

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend section 230 of the Communications Act of 1934 to provide that such section has no effect on claims relating to child exploitation, including child pornography, and to require the Comptroller General to submit a report on big tech and law enforcement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend section 230 of the Communications Act of 1934 to provide that such section has no effect on claims relating to child exploitation, including child pornography, and to require the Comptroller General to submit a report on big tech and law enforcement, 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 [“_____ Act
5 of 2021”].

1 **SEC. 2. NO EFFECT OF SECTION 230 ON CLAIMS RELATING**
2 **TO CHILD EXPLOITATION, INCLUDING CHILD**
3 **PORNOGRAPHY.**

4 Section 230 of the Communications Act of 1934 (47
5 U.S.C. 230) is amended—

6 (1) in subsection (e), by adding at the end the
7 following:

8 “(6) NO EFFECT ON CLAIMS RELATING TO
9 CHILD EXPLOITATION, INCLUDING CHILD PORNOG-
10 RAPHY.—In addition to the exception provided by
11 paragraph (1) for Federal criminal statutes, nothing
12 in this section (other than subsection (e)(2)(A))
13 shall be construed to impair or limit any action for
14 civil penalties, damages, or equitable relief based on
15 a claim relating to reasonably foreseeable child ex-
16 ploitation, including child pornography.”; and

17 (2) in subsection (f), by adding at the end the
18 following:

19 **【“(5) CHILD EXPLOITATION.—The term ‘child**
20 **exploitation’ means to engage in any behavior as de-**
21 **scribed in section 2251, 2251A, 2252, or 2252A of**
22 **title 18, United States Code.】**

23 **【“(6) CHILD PORNOGRAPHY.—The term ‘child**
24 **pornography’ has the meaning given such term in**
25 **section 2256 of title 18, United States Code.”.】**

1 **SEC. 3. GAO STUDY AND REPORT ON BIG TECH AND LAW**
2 **ENFORCEMENT.**

3 (a) STUDY.—Not later than 1 year after the date of
4 enactment of this Act, the Comptroller General of the
5 United States shall complete a study on the following:

6 (1) How social media companies currently com-
7 municate, consult, and coordinate with Federal,
8 State, and local law enforcement to address illegal
9 content and activity online.

10 (2) Document successes and failures by social
11 media companies in cooperating with Federal, State,
12 and local law enforcement agencies in events of im-
13minent injury or death to individuals.

14 (3) Ways in which social media companies can
15 better communicate, consult, and coordinate with
16 Federal, State, and local law enforcement to address
17 illegal content and activity online.

18 (b) REPORT TO CONGRESS REQUIRED.—Not later
19 than 6 months after the completion of the study required
20 under subsection (a), the Comptroller General of the
21 United States shall submit to the Committee on Energy
22 and Commerce of the House of Representatives and the
23 Committee on Commerce, Science, and Transportation of
24 the Senate a report that contains—

25 (1) the results of the study conducted pursuant
26 to subsection (a); and

1 (2) recommendations to—

2 (A) develop legislation that may assist so-
3 cial media companies to better communicate,
4 consult, and coordinate with Federal, State,
5 and local law enforcement to address illegal
6 content and activity online; and

7 (B) require social media companies with an
8 annual ~~[\$3,000,000,000~~ or more in annual rev-
9 enue, ~~300,000,000~~ monthly active users, and
10 receives 75 percent of their annual revenue
11 from advertising~~]~~ to establish a single point of
12 contact in every State for Federal, State, and
13 local law enforcement entities.