The following is a compendium of news reports over the last month that may be of interest to our AG offices that are dealing with human trafficking issues. Neither the National Association of Attorneys General nor the National Attorneys General Training & Research Institute expresses a view as to the accuracy of news accounts, nor as to the position expounded by the authors of the hyperlinked articles.

June 2014

News from AG Offices

Florida Attorney General Pam Bondi announced that a known gang member, Montavious Rakeem Postell of Orlando, entered a guilty plea to human trafficking for commercial sexual activity of a child under the age of 18. He has been sentenced to nine years in prison followed by five years of supervised sex offender probation.

Nevada Attorney General Catherine Cortez Masto convened law enforcement officials, child welfare experts, and treatment and community leaders at a summit to discuss coordinated community response to sex trafficking.

New Jersey Acting Attorney General John Hoffman announced that five undocumented Mexican nationals have pled guilty to charges that involved operating brothels in Lakewood which were part of a network of brothels in New Jersey, New York, and other states that trafficked women from Mexico to the United States to work as prostitutes. The men were charged last year in a joint investigation conducted by the Division of Criminal Justice and ICE Homeland Security Investigations (HSI) called “Operation No Boundaries.” Prosecutors alleged that the men brought women into the U.S. from Mexico under false pretenses and then required them to prostitute themselves.

Ohio Attorney General Mike DeWine joined with U.S. Attorney for the Southern District of Ohio Carter Stewart to announce the arrests of a father and son on federal human trafficking charges. Indicted by a federal grand jury, the men are charged with conspiracy to commit sex trafficking, sex trafficking of a minor, and sex trafficking by force, fraud, or coercion.

Federal Legislative Activity

Next Thursday, Illinois Senator Mark Kirk will introduce a bill to amend the Trafficking Victims Protection Act to enhance criminal and civil remedies in the case of children who
have been sexually exploited. Titled the Stop Advertising Victims of Exploitation (SAVE) Act of 2014, it takes a different approach from H.R. 5225 (see below). It would place certain recordkeeping and verification requirements on anyone who is placing or maintaining an adult advertisement. Additionally, according to the Senator’s staff, the bill would allow a state Attorney General’s office to sue websites which have advertised victims in contravention of the bill in order to recover monies spent by state agencies to rehabilitate and assist the advertised victim of trafficking. A copy of the bill in its current form is attached.

H.R. 5225, the Stop Advertising Victims of Exploitation (SAVE) Act, passed the House on a 392-19 vote. However, the ACLU has argued that the bill would have severe consequences for free online speech. Others have objected because of the mandatory minimum penalties attached to the bill. H.R. 4058, 3530, 4573, and 3610 also passed the House in May and are now before the Senate.

The House passed H.R. 4660, the Commerce, Justice, Science and Related Agencies appropriations bill. The legislation allocates $34.9 million more than the President requested for victims of trafficking grants, bringing the total up to $45.3 million. It also would require each U.S. Attorney to participate in an anti-trafficking task force.

**State Legislative Activity**

**Florida:** The Florida legislature passed S.B. 7141, which promotes care options for human trafficking victims. It provides a comprehensive approach to certify and fund safe houses and requires the adoption of screening tools to assist survivors.

**Kentucky:** Governor Steve Beshear signed into law S.B. 184 that would allow human trafficking victims to apply to clear their records of offenses committed while they were being victimized.

**Missouri:** Missouri legislators amended their law that placed a lifetime food stamp ban on drug offenders. Advocate Christina McDonald had lobbied legislators to change the law to assist sex trafficking victims to restore their lives and help them get back on their feet.

**Vermont:** State legislators have amended their trafficking statutes to broaden the definition of the types of sexual acts for which traffickers can be prosecuted. The amendment was needed after state prosecutors found that they were unable to pursue a prosecution against two Bennington massage parlors.

**State Investigations/Arrests/Prosecutions**

**Alabama:** A Houston County jury recently returned a guilty verdict against 28-year-old Santiago Alonso, convicting him of first-degree human trafficking and felony distribution of drugs to a minor. This was the first human trafficking case in the state. Alonso faces 15 to 99 years or life in prison.
In Huntsville, a volunteer girls’ soccer coach has been arrested and charged with sexual abuse and human trafficking. David Jacobs Barrow faces three counts of sexual abuse and one count of human trafficking. The two 10-year old victims are from the local area.

**California:** The Alameda District Attorney’s Office and the Alameda County Sheriff’s Office coordinated 400 local, state, and federal law enforcement officers in executing 32 search warrants in six counties which yielded the arrests of 18 individuals from five crime organizations. Targeted were massage parlors that were allegedly a front for prostitution and drug trafficking. Currently, officials are interviewing the more than 50 Asian women who were employees of the parlors to determine their status and whether they were unwilling victims.

Clearlake police officers arrested 53-year old Darryl Dwayne Williams and charged him with human trafficking, pimping, and kidnapping. Police officers driving through the parking lot of a local motel saw a woman who seemed to be in distress standing by a vehicle close to a Mercedes Benz in which an adult male was sitting. When officers began to talk to the woman, the adult male exited the car and quickly began to walk away from the area. The woman told police she had been abducted in Fresno and forced into prostitution with the threat of harm being done to her child if she refused.

Monterey police arrested a man and woman on charges of human trafficking after a 21-year-old woman ran away from a local motel and told police that she had been held by the pair for the purpose of prostitution.

Owen Sound police arrested a 25-year old man, David D’Souza, and charged him with human trafficking, drug possession, and related charges. He is accused of forcing a 17-year old girl to work as a prostitute and using threats and intimidation to control the victim.

Redding police arrested Marvin Baldwin-Green Jr. during a police sting and rescued a 16-year old Sacramento girl whom he is alleged to have forced into prostitution after kidnapping her in Sacramento. Police say the teen flagged down neighbors on a city street and told them she needed help because she was being held against her will. A second individual, 21-year old Tanisha Williams, has also been charged in the case.

San Louis Obispo police arrested nine people on various prostitution related offenses including human trafficking after they staged a sting operation at a local motel. Douglas Stephens has been charged with felony human trafficking of a 16-year old female. