

118TH CONGRESS
1ST SESSION

H. R. 5182

To modernize online child protection laws.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 8, 2023

Mrs. WAGNER (for herself, Ms. GARCIA of Texas, Mr. NUNN of Iowa, Mr. HUNT, Mr. DONALDS, Ms. SALAZAR, Mr. MOORE of Utah, Mr. BACON, and Mr. ALFORD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To modernize online child protection laws.

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 “Child Online Safety
5 Modernization Act of 2023”.

6 **SEC. 2. MODERNIZING THE CYBERTIPLINE.**

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

9 (1) in section 2258A, as amended by section
10 6(b) of this Act—

11 (A) in subsection (a)—

1 (i) in paragraph (1)(B)(ii), by insert-
2 ing after “facts or circumstances” the fol-
3 lowing: “, including any available facts or
4 circumstances sufficient to identify and lo-
5 cate each minor and each involved indi-
6 vidual,”; and

7 (ii) in paragraph (2)(A)—

8 (I) by inserting “1591 (if the vio-
9 lation involves a minor),” before
10 “2251,”; and

11 (II) by striking “or 2260” and
12 inserting “2260, or 2422(b)”;

13 (B) in subsection (b)—

14 (i) in paragraph (1)—

15 (I) by inserting “or location”
16 after “identity”; and

17 (II) by striking “other identifying
18 information,” and inserting “other in-
19 formation which may identify or lo-
20 cate the involved individual,”;

21 (ii) by redesignating paragraphs (2)
22 through (5) as paragraphs (3) through (6),
23 respectively;

24 (iii) by inserting after paragraph (1)
25 the following:

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

9 (iv) by adding at the end the fol-
10 lowing:

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

17 (C) in subsection (d)(5)(B)—

18 (i) in clause (i), by striking “for-
19 warded” and inserting “made available”;
20 and

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

23 (2) in section 2258B—

24 (A) in subsection (a)—

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

6 “(1) the performance”;

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

11 (iii) by adding at the end the fol-
12 lowing:

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

19 “(3) research voluntarily undertaken by the
20 provider or domain name registrar using any mate-
21 rial being preserved under section 2258A(h), if the
22 research is only for the purpose of—

23 “(A) improving or facilitating reporting
24 under this section, section 2258A, or section
25 2258C; or

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

3 (B) in subsection (b)(2)(C)—

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

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

7 (iii) by striking “this section, sec-
8 tions” and inserting “this section or sec-
9 tion”; and

10 (3) in section 2258C, as amended by section
11 6(b) of this Act—

12 (A) in the section heading, by striking
13 “**the CyberTipline**” and inserting
14 “**NCMEC**”;

15 (B) in subsection (a)—

16 (i) in paragraph (1)—

17 (I) by striking “NCMEC” and
18 inserting the following:

19 “(A) PROVISION TO PROVIDERS.—
20 NCMEC”;

21 (II) in subparagraph (A), as so
22 designated, by inserting “or submis-
23 sion to the child victim identification
24 program described in section
25 404(b)(1)(K)(ii) of the Juvenile Jus-

1 tice and Delinquency Prevention Act
2 of 1974 (34 U.S.C.
3 11293(b)(1)(K)(ii))” after
4 “CyberTipline report”; and
5 (III) by adding at the end the
6 following:

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

19 (ii) in paragraph (2)—

20 (I) by inserting “(A)” after
21 “(1)”;

22 (II) by inserting “or submission
23 to the child victim identification pro-
24 gram described in section
25 404(b)(1)(K)(ii) of the Juvenile Jus-

1 tice and Delinquency Prevention Act
2 of 1974 (34 U.S.C.
3 11293(b)(1)(K)(ii))” after
4 “CyberTipline report”; and
5 (III) by adding at the end the
6 following: “The elements authorized
7 under paragraph (1)(B) shall be lim-
8 ited to hash values or similar tech-
9 nical identifiers associated with visual
10 depictions provided in a CyberTipline
11 report or submission to the child vic-
12 tim identification program described
13 in section 404(b)(1)(K)(ii) of the Ju-
14 venile Justice and Delinquency Pre-
15 vention Act of 1974 (34 U.S.C.
16 11293(b)(1)(K)(ii)).”; and
17 (C) in subsection (d), by inserting “or to
18 the child victim identification program de-
19 scribed in section 404(b)(1)(K)(ii) of the Juve-
20 nile Justice and Delinquency Prevention Act of
21 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after
22 “CyberTipline”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for chapter 110 of title 18, United
25 States Code, is amended by striking the item relating to

