

118TH CONGRESS
1ST SESSION

H. R. 2732

To protect victims of online child sexual abuse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2023

Mrs. WAGNER (for herself, Ms. GARCIA of Texas, Mr. OWENS, Ms. JACKSON LEE, Mr. VALADAO, Mr. MOORE of Utah, Mr. DONALDS, Mr. SMITH of Missouri, and Mr. CALVERT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect victims of online child sexual abuse, and for other purposes.

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 “Eliminating Abusive
5 and Rampant Neglect of Interactive Technologies Act of
6 2023” or the “EARN IT Act of 2023”.

1 **SEC. 2. PROTECTING VICTIMS OF ONLINE CHILD SEXUAL**
2 **ABUSE.**

3 Section 230(e) of the Communications Act of 1934
4 (47 U.S.C. 230(e)) is amended by adding at the end the
5 following:

6 “(6) NO EFFECT ON CHILD SEXUAL EXPLOI-
7 TATION LAW.—Nothing in this section (other than
8 subsection (c)(2)(A)) shall be construed to impair or
9 limit—

10 “(A) any claim in a civil action brought
11 against a provider of an interactive computer
12 service under section 2255 of title 18, United
13 States Code, if the conduct underlying the
14 claim constitutes a violation of section 2252 or
15 section 2252A of that title;

16 “(B) any charge in a criminal prosecution
17 brought against a provider of an interactive
18 computer service under State law regarding the
19 advertisement, promotion, presentation, dis-
20 tribution, or solicitation of child sexual abuse
21 material, as defined in section 2256(8) of title
22 18, United States Code; or

23 “(C) any claim in a civil action brought
24 against a provider of an interactive computer
25 service under State law regarding the advertise-
26 ment, promotion, presentation, distribution, or

1 solicitation of child sexual abuse material, as
2 defined in section 2256(8) of title 18, United
3 States Code.

4 “(7) ENCRYPTION TECHNOLOGIES.—

5 “(A) IN GENERAL.—Notwithstanding para-
6 graph (6), none of the following actions or cir-
7 cumstances shall serve as an independent basis
8 for liability of a provider of an interactive com-
9 puter service for a claim or charge described in
10 that paragraph:

11 “(i) The provider utilizes full end-to-
12 end encrypted messaging services, device
13 encryption, or other encryption services.

14 “(ii) The provider does not possess
15 the information necessary to decrypt a
16 communication.

17 “(iii) The provider fails to take an ac-
18 tion that would otherwise undermine the
19 ability of the provider to offer full end-to-
20 end encrypted messaging services, device
21 encryption, or other encryption services.

22 “(B) CONSIDERATION OF EVIDENCE.—
23 Nothing in subparagraph (A) shall be construed
24 to prohibit a court from considering evidence of
25 actions or circumstances described in that sub-

1 paragraph if the evidence is otherwise admis-
2 sible.”.

3 **SEC. 3. USE OF TERM “CHILD SEXUAL ABUSE MATERIAL”.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the term “child sexual abuse material” has the
6 same legal meaning as the term “child pornography”, as
7 that term was used in Federal statutes and case law before
8 the date of enactment of this Act.

9 (b) AMENDMENTS.—

10 (1) TITLE 5, UNITED STATES CODE.—Chapter
11 65 of title 5, United States Code, is amended—

12 (A) in section 6502(a)(2)(B), by striking
13 “child pornography” and inserting “child sexual
14 abuse material”; and

15 (B) in section 6504(c)(2)(F), by striking
16 “child pornography” and inserting “child sexual
17 abuse material”.

18 (2) HOMELAND SECURITY ACT OF 2002.—The
19 Homeland Security Act of 2002 (6 U.S.C. 101 et
20 seq.) is amended—

21 (A) in section 307(b)(3)(D) (6 U.S.C.
22 187(b)(3)(D)), by striking “child pornography”
23 and inserting “child sexual abuse material”;
24 and

25 (B) in section 890A (6 U.S.C. 473)—

1 (i) in subsection (b)(2)(A)(ii), by
2 striking “child pornography” and inserting
3 “child sexual abuse material”; and

4 (ii) in subsection (e)(3)(B)(ii), by
5 striking “child pornography” and inserting
6 “child sexual abuse material”.

7 (3) IMMIGRATION AND NATIONALITY ACT.—Sec-
8 tion 101(a)(43)(I) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1101(a)(43)(I)) is amended by
10 striking “child pornography” and inserting “child
11 sexual abuse material”.

12 (4) SMALL BUSINESS JOBS ACT OF 2010.—Sec-
13 tion 3011(c) of the Small Business Jobs Act of 2010
14 (12 U.S.C. 5710(c)) is amended by striking “child
15 pornography” and inserting “child sexual abuse ma-
16 terial”.

