

TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who” for “Whoever”.

1986—Pub. L. 99-628 amended section generally, revising and restating as one paragraph provisions formerly contained in subsec. (a) and striking out subsec. (b) which provided definitions.

1978—Pub. L. 95-225 substituted “Transportation of minors” for “Coercion or enticement of minor female” in section catchline, designated existing provision as subsec. (a), substituted provisions relating to conduct prohibiting the transportation of minors for provisions relating to conduct prohibiting the coercion or enticement of a minor female, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(33) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

SENSE OF CONGRESS

Pub. L. 118-31, div. E, title LI, §5102(b), Dec. 22, 2023, 137 Stat. 933, provided that: “The sense of Congress is the following:

“(1) The safety of children should be a top priority for public officials and communities in the United States.

“(2) According to the Rape, Abuse & Incest National Network, an individual in the United States is sexually assaulted every 68 seconds. And every 9 minutes, that victim is a child. Meanwhile, only 25 out of every 1,000 perpetrators will end up in prison.

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

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

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

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

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

“(5) The criminal justice system should and has acted as an important line of defense to protect children and hold perpetrators accountable.

“(6) However, the horrific crimes perpetuated by Larry Nassar demonstrate firsthand the loopholes that still exist in the criminal justice system. While Larry Nassar was found guilty of several State-level offenses, he was not charged federally for his illicit sexual contact with minors, despite crossing State and international borders to commit this conduct.

“(7) The Department of Justice has also identified a growing trend of Americans who use charitable or missionary work in a foreign country as a cover for sexual abuse of children.

“(8) It is the intent of Congress to prohibit Americans from engaging in sexual abuse or exploitation of minors under the guise of work, including volunteer work, with an organization that affects interstate or foreign commerce, such as an international charity.

“(9) Federal law does not require that an abuser’s intention to engage in sexual abuse be a primary, significant, dominant, or motivating purpose of the travel.

“(10) Child sexual abuse does not require physical contact between the abuser and the child. This is especially true as perpetrators turn increasingly to internet platforms, online chat rooms, and webcams to commit child sexual abuse.

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

tivity with a minor did not qualify as ‘sexual activity’.

“(12) Congress can address this issue by amending the definition of the term ‘sexual activity’ to clarify that it does not require interpersonal, physical contact.

“(13) It is the duty of Congress to provide clearer guidance to ensure that those who commit crimes against children are prosecuted to the fullest extent of the law.”

§ 2424. Filing factual statement about alien individual

(a) Whoever keeps, maintains, controls, supports, or harbors in any house or place for the purpose of prostitution, or for any other immoral purpose, any individual, knowing or in reckless disregard of the fact that the individual is an alien, shall file with the Commissioner of Immigration and Naturalization a statement in writing setting forth the name of such individual, the place at which that individual is kept, and all facts as to the date of that individual’s entry into the United States, the port through which that individual entered, that individual’s age, nationality, and parentage, and concerning that individual’s procurement to come to this country within the knowledge of such person; and

Whoever fails within five business days after commencing to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien individual to file such statement concerning such alien individual with the Commissioner of Immigration and Naturalization; or

Whoever knowingly and willfully states falsely or fails to disclose in such statement any fact within that person’s knowledge or belief with reference to the age, nationality, or parentage of any such alien individual, or concerning that individual’s procurement to come to this country—

Shall be fined under this title or imprisoned not more than 10 years, or both.

(b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by that person, or the information therein contained, might tend to criminate that person or subject that person to a penalty or forfeiture, but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.

(June 25, 1948, ch. 645, 62 Stat. 813; Pub. L. 91-452, title II, §226, Oct. 15, 1970, 84 Stat. 930; Pub. L. 99-628, §5(c), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994,

108 Stat. 2147; Pub. L. 104-208, div. C, title III, §325, Sept. 30, 1996, 110 Stat. 3009-629.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §402(2), (3) (June 25, 1910, ch. 395, §6, 36 Stat. 826).

First paragraph of section 402 of title 18, U.S.C., 1940 ed., was omitted from this section and recommended for transfer to Title 8, Aliens and Nationality.

Words “shall be deemed guilty of a misdemeanor” were omitted as unnecessary in view of the definition of a misdemeanor in section 1 of this title. (See reviser’s note under section 212 of this title.)

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, §325(1), in first par. substituted “individual, knowing or in reckless disregard of the fact that the individual is an alien” for “alien individual within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic” and struck out “alien” after “the name of such”.

Pub. L. 104-208, §325(2), in second par. substituted “five business” for “thirty” and struck out “within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,” after “any alien individual”.

Pub. L. 104-208, §325(3), substituted “10” for “two” in last par.

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in last par.

1986—Pub. L. 99-628, §5(c)(1), substituted “individual” for “female” in section catchline.

Subsec. (a). Pub. L. 99-628, §5(c)(2)-(4), (6), substituted “individual” for “woman or girl”, “that individual” for “she”, “that individuals” for “her”, and “that person’s” for “his” wherever appearing.

Subsec. (b). Pub. L. 99-628, §5(c)(5), substituted “that person” for “him” wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 2425. Use of interstate facilities to transmit information about a minor

Whoever, using the mail or any facility or means of interstate or foreign commerce, or

within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 105-314, title I, §101(a), Oct. 30, 1998, 112 Stat. 2975.)

§ 2426. Repeat offenders

(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be 3 times the term of imprisonment otherwise provided by this chapter, unless section 3559(e) applies.

(b) **DEFINITIONS.**—In this section—

(1) the term “prior sex offense conviction” means a conviction for an offense—

(A) under this chapter, chapter 109A, chapter 110, or section 1591; or

(B) under State law or the Uniform Code of Military Justice for an offense consisting of conduct that would have been an offense under a chapter referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

(2) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 105-314, title I, §104(a), Oct. 30, 1998, 112 Stat. 2976; amended Pub. L. 108-21, title I, §106(b), Apr. 30, 2003, 117 Stat. 655; Pub. L. 110-457, title II, §224(c), Dec. 23, 2008, 122 Stat. 5072; Pub. L. 115-392, §11(2), Dec. 21, 2018, 132 Stat. 5255; Pub. L. 118-159, div. A, title V, §569(5), Dec. 23, 2024, 138 Stat. 1906.)

Editorial Notes

AMENDMENTS

2024—Subsec. (b)(1)(B). Pub. L. 118-159 inserted “or the Uniform Code of Military Justice” after “State law”.

2018—Subsec. (a). Pub. L. 115-392, §11(2)(A), substituted “3 times” for “twice”.

Subsec. (b)(1)(B). Pub. L. 115-392, §11(2)(B), substituted “subparagraph (A)” for “paragraph (1)”.

2008—Subsec. (b)(1)(A). Pub. L. 110-457 substituted “chapter 110, or section 1591” for “or chapter 110”.

2003—Subsec. (a). Pub. L. 108-21 inserted “, unless section 3559(e) applies” before period at end.

§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

In this chapter, the term “sexual activity for which any person can be charged with a criminal offense” does not require interpersonal physical contact, and includes the production of child pornography, as defined in section 2256(8).