of the ICAC Data System by federal, state, and local law enforcement agencies.

Directs the Attorney General to establish an ICAC Data System Steering Committee to provide guidance to the ICAC System and to assist in the development of strategic plans for the System.

Authorizes appropriations for FY2009-FY2016.

(Sec. 106) Authorizes the Attorney General to award grants to state and local ICAC task forces. Sets forth criteria for the distribution of ICAC grants funds.

Requires state or local ICAC task forces receiving grants to submit annual reports to the Attorney General on the operations of such task forces.

Requires the Attorney General to report to Congress on: (1) the progress of the development of the ICAC Task Force Program; and (2) the number of federal and state investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

(Sec. 107) Authorizes appropriations for FY2009-FY2013.

Title II: Additional Measures to Combat Child Exploitation - Requires the Attorney General to: (1) establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations; and (2) report to Congress annually on the use of funds for such purpose. Authorizes appropriations for FY2009-FY2013.

Title III: Effective Child Pornography Prosecution - (Sec. 301) Amends the federal criminal code to prohibit: (1) the transmission of a live visual depiction of child sexual exploitation; and (2) the distribution of child pornography that is an adapted or modified depiction of an identifiable minor.

Title IV: National Institute of Justice Study of Risk Factors - Requires the National Institute of Justice to: (1) prepare a report on investigative factors that indicate whether a subject of an online child exploitation investigation poses a high risk of harm to children; and (2) submit such report to the House and Senate Judiciary Committees. Authorizes appropriations.

Title V: Securing Adolescents from Online Exploitation - (Sec. 501) Requires electronic communication or remote computing service providers who obtain actual knowledge of violations of child exploitation and pornography laws to: (1) provide contact information to the CyberTipline of the National Center for Missing and Exploited Children (NCMEC); and (2) provide information relating to the Internet identity of any individual who appears to have violated a child exploitation or pornography law, including the geographic location of such individual and images of any apparent child pornography.

Requires NCMEC to forward any report of suspected child pornography violations to law enforcement agencies designated by the Attorney General. Allows NCMEC to send such reports to foreign law enforcement agencies designated by the Attorney General.

Imposes civil penalties on service providers who fail to report suspected child exploitation or pornography.

Prohibits law enforcement agencies that receive reports from service providers from disclosing information in such reports except for law enforcement and criminal defense purposes.

Requires service providers to preserve images of child pornography for evidentiary purposes.

Grants service providers and NCMEC limited immunity from civil and criminal liability for reporting information required by this Act, except in cases of intentional misconduct, actual malice or recklessness. Requires service providers and NCMEC to minimize employee access to pornographic images and to destroy such images upon notification from a law

enforcement agency.

Authorizes NCMEC to provide images of child pornography reported to its CyberTipline to service providers to enable such providers to stop further transmission of pornographic images of children.

Grants the Attorney General authority to enforce the reporting requirement for electronic communication or remote computing service providers set out by this title.

(Sec. 502) Requires the Attorney General to report to the House and Senate Judiciary Committees on the structure established in this Act, privacy safeguards contained in reporting requirements, and information sharing.

Requires the Comptroller General to conduct an audit and report to the House and Senate Judiciary Committees on: (1) the efforts, activities, and actions of the CyberTipline; (2) recommendations for legislative, administrative, or regulatory changes; and (3) the effectiveness of actions taken by the CyberTipline and the Attorney General to promote efficient use of federal funds and resources to enforce, investigate, or prosecute child pornography crimes.

(Sec. 503) Provides that if any provision of this title is held to be unconstitutional, the remaining provisions shall remain in full force and effect and shall not be affected by the holding.

Actions Timeline

- **Oct 13, 2008:** Signed by President.
- **Oct 13, 2008:** Became Public Law No: 110-401.
- **Oct 2, 2008:** Presented to President.
- **Sep 27, 2008:** Mr. Conyers moved to suspend the rules and pass the bill.
- **Sep 27, 2008:** Considered under suspension of the rules. (consideration: CR H10241-10251)
- **Sep 27, 2008:** DEBATE - The House proceeded with forty minutes of debate on S. 1738.
- **Sep 27, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H10242-10248)
- **Sep 27, 2008:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H10242-10248)
- **Sep 27, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 27, 2008:** Cleared for White House.
- **Sep 26, 2008:** Received in the House.
- **Sep 26, 2008:** Message on Senate action sent to the House.
- **Sep 26, 2008:** Held at the desk.
- **Sep 25, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S9544-9548; text of measure as reported in Senate: CR S9544-9548)
- **Sep 25, 2008:** The committee substitute was withdrawn by Unanimous Consent.
- **Sep 25, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Sep 25, 2008:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Jul 7, 2008:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jul 7, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 862.
- **May 15, 2008:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 16, 2008:** Committee on the Judiciary Senate Subcommittee on Crime and Drugs. Hearings held.
- **Jun 28, 2007:** Introduced in Senate
- **Jun 28, 2007:** Sponsor introductory remarks on measure. (CR S8709)
- **Jun 28, 2007:** Read twice and referred to the Committee on the Judiciary.