17 (5) BROADBAND DATA IMPROVEMENT ACT.—
18 Section 214(a)(2) of the Broadband Data Improve-
19 ment Act (15 U.S.C. 6554(a)(2)) is amended by
20 striking “child pornography” and inserting “child
21 sexual abuse material”.

22 (6) CAN-SPAM ACT OF 2003.—Section
23 4(b)(2)(B) of the CAN-SPAM Act of 2003 (15
24 U.S.C. 7703(b)(2)(B)) is amended by striking “child

1 pornography” and inserting “child sexual abuse ma-
2 terial”.

3 (7) TITLE 18, UNITED STATES CODE.—Title 18,
4 United States Code, is amended—

5 (A) in section 1956(c)(7)(D), by striking
6 “child pornography” each place the term ap-
7 pears and inserting “child sexual abuse mate-
8 rial”;

9 (B) in chapter 110—

10 (i) in section 2251(e), by striking
11 “child pornography” and inserting “child
12 sexual abuse material”;

13 (ii) in section 2252(b)—

14 (I) in paragraph (1), by striking
15 “child pornography” and inserting
16 “child sexual abuse material”; and

17 (II) in paragraph (2), by striking
18 “child pornography” and inserting
19 “child sexual abuse material”;

20 (iii) in section 2252A—

21 (I) in the section heading, by
22 striking “**material constituting**
23 **or containing child pornog-**
24 **raphy**” and inserting “**child sex-**
25 **ual abuse material**”;

- 1 (II) in subsection (a)—
- 2 (aa) in paragraph (1), by
- 3 striking “child pornography” and
- 4 inserting “child sexual abuse ma-
- 5 terial”;
- 6 (bb) in paragraph (2)—
- 7 (AA) in subparagraph
- 8 (A), by striking “child por-
- 9 nography” and inserting
- 10 “child sexual abuse mate-
- 11 rial”; and
- 12 (BB) in subparagraph
- 13 (B), by striking “material
- 14 that contains child pornog-
- 15 raphy” and inserting “child
- 16 sexual abuse material”;
- 17 (cc) in paragraph (3)(A), by
- 18 striking “child pornography” and
- 19 inserting “child sexual abuse ma-
- 20 terial”;
- 21 (dd) in paragraph (4)—
- 22 (AA) in subparagraph
- 23 (A), by striking “child por-
- 24 nography” and inserting

1 “child sexual abuse mate-
2 rial”; and

3 (BB) in subparagraph
4 (B), by striking “child por-
5 nography” and inserting
6 “child sexual abuse mate-
7 rial”;

8 (ee) in paragraph (5)—

9 (AA) in subparagraph
10 (A), by striking “material
11 that contains an image of
12 child pornography” and in-
13 sserting “item containing
14 child sexual abuse material”;
15 and

16 (BB) in subparagraph
17 (B), by striking “material
18 that contains an image of
19 child pornography” and in-
20 sserting “item containing
21 child sexual abuse material”;
22 and

23 (ff) in paragraph (7)—

24 (AA) by striking “child
25 pornography” and inserting

1 “child sexual abuse mate-
2 rial”; and

3 (BB) by striking the
4 period at the end and insert-
5 ing a comma;

6 (III) in subsection (b)—

7 (aa) in paragraph (1), by
8 striking “child pornography” and
9 inserting “child sexual abuse ma-
10 terial”; and

11 (bb) in paragraph (2), by
12 striking “child pornography”
13 each place the term appears and
14 inserting “child sexual abuse ma-
15 terial”;

16 (IV) in subsection (c)—

17 (aa) in paragraph (1)(A), by
18 striking “child pornography” and
19 inserting “child sexual abuse ma-
20 terial”;

21 (bb) in paragraph (2), by
22 striking “child pornography” and
23 inserting “child sexual abuse ma-
24 terial”; and

1 (cc) in the undesignated
2 matter following paragraph (2),
3 by striking “child pornography”
4 and inserting “child sexual abuse
5 material”;

6 (V) in subsection (d)(1), by strik-
7 ing “child pornography” and inserting
8 “child sexual abuse material”; and

9 (VI) in subsection (e), by striking
10 “child pornography” each place the
11 term appears and inserting “child sex-
12 ual abuse material”;

13 (iv) in section 2256(8)—

14 (I) by striking “child pornog-
15 raphy” and inserting “child sexual
16 abuse material”; and

17 (II) by striking the period at the
18 end and inserting a semicolon;

19 (v) in section 2257A(h)—

20 (I) in paragraph (1)(A)(iii)—

21 (aa) by inserting a comma
22 after “marketed”;