1 section 2258C (as amended by section 6(c)(1)(B) of this
2 Act) and inserting the following:

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

3 **SEC. 3. ELIMINATING NETWORK DISTRIBUTION OF CHILD**
4 **EXPLOITATION.**

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

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

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

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

19 **SEC. 4. USE OF TERM “CHILD SEXUAL ABUSE MATERIAL”.**

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

1 (b) AMENDMENTS.—

2 (1) TITLE 5, UNITED STATES CODE.—Chapter
3 65 of title 5, United States Code, is amended—

4 (A) in section 6502(a)(2)(B), by striking
5 “child pornography” and inserting “child sexual
6 abuse material”; and

7 (B) in section 6504(c)(2)(F), by striking
8 “child pornography” and inserting “child sexual
9 abuse material”.

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

13 (A) in section 307(b)(3)(D) (6 U.S.C.
14 187(b)(3)(D)), by striking “child pornography”
15 and inserting “child sexual abuse material”;
16 and

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

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

21 (ii) in subsection (e)(3)(B)(ii), by
22 striking “child pornography” and inserting
23 “child sexual abuse material”.

24 (3) IMMIGRATION AND NATIONALITY ACT.—Sec-
25 tion 101(a)(43)(I) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1101(a)(43)(I)) is amended by
2 striking “child pornography” and inserting “child
3 sexual abuse material”.

4 (4) SMALL BUSINESS JOBS ACT OF 2010.—Sec-
5 tion 3011(c) of the Small Business Jobs Act of 2010
6 (12 U.S.C. 5710(c)) is amended by striking “child
7 pornography” and inserting “child sexual abuse ma-
8 terial”.

9 (5) BROADBAND DATA IMPROVEMENT ACT.—
10 Section 214(a)(2) of the Broadband Data Improve-
11 ment Act (15 U.S.C. 6554(a)(2)) is amended by
12 striking “child pornography” and inserting “child
13 sexual abuse material”.

14 (6) CAN-SPAM ACT OF 2003.—Section
15 4(b)(2)(B) of the CAN-SPAM Act of 2003 (15
16 U.S.C. 7703(b)(2)(B)) is amended by striking “child
17 pornography” and inserting “child sexual abuse ma-
18 terial”.

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

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

25 (B) in chapter 110—

1 (i) in section 2251(e), by striking
2 “child pornography” and inserting “child
3 sexual abuse material”;

4 (ii) in section 2252(b)—

5 (I) in paragraph (1), by striking
6 “child pornography” and inserting
7 “child sexual abuse material”; and

8 (II) in paragraph (2), by striking
9 “child pornography” and inserting
10 “child sexual abuse material”;

11 (iii) in section 2252A—

12 (I) in the section heading, by
13 striking “**material constituting**
14 **or containing child pornog-**
15 **raphy**” and inserting “**child sex-**
16 **ual abuse material**”;

17 (II) in subsection (a)—

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

22 (bb) in paragraph (2)—

23 (AA) in subparagraph
24 (A), by striking “child por-
25 nography” and inserting

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

3 (BB) in subparagraph
4 (B), by striking “material
5 that contains child pornog-
6 raphy” and inserting “child
7 sexual abuse material”;

8 (cc) in paragraph (3)(A), by
9 striking “child pornography” and
10 inserting “child sexual abuse ma-
11 terial”;

12 (dd) in paragraph (4)—

13 (AA) in subparagraph
14 (A), by striking “child por-
15 nography” and inserting
16 “child sexual abuse mate-
17 rial”; and

18 (BB) in subparagraph
19 (B), by striking “child por-
20 nography” and inserting
21 “child sexual abuse mate-
22 rial”;

23 (ee) in paragraph (5)—

24 (AA) in subparagraph
25 (A), by striking “material

1 that contains an image of
2 child pornography” and in-
3 sserting “item containing
4 child sexual abuse material”;
5 and
6 (BB) in subparagraph
7 (B), by striking “material
8 that contains an image of
9 child pornography” and in-
10 sserting “item containing
11 child sexual abuse material”;
12 and
13 (ff) in paragraph (7)—
14 (AA) by striking “child
15 pornography” and inserting
16 “child sexual abuse mate-
17 rial”; and
18 (BB) by striking the
19 period at the end and insert-
20 ing a comma;
21 (III) in subsection (b)—
22 (aa) in paragraph (1), by
23 striking “child pornography” and
24 inserting “child sexual abuse ma-
25 terial”; and

1 (bb) in paragraph (2), by
2 striking “child pornography”
3 each place the term appears and
4 inserting “child sexual abuse ma-
5 terial”;

6 (IV) in subsection (c)—

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

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

15 (cc) in the undesignated
16 matter following paragraph (2),
17 by striking “child pornography”
18 and inserting “child sexual abuse
19 material”;

20 (V) in subsection (d)(1), by strik-
21 ing “child pornography” and inserting
22 “child sexual abuse material”; and

23 (VI) in subsection (e), by striking
24 “child pornography” each place the

- 1 term appears and inserting “child sexual
2 abuse material”;
- 3 (iv) in section 2256(8)—
- 4 (I) by striking “child pornography” and inserting “child sexual
5 abuse material”; and
- 6
- 7 (II) by striking the period at the
8 end and inserting a semicolon;
- 9 (v) in section 2257A(h)—
- 10 (I) in paragraph (1)(A)(iii)—
- 11 (aa) by inserting a comma
12 after “marketed”;
- 13 (bb) by striking “such than”
14 and inserting “such that”; and
- 15 (cc) by striking “a visual de-
16 piction that is child pornog-
17 raphy” and inserting “child sexual
18 abuse material”; and
- 19 (II) in paragraph (2), by striking
20 “any visual depiction that is child por-
21 nography” and inserting “child sexual
22 abuse material”;
- 23 (vi) in section 2258A—
- 24 (I) in subsection (a)(2)—

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

5 (bb) in subparagraph (B),
6 by striking “child pornography”
7 and inserting “child sexual abuse
8 material”;

9 (II) in subsection (b)—

10 (aa) in paragraph (4)—

11 (AA) in the paragraph
12 heading, by striking “VIS-
13 UAL DEPICTIONS OF APPAR-
14 ENT CHILD PORNOGRAPHY”
15 and inserting “APPARENT
16 CHILD SEXUAL ABUSE MA-
17 TERIAL”; and

18 (BB) by striking “vis-
19 ual depiction of apparent
20 child pornography” and in-
21 sserting “apparent child sex-
22 ual abuse material”; and

23 (bb) in paragraph (5), by
24 striking “visual depiction of ap-
25 parent child pornography” and

1 inserting “apparent child sexual
2 abuse material”; and

3 (III) in subsection (g)(2)(B), by
4 striking “visual depictions of apparent
5 child pornography” and inserting “ap-
6 parent child sexual abuse material”;

7 (vii) in section 2258C—

8 (I) in the section heading, by
9 striking “**Use to combat child
10 pornography of technical ele-
11 ments relating to reports
12 made to the CyberTipline**” and
13 inserting “**Use of technical ele-
14 ments from reports made to
15 the CyberTipline to combat
16 child sexual abuse material**”;

17 (II) in subsection (a)—

18 (aa) in paragraph (2), by
19 striking “child pornography” and
20 inserting “child sexual abuse ma-
21 terial”; and

22 (bb) in paragraph (3), by
23 striking “the actual visual depic-
24 tions of apparent child pornog-

1 raphy” and inserting “any appar-
2 ent child sexual abuse material”;
3 (III) in subsection (d), by strik-
4 ing “child pornography visual depic-
5 tion” and inserting “child sexual
6 abuse material visual depiction”; and
7 (IV) in subsection (e), by striking
8 “child pornography visual depiction”
9 and inserting “child sexual abuse ma-
10 terial visual depiction”;
11 (viii) in section 2259—
12 (I) in paragraph (b)(2)—
13 (aa) in the paragraph head-
14 ing, by striking “CHILD PORNOG-
15 RAPHY” and inserting “CHILD
16 SEXUAL ABUSE MATERIAL”;
17 (bb) in the matter preceding
18 subparagraph (A), by striking
19 “child pornography” and insert-
20 ing “child sexual abuse mate-
21 rial”; and
22 (cc) in subparagraph (A), by
23 striking “child pornography” and
24 inserting “child sexual abuse ma-
25 terial”;

