



What is the Federal Labeling and Recordkeeping Law or Section 2257?

If you are a producer or consumer in the adult entertainment industry, you have probably heard about the **Federal Labeling and Recordkeeping Law**, known as **U.S.C. 18 Section 2257**. Section 2257 requires that all producers (Webmasters, magazine publishers, video producers) of sexually explicit material maintain identifying information, such as a photo ID (driver's license, passport, military ID), name and birth date, of any persons depicted in sexually explicit conduct. This regulation was originally intended to ensure that models in the adult entertainment industry were not under the age of 18 in order to reduce and eliminate child pornography and minor coercion.

Section 2257 has been amended four times ever since it was first enacted in 1988 by President Ronald Reagan to establish recordkeeping databases of adult performers. The most recent proposals from Congress to amend Section 2257 give the lesbian, gay, bisexual, and transgender (LGBT) community the most alarm.

The Proposed Amendments by Congress to Section 2257

The most recent amendments to Section 2257 are from Title V of the Adam Walsh Child Protection and Safety Act of 2006 (H.R.4472) when it was signed into law on July 27, 2006 by President Bush. This bill amends Section 2257 in various ways:

- It significantly expands its regulations onto the Internet to digital productions (digital photographs, digital video, digitized reproductions)
- It now covers both actual and simulated sexual conduct in visualizations. Actual sexual conduct pertains to any actual sex and masturbation. Simulated sexual conduct is more vague and pertains to any act that is simulated sex but not actual sex. Congress's intention is to go after child pornographers that produce visualizations of simulated sex. It is unclear how "simulated" will be interpreted to cover other sexual visualizations.
- It forces secondary producers of sexually explicit material to maintain their own recordkeeping database of performers. Secondary producers are companies that manufacture compilation movies from other companies' catalogs, magazines publishing photos from movies, or companies that purchase content recorded by someone else and publish it for the first time, whether in magazines, DVDs or product covers. Most websites are secondary producers. Prior to H.R.4472, only primary producers, or businesses that originally produce sexually explicit material, were subjected to recordkeeping.

You can read the amended text of the [Federal Labeling and Recordkeeping Law U.S.C.18 Section 2257](#) and the text of the [Adam Walsh Child Protection and Safety Act of 2006 \(see Title V\) \(H.R.4472\)](#) from FreeSpeechCoalition.com.

How these Amendments Affect You

Whether you are an adult entertainment industry consumer or use adult social sites like manhunt.net or gay.com, these businesses would be affected by Section 2257's expansion onto the Internet and by their new definition as a secondary producer.

- Any picture or video that you post on manhunt.net or gay.com, or any other adult website, is considered sexually explicit material produced by these sites. Section 2257 would require two things: First, that you verify proof of age by submitting photo ID, name, and birth date in order to use a social website's services, and second, that these sites create databases to record your personal information.
- From the Federal Registrar Record, under 28 C.F.R. § 75.5, the Attorney General can conduct a search of any establishment's records for purposes of determining compliance, show up unannounced § 75.5(b), inspect as often as the Attorney General deems reasonable § 75.5(c)(4)(d), make copies of records and seize evidence of any alleged felonies § 75.5(c)(4)(e) and (g). This vague language under Section 2257 gives no indication that investigations will occur under probable cause or a warrant.
- Your personal information may be subjected to these searches and businesses are forced to comply to complicated recordkeeping standards. It is unclear how your information may be used by the government.
- Any business that is not in compliance, under 18 § 2257(i), faces up to 5 years in prison, civil penalties, or both.
- Your personal use of adult social networking sites has nothing to do with child pornography and carries no substantial interest by the government to be able to collect your information under child pornography.

You can see what a Section 2257 record compliance form looks like [here](#).

H.R. 4472 states that the newly amended Section 2257 will not go into effect until 90 days after the Department of Justice reviews the final administrative regulations. The Department of Justice is currently taking public comment during this period to consider the implementation of Congress's new regulations. The first step in this process occurred on July 12, 2007 and will close on **September 10, 2007**.

The government most likely expects that records be created and maintained on or after July 28, 2006, after H.R.4472 was passed into law, despite the Department of Justice's 90 day review period. This means that secondary producers should have started keeping records on July 28, 2006.