23 (bb) by striking “such than”
24 and inserting “such that”; and

1 (cc) by striking “a visual de-
2 pication that is child pornog-
3 raphy” and inserting “child sex-
4 ual abuse material”; and

5 (II) in paragraph (2), by striking
6 “any visual depiction that is child por-
7 nography” and inserting “child sexual
8 abuse material”;

9 (vi) in section 2258A—

10 (I) in subsection (a)(2)—

11 (aa) in subparagraph (A),
12 by striking “child pornography”
13 and inserting “child sexual abuse
14 material”; and

15 (bb) in subparagraph (B),
16 by striking “child pornography”
17 and inserting “child sexual abuse
18 material”;

19 (II) in subsection (b)—

20 (aa) in paragraph (4)—

21 (AA) in the paragraph
22 heading, by striking “VIS-
23 UAL DEPICTIONS OF APPAR-
24 ENT CHILD PORNOGRAPHY”
25 and inserting “APPARENT

1 CHILD SEXUAL ABUSE MA-
2 TERIAL”; and

3 (BB) by striking “vis-
4 ual depiction of apparent
5 child pornography” and in-
6 serting “apparent child sex-
7 ual abuse material”; and

8 (bb) in paragraph (5), by
9 striking “visual depiction of ap-
10 parent child pornography” and
11 inserting “apparent child sexual
12 abuse material”; and

13 (III) in subsection (g)(2)(B), by
14 striking “visual depictions of apparent
15 child pornography” and inserting “ap-
16 parent child sexual abuse material”;
17 (vii) in section 2258C—

18 (I) in the section heading, by
19 striking “**Use to combat child**
20 **pornography of technical ele-**
21 **ments relating to reports**
22 **made to the CyberTipline”** and
23 inserting “**Use of technical ele-**
24 **ments from reports made to**

1 **the CyberTipline to combat**
2 **child sexual abuse material”;**

3 (II) in subsection (a)—

4 (aa) in paragraph (2), by
5 striking “child pornography” and
6 inserting “child sexual abuse ma-
7 terial”; and

8 (bb) in paragraph (3), by
9 striking “the actual visual depic-
10 tions of apparent child pornog-
11 raphy” and inserting “any appar-
12 ent child sexual abuse material”;

13 (III) in subsection (d), by strik-
14 ing “child pornography visual depic-
15 tion” and inserting “child sexual
16 abuse material visual depiction”; and

17 (IV) in subsection (e), by striking
18 “child pornography visual depiction”
19 and inserting “child sexual abuse ma-
20 terial visual depiction”;

21 (viii) in section 2259—

22 (I) in paragraph (b)(2)—

23 (aa) in the paragraph head-
24 ing, by striking “CHILD PORNOG-

1 RAPHY” and inserting “CHILD
2 SEXUAL ABUSE MATERIAL”;

3 (bb) in the matter preceding
4 subparagraph (A), by striking
5 “child pornography” and insert-
6 ing “child sexual abuse mate-
7 rial”; and

8 (cc) in subparagraph (A), by
9 striking “child pornography” and
10 inserting “child sexual abuse ma-
11 terial”;

12 (II) in subsection (c)—

13 (aa) in paragraph (1)—

14 (AA) in the paragraph
15 heading, by striking “CHILD
16 PORNOGRAPHY PRODUCTION”
17 and inserting “PRO-
18 DUCATION OF CHILD SEXUAL
19 ABUSE MATERIAL”;

20 (BB) by striking “child
21 pornography production”
22 and inserting “production of
23 child sexual abuse material”;
24 and

1 (CC) by striking “pro-
2 duction of child pornog-
3 raphy” and inserting “pro-
4 duction of child sexual abuse
5 material”;

6 (bb) in paragraph (2), in the
7 matter preceding subparagraph
8 (A), by striking “trafficking in
9 child pornography offenses” each
10 place the term appears and in-
11 serting “offenses for trafficking
12 in child sexual abuse material”;
13 and

14 (cc) in paragraph (3)—

15 (AA) in the paragraph
16 heading, by striking “CHILD
17 PORNOGRAPHY” and insert-
18 ing “CHILD SEXUAL ABUSE
19 MATERIAL”; and

20 (BB) by striking “child
21 pornography” and inserting
22 “child sexual abuse mate-
23 rial”; and

24 (III) in subsection (d)(1)—

25 (aa) in subparagraph (A)—

1 (AA) by striking “child
2 pornography” each place the
3 term appears and inserting
4 “child sexual abuse mate-
5 rial”; and

6 (BB) by striking “Child
7 Pornography Victims Re-
8 serve” and inserting “Re-
9 serve for Victims of Child
10 Sexual Abuse Material”;