1 (II) in subsection (c)—
2 (aa) in paragraph (1)—
3 (AA) in the paragraph
4 heading, by striking “CHILD
5 PORNOGRAPHY PRODUC-
6 TION” and inserting “PRO-
7 DUCATION OF CHILD SEXUAL
8 ABUSE MATERIAL”;
9 (BB) by striking “child
10 pornography production”
11 and inserting “production of
12 child sexual abuse material”;
13 and
14 (CC) by striking “pro-
15 duction of child pornog-
16 raphy” and inserting “pro-
17 duction of child sexual abuse
18 material”;
19 (bb) in paragraph (2), in the
20 matter preceding subparagraph
21 (A), by striking “trafficking in
22 child pornography offenses” each
23 place the term appears and in-
24 serting “offenses for trafficking

1 in child sexual abuse material”;
2 and

3 (cc) in paragraph (3)—

4 (AA) in the paragraph
5 heading, by striking “CHILD
6 PORNOGRAPHY” and insert-
7 ing “CHILD SEXUAL ABUSE
8 MATERIAL”; and

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

13 (III) in subsection (d)(1)—

14 (aa) in subparagraph (A)—

15 (AA) by striking “child
16 pornography” each place the
17 term appears 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”;

1 (bb) in subparagraph (B),
2 by striking “child pornography”
3 and inserting “child sexual abuse
4 material”; and

5 (cc) in subparagraph (C)—

6 (AA) by striking “child
7 pornography” and inserting
8 “child sexual abuse mate-
9 rial”; and

10 (BB) by striking “Child
11 Pornography Victims Re-
12 serve” and inserting “Re-
13 serve for Victims of Child
14 Sexual Abuse Material”;

15 (ix) in section 2259A—

16 (I) in the section heading, by
17 striking “**child pornography**
18 **cases**” and inserting “**cases in-**
19 **volving child sexual abuse**
20 **material**”;

21 (II) in subsection (a)—

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

1 (bb) in paragraph (3), by
2 striking “a child pornography
3 production offense” and inserting
4 “an offense for production of
5 child sexual abuse material”; and
6 (III) in subsection (d)(2)(B), by
7 striking “child pornography produc-
8 tion or trafficking offense that the de-
9 fendant committed” and inserting “of-
10 fense for production of child sexual
11 abuse material or trafficking in child
12 sexual abuse material committed by
13 the defendant”; and
14 (x) in section 2259B—
15 (I) in the section heading, by
16 striking “**Child pornography**
17 **victims reserve**” and inserting
18 “**Reserve for child sexual**
19 **abuse material**”;
20 (II) in subsection (a), by striking
21 “Child Pornography Victims Reserve”
22 each place the term appears and in-
23 serting “Reserve for Victims of Child
24 Sexual Abuse Material”;

- 1 (III) in subsection (b), by strik-
2 ing “Child Pornography Victims Re-
3 serve” each place the term appears
4 and inserting “Reserve for Victims of
5 Child Sexual Abuse Material”; and
- 6 (IV) in subsection (c), by striking
7 “Child Pornography Victims Reserve”
8 and inserting “Reserve for Victims of
9 Child Sexual Abuse Material”;
- 10 (C) in chapter 117—
- 11 (i) in section 2423(f)(3), by striking
12 “child pornography” and inserting “child
13 sexual abuse material”; and
- 14 (ii) in section 2427—
- 15 (I) in the section heading, by
16 striking “**child pornography**”
17 and inserting “**child sexual abuse**
18 **material**”; and
- 19 (II) by striking “child pornog-
20 raphy” and inserting “child sexual
21 abuse material”;
- 22 (D) in section 2516—
- 23 (i) in paragraph (1)(c), by striking
24 “material constituting or containing child

1 pornography” and inserting “child sexual
2 abuse material”; and

3 (ii) in paragraph (2), by striking
4 “child pornography production” and in-
5 serting “production of child sexual abuse
6 material”;

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

10 (F) in section 3509—

11 (i) in subsection (a)(6), by striking
12 “child pornography” and inserting “child
13 sexual abuse material”; and

14 (ii) in subsection (m)—

15 (I) in the subsection heading, by
16 striking “CHILD PORNOGRAPHY” and
17 inserting “CHILD SEXUAL ABUSE
18 MATERIAL”;

19 (II) in paragraph (1), by striking
20 “property or material that constitutes
21 child pornography (as defined by sec-
22 tion 2256 of this title)” and inserting
23 “child sexual abuse material (as de-
24 fined by section 2256 of this title), or

1 property or items containing such ma-
2 terial,”;

3 (III) in paragraph (2)—

4 (aa) in subparagraph (A)—

5 (AA) by striking “prop-
6 erty or material that con-
7 stitutes child pornography
8 (as defined by section 2256
9 of this title)” and inserting
10 “child sexual abuse material
11 (as defined by section 2256
12 of this title), or property or
13 items containing such mate-
14 rial,”; and

15 (BB) by striking “the
16 property or material” and
17 inserting “the child sexual
18 abuse material, property, or
19 items”; and

20 (bb) in subparagraph (B),
21 by striking “property or mate-
22 rial” each place the term appears
23 and inserting “child sexual abuse
24 material, property, or items”;
25 and

1 (IV) in paragraph (3)—

2 (aa) by striking “property or
3 material that constitutes child
4 pornography, as defined under
5 section 2256(8)” and inserting
6 “child sexual abuse material (as
7 defined by section 2256 of this
8 title”);

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

13 (cc) by striking “Such prop-
14 erty or material” and inserting
15 “Such child sexual abuse mate-
16 rial”; and

17 (G) in section 3632(d)(4)(D)(xlii), by
18 striking “material constituting or containing
19 child pornography” and inserting “child sexual
20 abuse material”.

21 (8) TARIFF ACT OF 1930.—Section
22 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C.
23 1583(a)(2)(B)) is amended by striking “child por-
24 nography” and inserting “child sexual abuse mate-
25 rial”.

1 (9) ELEMENTARY AND SECONDARY EDUCATION
2 ACT OF 1965.—Section 4121 of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 7131)
4 is amended—

5 (A) in subsection (a)—

6 (i) in paragraph (1)(A)(ii), by striking
7 “child pornography” and inserting “child
8 sexual abuse material”; and

9 (ii) in paragraph (2)(A)(ii), by strik-
10 ing “child pornography” and inserting
11 “child sexual abuse material”; and

12 (B) in subsection (e)(5)—

13 (i) in the paragraph heading, by strik-
14 ing “CHILD PORNOGRAPHY” and inserting
15 “CHILD SEXUAL ABUSE MATERIAL”; and

16 (ii) by striking “child pornography”
17 and inserting “child sexual abuse mate-
18 rial”.

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

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)(i)(II), by
24 striking “child pornography” and inserting
25 “child sexual abuse material”; and

1 (ii) in subparagraph (B)(i)(II), by
2 striking “child pornography” and inserting
3 “child sexual abuse material”; and

4 (B) in paragraph (7)(A)—

5 (i) in the subparagraph heading, by
6 striking “CHILD PORNOGRAPHY” and in-
7 serring “CHILD SEXUAL ABUSE MATE-
8 RIAL”; and

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

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

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

22 (A) in clause (i)(I)(aa), by striking “child
23 pornography” and inserting “child sexual abuse
24 material”; and

1 (B) in clause (ii), by striking “child por-
2 nography” and inserting “child sexual abuse
3 material”.

4 (13) VICTIMS OF CRIME ACT OF 1984.—Section
5 1402(d)(6)(A) of the Victims of Crime Act of 1984
6 (34 U.S.C. 20101(d)(6)(A)) is amended by striking
7 “Child Pornography Victims Reserve” and inserting
8 “Reserve for Victims of Child Sexual Abuse Mate-
9 rial”.

10 (14) VICTIMS OF CHILD ABUSE ACT OF 1990.—
11 The Victims of Child Abuse Act of 1990 (34 U.S.C.
12 20301 et seq.) is amended—

13 (A) in section 212(4) (34 U.S.C.
14 20302(4)), by striking “child pornography” and
15 inserting “child sexual abuse material”;

16 (B) in section 214(b) (34 U.S.C.
17 20304(b))—

18 (i) in the subsection heading, by strik-
19 ing “CHILD PORNOGRAPHY” and inserting
20 “CHILD SEXUAL ABUSE MATERIAL”; and

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

1 (C) in section 226(c)(6) (34 U.S.C.
2 20341(c)(6)), by striking “child pornography”
3 and inserting “child sexual abuse material”.

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

8 (A) in paragraph (3)(B)(iii), by striking
9 “child pornography” and inserting “child sexual
10 abuse material”; and

11 (B) in paragraph (7)(G), by striking “child
12 pornography” and inserting “child sexual abuse
13 material”.

