

116TH CONGRESS
1ST SESSION

S. 1916

To amend title 18, United States Code, to prohibit companies that host videos from enabling child predators, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2019

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit companies that host videos from enabling child predators, 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 “Protecting Children
5 from Online Predators Act of 2019”.

6 **SEC. 2. PROHIBITION ON RECOMMENDING CERTAIN INTER-**
7 **NET VIDEOS FEATURING MINORS.**

8 (a) IN GENERAL.—Chapter 110 of title 18, United
9 States Code, is amended by inserting after section 2252C
10 the following:

1 **“§ 2252D. Prohibition on recommending certain inter-**
2 **net videos featuring minors**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘covered interactive computer
5 service’ means an interactive computer service that
6 hosts or displays user-submitted video content and
7 makes recommendations to users about which videos
8 to view, including by playing a video automatically
9 at the end of another video;

10 “(2) the term ‘interactive computer service’ has
11 the meaning given the term in section 230 of the
12 Communications Act of 1934 (47 U.S.C. 230); and

13 “(3) the term ‘person’ shall include any man-
14 agement personnel or officer of the covered inter-
15 active computer service with the responsibility and
16 authority to take necessary measures to prevent or
17 remedy a violation of this section.

18 “(b) OFFENSE.—Except as provided in subsection
19 (c), it shall be unlawful for a covered interactive computer
20 service to recommend any video to a user of the covered
21 interactive computer service if the covered interactive com-
22 puter service knows, or should have known, that the video
23 features 1 or more minors.

24 “(c) EXCEPTION.—Subsection (b) shall not apply to
25 any video created by a professional production company,

1 such as any video that was aired on broadcast or cable
2 television.

3 “(d) SEARCH RESULTS DO NOT CONSTITUTE REC-
4 OMMENDATION.—For purposes of subsection (b), a video
5 that appears in a list of videos generated as the result
6 of using a search function of the covered interactive com-
7 puter service shall not be considered to be a recommended
8 video.

9 “(e) REQUIREMENTS.—

10 “(1) IN GENERAL.—A covered interactive com-
11 puter service shall ask each user uploading video
12 content to the service, at the time the video content
13 is uploaded—

14 “(A) whether the video features 1 or more
15 minors; and

16 “(B) in the case of a video that the user
17 believes features 1 or more minors, whether the
18 user wants—

19 “(i) to restrict the video to nonpublic
20 viewership; or

21 “(ii) to make the video available for
22 viewing by the public.

23 “(2) LIABILITY.—A covered interactive com-
24 puter service may be held liable under this section
25 for a violation of subsection (b) if—

1 “(A) the covered interactive computer serv-
2 ice recommends a video designated by the user
3 that uploaded the video as featuring 1 or more
4 minors; or

5 “(B) the covered interactive computer serv-
6 ice recommends a video that was incorrectly
7 designated by the user that uploaded the video
8 as not featuring 1 or more minors.

9 “(f) CRIMINAL PENALTY.—Any person who violates
10 subsection (b) shall be fined in accordance with this title,
11 imprisoned for not more than 5 years, or both.

12 “(g) CIVIL PENALTIES.—

13 “(1) FEDERAL ENFORCEMENT.—

14 “(A) IN GENERAL.—The Attorney General
15 may bring a civil action in the appropriate dis-
16 trict court of the United States against any
17 person who violates subsection (b) or subsection
18 (e)(1) and, upon proof of such violation by a
19 preponderance of the evidence, such person
20 shall be subject to pay a civil penalty of—

21 “(i) not more than \$1,000 for each
22 video recommended in violation of sub-
23 section (b) for each time the video was un-
24 lawfully recommended; or

1 “(ii) not more than \$10,000 per day
2 a violation of subsection (e)(1) occurred.

3 “(B) RELATION TO OTHER PRO-
4 CEEDINGS.—The imposition of a civil penalty
5 under this paragraph does not preclude any
6 other criminal or civil statutory, common law,
7 or administrative remedy, which is available by
8 law to the United States or any other person.

9 “(2) STATE ENFORCEMENT.—In any case in
10 which the attorney general of a State has reason to
11 believe that an interest of the residents of that State
12 has been or is threatened or adversely affected by
13 any person who violates subsection (b), the attorney
14 general of the State, as *parens patriae*, may bring
15 a civil action against such person on behalf of the
16 residents of the State in an appropriate State court
17 or district court of the United States to obtain ap-
18 propriate relief, including a civil penalty in the same
19 amounts described in paragraph (1)(A).”.

20 (b) TABLE OF SECTIONS.—The table of sections at
21 the beginning of chapter 110 of title 18, United States
22 Code, is amended by inserting after the item relating to
23 section 2252C the following:

“2252D. Prohibition on recommending certain internet videos featuring mi-
nors.”.

○