11 (bb) in subparagraph (B),
12 by striking “child pornography”
13 and inserting “child sexual abuse
14 material”; and

15 (cc) in subparagraph (C)—

16 (AA) by striking “child
17 pornography” and inserting
18 “child sexual abuse mate-
19 rial”; and

20 (BB) by striking “Child
21 Pornography Victims Re-
22 serve” and inserting “Re-
23 serve for Victims of Child
24 Sexual Abuse Material”;

25 (ix) in section 2259A—

1 (I) in the section heading, by
2 striking “**child pornography**
3 **cases**” and inserting “**cases in-**
4 **volving child sexual abuse**
5 **material**”;

6 (II) in subsection (a)—

7 (aa) in paragraph (2), by
8 striking “child pornography” and
9 inserting “child sexual abuse ma-
10 terial”; and

11 (bb) in paragraph (3), by
12 striking “a child pornography
13 production offense” and inserting
14 “an offense for production of
15 child sexual abuse material”; and

16 (III) in subsection (d)(2)(B), by
17 striking “child pornography produc-
18 tion or trafficking offense that the de-
19 fendant committed” and inserting “of-
20 fense for production of child sexual
21 abuse material or trafficking in child
22 sexual abuse material committed by
23 the defendant”; and

24 (x) in section 2259B—

1 (I) in the section heading, by
2 striking “**Child pornography**
3 **victims reserve**” and inserting
4 “**Reserve for child sexual**
5 **abuse material**”;

6 (II) in subsection (a), by striking
7 “Child Pornography Victims Reserve”
8 each place the term appears and in-
9 serting “Reserve for Victims of Child
10 Sexual Abuse Material”;

11 (III) in subsection (b), by strik-
12 ing “Child Pornography Victims Re-
13 serve” each place the term appears
14 and inserting “Reserve for Victims of
15 Child Sexual Abuse Material”; and

16 (IV) in subsection (c), by striking
17 “Child Pornography Victims Reserve”
18 and inserting “Reserve for Victims of
19 Child Sexual Abuse Material”; and

20 (C) in chapter 117—

21 (i) in section 2423(f)(3), by striking
22 “child pornography” and inserting “child
23 sexual abuse material”; and

24 (ii) in section 2427—

1 (I) in the section heading, by
2 striking “**child pornography**”
3 and inserting “**child sexual abuse**
4 **material**”; and

5 (II) by striking “child pornog-
6 raphy” and inserting “child sexual
7 abuse material”;

8 (D) in section 2516—

9 (i) in paragraph (1)(c), by striking
10 “material constituting or containing child
11 pornography” and inserting “child sexual
12 abuse material”; and

13 (ii) in paragraph (2), by striking
14 “child pornography production” and in-
15 sserting “production of child sexual abuse
16 material”;

17 (E) in section 3014(h)(3), by striking
18 “child pornography victims” and inserting “vic-
19 tims of child sexual abuse material”;

20 (F) in section 3509—

21 (i) in subsection (a)(6), by striking
22 “child pornography” and inserting “child
23 sexual abuse material”; and

24 (ii) in subsection (m)—

1 (I) in the subsection heading, by
2 striking “CHILD PORNOGRAPHY” and
3 inserting “CHILD SEXUAL ABUSE
4 MATERIAL”;

5 (II) in paragraph (1), by striking
6 “property or material that constitutes
7 child pornography (as defined by sec-
8 tion 2256 of this title)” and inserting
9 “child sexual abuse material (as de-
10 fined by section 2256 of this title), or
11 property or items containing such ma-
12 terial,”;

13 (III) in paragraph (2)—

14 (aa) in subparagraph (A)—

15 (AA) by striking “prop-
16 erty or material that con-
17 stitutes child pornography
18 (as defined by section 2256
19 of this title)” and inserting
20 “child sexual abuse material
21 (as defined by section 2256
22 of this title), or property or
23 items containing such mate-
24 rial,”; and

1 (BB) by striking “the
2 property or material” and
3 inserting “the child sexual
4 abuse material, property, or
5 items”; and

6 (bb) in subparagraph (B),
7 by striking “property or mate-
8 rial” each place the term appears
9 and inserting “child sexual abuse
10 material, property, or items”;
11 and

12 (IV) in paragraph (3)—

13 (aa) by striking “property or
14 material that constitutes child
15 pornography, as defined under
16 section 2256(8)” and inserting
17 “child sexual abuse material (as
18 defined by section 2256 of this
19 title)”;

20 (bb) by striking “such child
21 pornography” and inserting
22 “such child sexual abuse mate-
23 rial”; and

24 (cc) by striking “Such prop-
25 erty or material” and inserting

1 “Such child sexual abuse mate-
2 rial”; and

3 (G) in section 3632(d)(4)(D)(xlii), by
4 striking “material constituting or containing
5 child pornography” and inserting “child sexual
6 abuse material”.