14 (16) ADAM WALSH CHILD PROTECTION AND
15 SAFETY ACT OF 2006.—Section 143(b)(3) of the
16 Adam Walsh Child Protection and Safety Act of
17 2006 (34 U.S.C. 20942(b)(3)) is amended by strik-
18 ing “child pornography and enticement cases” and
19 inserting “cases involving child sexual abuse mate-
20 rial and enticement of children”.

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

24 (A) in section 101(c) (34 U.S.C.
25 21111(c))—

1 (i) in paragraph (16)—

2 (I) in the matter preceding sub-
3 paragraph (A), by striking “child por-
4 nography trafficking” and inserting
5 “trafficking in child sexual abuse ma-
6 terial”;

7 (II) in subparagraph (A), by
8 striking “child pornography” and in-
9 serting “child sexual abuse material”;

10 (III) in subparagraph (B), by
11 striking “child pornography” and in-
12 serting “child sexual abuse material”;

13 (IV) in subparagraph (C), by
14 striking “child pornography” and in-
15 serting “child sexual abuse material”;
16 and

17 (V) in subparagraph (D), by
18 striking “child pornography” and in-
19 serting “child sexual abuse material”;
20 and

21 (ii) in paragraph (17)(A), by striking
22 “child pornography” and inserting “child
23 sexual abuse material”; and

24 (B) in section 105(e)(1)(C) (34 U.S.C.
25 21115(e)(1)(C)), by striking “child pornog-

1 raphy trafficking” and inserting “trafficking in
2 child sexual abuse material”.

3 (18) SOCIAL SECURITY ACT.—Section
4 471(a)(20)(A)(i) of the Social Security Act (42
5 U.S.C. 671(a)(20)(A)(i)) is amended by striking
6 “child pornography” and inserting “offenses involv-
7 ing child sexual abuse material”.

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

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

14 (B) in subsection (b)(1), by striking “child
15 pornography” and inserting “child sexual abuse
16 material”.

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

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

1 (B) in subparagraph (E), by striking
2 “child pornography” and inserting “child sexual
3 abuse material”.

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

7 (A) in section 223 (47 U.S.C. 223)—

8 (i) in subsection (a)(1)—

9 (I) in subparagraph (A), in the
10 undesignated matter following clause
11 (ii), by striking “child pornography”
12 and inserting “which constitutes child
13 sexual abuse material”; and

14 (II) in subparagraph (B), in the
15 undesignated matter following clause
16 (ii), by striking “child pornography”
17 and inserting “which constitutes child
18 sexual abuse material”; and

19 (ii) in subsection (d)(1), in the undes-
20 ignated matter following subparagraph
21 (B), by striking “child pornography” and
22 inserting “that constitutes child sexual
23 abuse material”; and

24 (B) in section 254(h) (47 U.S.C.
25 254(h))—

1 (i) in paragraph (5)—

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

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

10 (ii) in paragraph (6)—

11 (I) in subparagraph (B)(i)(II), by
12 striking “child pornography” and in-
13 serting “child sexual abuse material”;
14 and

15 (II) in subparagraph (C)(i)(II),
16 by striking “child pornography” and
17 inserting “child sexual abuse mate-
18 rial”; and

19 (iii) in paragraph (7)(F)—

20 (I) in the subparagraph heading,
21 by striking “CHILD PORNOGRAPHY”
22 and inserting “CHILD SEXUAL ABUSE
23 MATERIAL”; and

1 (II) by striking “child pornog-
2 raphy” and inserting “child sexual
3 abuse material”.

4 (c) TABLE OF SECTIONS AMENDMENTS.—

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

8 (A) by striking the item relating to section
9 2252A and inserting the following:

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

10 (B) by striking the item relating to section
11 2258C and inserting the following:

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

12 (C) by striking the item relating to section
13 2259A and inserting the following:

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

14 and

15 (D) by striking the item relating to section
16 2259B and inserting the following:

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

17 (2) CHAPTER 117 OF TITLE 18.—The table of
18 sections for chapter 117 of title 18, United States
19 Code, is amended by striking the item relating to
20 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.”.

1 (d) AMENDMENT TO THE FEDERAL SENTENCING
2 GUIDELINES.—Pursuant to its authority under section
3 994(p) of title 28, United States Code, and in accordance
4 with this section, the United States Sentencing Commis-
5 sion shall amend the Federal sentencing guidelines, in-
6 cluding application notes, to replace the terms “child por-
7 nography” and “child pornographic material” with “child
8 sexual abuse material”.

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

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