

117TH CONGRESS  
2D SESSION

# H. R. 9616

To protect children against sexual abuse and exploitation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2022

Mr. BURCHETT (for himself and Mr. CUELLAR) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To protect children against sexual abuse and exploitation,  
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 “Preventing Child Sex  
5 Abuse Act of 2022”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 The sense of Congress is the following:

8 (1) The safety of children should be a top pri-  
9 ority for public officials and communities in the  
10 United States.

1           (2) According to the Rape, Abuse & Incest Na-  
2           tional Network, an individual in the United States is  
3           sexually assaulted every 68 seconds. And every 9  
4           minutes, that victim is a child. Meanwhile, only 25  
5           out of every 1,000 perpetrators will end up in pris-  
6           on.

7           (3) The effects of child sexual abuse can be  
8           long-lasting and affect the victim's mental health.

9           (4) Victims are more likely than non-victims to  
10          experience the following mental health challenges:

11                 (A) Victims are about 4 times more likely  
12                 to develop symptoms of drug abuse.

13                 (B) Victims are about 4 times more likely  
14                 to experience post-traumatic stress disorder as  
15                 adults.

16                 (C) Victims are about 3 times more likely  
17                 to experience a major depressive episode as  
18                 adults.

19          (5) The criminal justice system should and has  
20          acted as an important line of defense to protect chil-  
21          dren and hold perpetrators accountable.

22          (6) However, the horrific crimes perpetuated by  
23          Larry Nassar demonstrate firsthand the loopholes  
24          that still exist in the criminal justice system. While  
25          Larry Nassar was found guilty of several State-level

1 offenses, he was not charged federally for his illicit  
2 sexual contact with minors, despite crossing State  
3 and international borders to commit this conduct.

4 (7) The Department of Justice has also identi-  
5 fied a growing trend of Americans who use chari-  
6 table or missionary work in a foreign country as a  
7 cover for sexual abuse of children.

8 (8) It is the intent of Congress to prohibit  
9 Americans from engaging in sexual abuse or exploi-  
10 tation of minors under the guise of work, including  
11 volunteer work, with an organization that affects  
12 interstate or foreign commerce, such as an inter-  
13 national charity.

14 (9) Federal law does not require that an abus-  
15 er's intention to engage in sexual abuse be a pri-  
16 mary, significant, dominant, or motivating purpose  
17 of the travel.

18 (10) Child sexual abuse does not require phys-  
19 ical contact between the abuser and the child. This  
20 is especially true as perpetrators turn increasingly to  
21 internet platforms, online chat rooms, and webcams  
22 to commit child sexual abuse.

23 (11) However, a decision of the United States  
24 Court of Appeals for the Seventh Circuit found the  
25 use of a webcam to engage in sexually provocative

1 activity with a minor did not qualify as “sexual ac-  
2 tivity”.

3 (12) Congress can address this issue by amend-  
4 ing the definition of the term “sexual activity” to  
5 clarify that it does not require interpersonal, phys-  
6 ical contact.

7 (13) It is the duty of Congress to provide clear-  
8 er guidance to ensure that those who commit crimes  
9 against children are prosecuted to the fullest extent  
10 of the law.

11 **SEC. 3. INTERSTATE CHILD SEXUAL ABUSE.**

12 Section 2423 of title 18, United States Code, is  
13 amended—

14 (1) in subsection (b), by striking “with a moti-  
15 vating purpose of engaging in any illicit sexual con-  
16 duct with another person” and inserting “with in-  
17 tent to engage in any illicit sexual conduct with an-  
18 other person”;

19 (2) by redesignating subsections (d), (e), (f),  
20 and (g) as subsections (e), (f), (g), and (i), respec-  
21 tively;

22 (3) in subsection (e), as so redesignated, by  
23 striking “with a motivating purpose of engaging in  
24 any illicit sexual conduct” and inserting “with intent  
25 to engage in any illicit sexual conduct”; and

1           (4) by inserting after subsection (g), as so re-  
2           designated, the following:

3           “(h) **RULE OF CONSTRUCTION.**—As used in this sec-  
4           tion, the term ‘intent’ shall be construed as any intention  
5           to engage in illicit sexual conduct at the time of the trav-  
6           el.”.

7           **SEC. 4. ABUSE UNDER THE GUISE OF CHARITY.**

8           Section 2423 of title 18, United States Code, as  
9           amended by section 3 of this Act, is amended—

10           (1) by inserting after subsection (c) the fol-  
11           lowing:

12           “(d) **ILLICIT SEXUAL CONDUCT IN CONNECTION**  
13           **WITH CERTAIN ORGANIZATIONS.**—Any citizen of the  
14           United States or alien admitted for permanent residence  
15           who—

16           “(1) is an officer, director, employee, or agent  
17           of an organization that affects interstate or foreign  
18           commerce;

19           “(2) makes use of the mails or any means or  
20           instrumentality of interstate or foreign commerce  
21           through the connection or affiliation of the person  
22           with such organization; and

23           “(3) commits an act in furtherance of illicit sex-  
24           ual conduct through the connection or affiliation of  
25           the person with such organization,

1 shall be fined under this title, imprisoned for not more  
2 than 30 years, or both.”;

3           (2) in subsection (f), as so redesignated, by  
4 striking “or (d)” and inserting “(d), or (e)”; and

5           (3) in subsection (i), as so redesignated, by  
6 striking “(f)(2)” and inserting “(g)(2)”.

7 **SEC. 5. SEXUAL ACTIVITY WITH MINORS.**

8           Section 2427 of title 18, United States Code, is  
9 amended by inserting “does not require interpersonal  
10 physical contact, and” before “includes”.

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