7 (8) TARIFF ACT OF 1930.—Section
8 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C.
9 1583(a)(2)(B)) is amended by striking “child por-
10 nography” and inserting “child sexual abuse mate-
11 rial”.

12 (9) ELEMENTARY AND SECONDARY EDUCATION
13 ACT OF 1965.—Section 4121 of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 7131)
15 is amended—

16 (A) in subsection (a)—

17 (i) in paragraph (1)(A)(ii), by striking
18 “child pornography” and inserting “child
19 sexual abuse material”; and

20 (ii) in paragraph (2)(A)(ii), by strik-
21 ing “child pornography” and inserting
22 “child sexual abuse material”; and

23 (B) in subsection (e)(5)—

1 (i) in the paragraph heading, by strik-
2 ing “CHILD PORNOGRAPHY” and inserting
3 “CHILD SEXUAL ABUSE MATERIAL”; and

4 (ii) by striking “child pornography”
5 and inserting “child sexual abuse mate-
6 rial”.

7 (10) MUSEUM AND LIBRARY SERVICES ACT.—
8 Section 224(f) of the Museum and Library Services
9 Act (20 U.S.C. 9134(f)) is amended—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A)(i)(II), by
12 striking “child pornography” and inserting
13 “child sexual abuse material”; and

14 (ii) in subparagraph (B)(i)(II), by
15 striking “child pornography” and inserting
16 “child sexual abuse material”; and

17 (B) in paragraph (7)(A)—

18 (i) in the subparagraph heading, by
19 striking “CHILD PORNOGRAPHY” and in-
20 sserting “CHILD SEXUAL ABUSE MATE-
21 RIAL”; and

22 (ii) by striking “child pornography”
23 and inserting “child sexual abuse mate-
24 rial”.

1 (11) OMNIBUS CRIME CONTROL AND SAFE
2 STREETS ACT OF 1968.—Section 3031(b)(3) of title
3 I of the Omnibus Crime Control and Safe Streets
4 Act of 1968 (34 U.S.C. 10721(b)(3)) is amended by
5 striking “child pornography” and inserting “child
6 sexual abuse material”.

7 (12) JUVENILE JUSTICE AND DELINQUENCY
8 PREVENTION ACT OF 1974.—Section 404(b)(1)(K) of
9 the Juvenile Justice and Delinquency Prevention Act
10 of 1974 (34 U.S.C. 11293(b)(1)(K)) is amended—

11 (A) in clause (i)(I)(aa), by striking “child
12 pornography” and inserting “child sexual abuse
13 material”; and

14 (B) in clause (ii), by striking “child por-
15 nography” and inserting “child sexual abuse
16 material”.

17 (13) VICTIMS OF CRIME ACT OF 1984.—Section
18 1402(d)(6)(A) of the Victims of Crime Act of 1984
19 (34 U.S.C. 20101(d)(6)(A)) is amended by striking
20 “Child Pornography Victims Reserve” and inserting
21 “Reserve for Victims of Child Sexual Abuse Mate-
22 rial”.

23 (14) VICTIMS OF CHILD ABUSE ACT OF 1990.—
24 The Victims of Child Abuse Act of 1990 (34 U.S.C.
25 20301 et seq.) is amended—

1 (A) in section 212(4) (34 U.S.C.
2 20302(4)), by striking “child pornography” and
3 inserting “child sexual abuse material”;

4 (B) in section 214(b) (34 U.S.C.
5 20304(b))—

6 (i) in the subsection heading, by strik-
7 ing “CHILD PORNOGRAPHY” and inserting
8 “CHILD SEXUAL ABUSE MATERIAL”; and

9 (ii) by striking “child pornography”
10 and inserting “child sexual abuse mate-
11 rial”; and

12 (C) in section 226(c)(6) (34 U.S.C.
13 20341(c)(6)), by striking “child pornography”
14 and inserting “child sexual abuse material”.

15 (15) SEX OFFENDER REGISTRATION AND NOTI-
16 FICATION ACT.—Section 111 of the Sex Offender
17 Registration and Notification Act (34 U.S.C. 20911)
18 is amended—

19 (A) in paragraph (3)(B)(iii), by striking
20 “child pornography” and inserting “child sexual
21 abuse material”; and

22 (B) in paragraph (7)(G), by striking “child
23 pornography” and inserting “child sexual abuse
24 material”.

1 (16) ADAM WALSH CHILD PROTECTION AND
2 SAFETY ACT OF 2006.—Section 143(b)(3) of the
3 Adam Walsh Child Protection and Safety Act of
4 2006 (34 U.S.C. 20942(b)(3)) is amended by strik-
5 ing “child pornography and enticement cases” and
6 inserting “cases involving child sexual abuse mate-
7 rial and enticement of children”.

8 (17) PROTECT OUR CHILDREN ACT OF 2008.—
9 The PROTECT Our Children Act of 2008 (34
10 U.S.C. 21101 et seq.) is amended—

11 (A) in section 101(c) (34 U.S.C.
12 21111(c))—

13 (i) in paragraph (16)—

14 (I) in the matter preceding sub-
15 paragraph (A), by striking “child por-
16 nography trafficking” and inserting
17 “trafficking in child sexual abuse ma-
18 terial”;

19 (II) in subparagraph (A), by
20 striking “child pornography” and in-
21 serting “child sexual abuse material”;

22 (III) in subparagraph (B), by
23 striking “child pornography” and in-
24 serting “child sexual abuse material”;

1 (IV) in subparagraph (C), by
2 striking “child pornography” and in-
3 serting “child sexual abuse material”;
4 and

5 (V) in subparagraph (D), by
6 striking “child pornography” and in-
7 serting “child sexual abuse material”;
8 and

9 (ii) in paragraph (17)(A), by striking
10 “child pornography” and inserting “child
11 sexual abuse material”; and

12 (B) in section 105(e)(1)(C) (34 U.S.C.
13 21115(e)(1)(C)), by striking “child pornog-
14 raphy trafficking” and inserting “trafficking in
15 child sexual abuse material”.

16 (18) SOCIAL SECURITY ACT.—Section
17 471(a)(20)(A)(i) of the Social Security Act (42
18 U.S.C. 671(a)(20)(A)(i)) is amended by striking
19 “child pornography” and inserting “offenses involv-
20 ing child sexual abuse material”.

21 (19) PRIVACY PROTECTION ACT OF 1980.—Sec-
22 tion 101 of the Privacy Protection Act of 1980 (42
23 U.S.C. 2000aa) is amended—

1 (A) in subsection (a)(1), by striking “child
2 pornography” and inserting “child sexual abuse
3 material”; and

4 (B) in subsection (b)(1), by striking “child
5 pornography” and inserting “child sexual abuse
6 material”.

7 (20) CHILD CARE AND DEVELOPMENT BLOCK
8 GRANT ACT OF 1990.—Section 658H(c)(1) of the
9 Child Care and Development Block Grant Act of
10 1990 (42 U.S.C. 9858f(c)(1)) is amended—

11 (A) in subparagraph (D)(iii), by striking
12 “child pornography” and inserting “offenses re-
13 lating to child sexual abuse material”; and

14 (B) in subparagraph (E), by striking
15 “child pornography” and inserting “child sexual
16 abuse material”.

17 (21) COMMUNICATIONS ACT OF 1934.—Title II
18 of the Communications Act of 1934 (47 U.S.C. 201
19 et seq.) is amended—

20 (A) in section 223 (47 U.S.C. 223)—

21 (i) in subsection (a)(1)—

22 (I) in subparagraph (A), in the
23 undesignated matter following clause

24 (ii), by striking “child pornography”

1 and inserting “which constitutes child
2 sexual abuse material”; and

3 (II) in subparagraph (B), in the
4 undesignated matter following clause
5 (ii), by striking “child pornography”
6 and inserting “which constitutes child
7 sexual abuse material”; and

8 (ii) in subsection (d)(1), in the undes-
9 ignated matter following subparagraph
10 (B), by striking “child pornography” and
11 inserting “that constitutes child sexual
12 abuse material”; and

13 (B) in section 254(h) (47 U.S.C.
14 254(h))—

15 (i) in paragraph (5)—

16 (I) in subparagraph (B)(i)(II), by
17 striking “child pornography” and in-
18 serting “child sexual abuse material”;
19 and

20 (II) in subparagraph (C)(i)(II),
21 by striking “child pornography” and
22 inserting “child sexual abuse mate-
23 rial”;

24 (ii) in paragraph (6)—

1 (I) in subparagraph (B)(i)(II), by
 2 striking “child pornography” and in-
 3 serting “child sexual abuse material”;
 4 and

5 (II) in subparagraph (C)(i)(II),
 6 by striking “child pornography” and
 7 inserting “child sexual abuse mate-
 8 rial”; and

9 (iii) in paragraph (7)(F)—

10 (I) in the subparagraph heading,
 11 by striking “CHILD PORNOGRAPHY”
 12 and inserting “CHILD SEXUAL ABUSE
 13 MATERIAL”; and

14 (II) by striking “child pornog-
 15 raphy” and inserting “child sexual
 16 abuse material”.

17 (c) TABLE OF SECTIONS AMENDMENTS.—

18 (1) CHAPTER 110 OF TITLE 18.—The table of
 19 sections for chapter 110 of title 18, United States
 20 Code, is amended—

21 (A) by striking the item relating to section
 22 2252A and inserting the following:

“2252A. Certain activities relating to child sexual abuse material.”;

23 (B) by striking the item relating to section
 24 2258C and inserting the following:

“2258C. Use of technical elements from reports made to the CyberTipline to combat child sexual abuse material.”;

1 (C) by striking the item relating to section
2 2259A and inserting the following:

“2259A. Assessments in cases involving child sexual abuse material.”;

3 and

4 (D) by striking the item relating to section
5 2259B and inserting the following:

“2259B. Reserve for victims of child sexual abuse material.”.

6 (2) CHAPTER 117 OF TITLE 18.—The table of
7 sections for chapter 117 of title 18, United States
8 Code, is amended by striking the item relating to
9 section 2427 and inserting the following:

“2427. Inclusion of offenses relating to child sexual abuse material in definition of sexual activity for which any person can be charged with a criminal offense.”.

10 (d) AMENDMENT TO THE FEDERAL SENTENCING
11 GUIDELINES.—Pursuant to its authority under section
12 994(p) of title 28, United States Code, and in accordance
13 with this section, the United States Sentencing Commis-
14 sion shall amend the Federal sentencing guidelines, in-
15 cluding application notes, to replace the terms “child por-
16 nography” and “child pornographic material” with “child
17 sexual abuse material”.

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section to title 18 of the United States Code shall
20 apply to conduct that occurred before, on, or after the date
21 of enactment of this Act.

1 **SEC. 4. MODERNIZING THE CYBERTIPLINE.**

2 (a) IN GENERAL.—Chapter 110 of title 18, United
3 States Code, is amended—

4 (1) in section 2258A, as amended by section
5 6(b) of this Act—

6 (A) in subsection (a)—

7 (i) in paragraph (1)(B)(ii), by insert-
8 ing after “facts or circumstances” the fol-
9 lowing: “, including any available facts or
10 circumstances sufficient to identify and lo-
11 cate each minor and each involved indi-
12 vidual,”; and

13 (ii) in paragraph (2)(A)—

14 (I) by inserting “1591 (if the vio-
15 lation involves a minor),” before
16 “2251,”; and

17 (II) by striking “or 2260” and
18 inserting “2260, or 2422(b)”;

19 (B) in subsection (b)—

20 (i) in paragraph (1)—

21 (I) by inserting “or location”
22 after “identity”; and

23 (II) by striking “other identifying
24 information,” and inserting “other in-
25 formation which may identify or lo-
26 cate the involved individual,”;

1 (ii) by redesignating paragraphs (2)
2 through (5) as paragraphs (3) through (6),
3 respectively;

4 (iii) by inserting after paragraph (1)
5 the following:

6 “(2) INFORMATION ABOUT THE INVOLVED
7 MINOR.—Information relating to the identity or loca-
8 tion of any involved minor, which may, to the extent
9 reasonably practicable, include the electronic mail
10 address, Internet Protocol address, uniform resource
11 locator, or any other information which may identify
12 or locate any involved minor, including self-reported
13 identifying information.”; and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(7) FORMATTING OF REPORTS.—When in its
17 discretion a provider voluntarily includes any content
18 described in this subsection in a report to the
19 CyberTipline, the provider shall use best efforts to
20 ensure that the report conforms with the structure
21 of the CyberTipline.”; and

22 (C) in subsection (d)(5)(B)—

23 (i) in clause (i), by striking “for-
24 warded” and inserting “made available”;
25 and

1 (ii) in clause (ii), by striking “for-
2 warded” and inserting “made available”;

3 (2) in section 2258B—

4 (A) in subsection (a)—

5 (i) by striking “arising from the per-
6 formance” and inserting the following: “,
7 may not be brought in any Federal or
8 State court if the claim or charge is di-
9 rectly attributable to—

10 “(1) the performance”;

11 (ii) in paragraph (1), as so des-
12 ignated, by striking “may not be brought
13 in any Federal or State court.” and insert-
14 ing a semicolon; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(2) transmitting, distributing, or mailing child
18 sexual abuse material to any Federal, State, or local
19 law enforcement agency, or giving such agency ac-
20 cess to child sexual abuse material, in response to a
21 search warrant, court order, or other legal process
22 issued by such agency; or

23 “(3) research voluntarily undertaken by the
24 provider or domain name registrar using any mate-

1 rial being preserved under section 2258A(h), if the
2 research is only for the purpose of—

3 “(A) improving or facilitating reporting
4 under this section, section 2258A, or section
5 2258C; or

6 “(B) stopping the online sexual exploi-
7 tation of children.”; and

8 (B) in subsection (b)(2)(C)—

9 (i) by striking “the performance of”;

10 (ii) by inserting “described in or per-
11 formed” after “function”; and

12 (iii) by striking “this section, sec-
13 tions” and inserting “this section or sec-
14 tion”; and

15 (3) in section 2258C, as amended by section
16 6(b) of this Act—

17 (A) in the section heading, by striking
18 “**the CyberTipline**” and inserting
19 “**NCMEC**”;

20 (B) in subsection (a)—

21 (i) in paragraph (1)—

22 (I) by striking “NCMEC” and
23 inserting the following:

24 “(A) PROVISION TO PROVIDERS.—
25 NCMEC”;

1 (II) in subparagraph (A), as so
2 designated, by inserting “or submis-
3 sion to the child victim identification
4 program described in section
5 404(b)(1)(K)(ii) of the Juvenile Jus-
6 tice and Delinquency Prevention Act
7 of 1974 (34 U.S.C.
8 11293(b)(1)(K)(ii))” after
9 “CyberTipline report”; and

10 (III) by adding at the end the
11 following:

12 “(B) PROVISION TO NON-PROFIT ENTI-
13 TIES.—NCMEC may provide hash values or
14 similar technical identifiers associated with vis-
15 ual depictions provided in a CyberTipline report
16 or submission to the child victim identification
17 program described in section 404(b)(1)(K)(ii)
18 of the Juvenile Justice and Delinquency Pre-
19 vention Act of 1974 (34 U.S.C.
20 11293(b)(1)(K)(ii)) to a non-profit entity for
21 the sole and exclusive purpose of preventing
22 and curtailing the online sexual exploitation of
23 children.”; and

24 (ii) in paragraph (2)—

1 (I) by inserting “(A)” after
2 “(1)”;

3 (II) by inserting “or submission
4 to the child victim identification pro-
5 gram described in section
6 404(b)(1)(K)(ii) of the Juvenile Jus-
7 tice and Delinquency Prevention Act
8 of 1974 (34 U.S.C.
9 11293(b)(1)(K)(ii))” after
10 “CyberTipline report”; and

11 (III) by adding at the end the
12 following: “The elements authorized
13 under paragraph (1)(B) shall be lim-
14 ited to hash values or similar tech-
15 nical identifiers associated with visual
16 depictions provided in a CyberTipline
17 report or submission to the child vic-
18 tim identification program described
19 in section 404(b)(1)(K)(ii) of the Ju-
20 venile Justice and Delinquency Pre-
21 vention Act of 1974 (34 U.S.C.
22 11293(b)(1)(K)(ii)).”; and

23 (C) in subsection (d), by inserting “or to
24 the child victim identification program de-
25 scribed in section 404(b)(1)(K)(ii) of the Juve-

1 nile Justice and Delinquency Prevention Act of
2 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after
3 “CyberTipline”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of sections for chapter 110 of title 18, United
6 States Code, is amended by striking the item relating to
7 section 2258C (as amended by section 6(c)(1)(B) of this
8 Act) and inserting the following:

 “2258C. Use of technical elements from reports made to NCMEC to combat
 child sexual abuse material.”.

9 **SEC. 5. ELIMINATING NETWORK DISTRIBUTION OF CHILD**
10 **EXPLOITATION.**

11 Section 2258A(h) of title 18, United States Code, is
12 amended—

13 (1) in paragraph (1), by striking “90 days” and
14 inserting “1 year”; and

15 (2) by adding at the end the following:

16 “(5) EXTENSION OF PRESERVATION.—A pro-
17 vider of a report to the CyberTipline may voluntarily
18 preserve the contents provided in the report (includ-
19 ing any comingled content described in paragraph
20 (2)) for longer than 1 year after the submission to
21 the CyberTipline for the purpose of reducing the
22 proliferation of online child sexual exploitation or
23 preventing the online sexual exploitation of chil-
24 dren.”.

1 **SEC. 6. SEVERABILITY.**

2 If any provision of this Act or any amendment made
3 by this Act, or any application of such provision or amend-
4 ment to any person or circumstance, is held to be uncon-
5 stitutional, the remainder of the provisions of this Act and
6 the amendments made by this Act, and the application of
7 the provision or amendment to any other person or cir-
8 cumstance, shall not be affected.

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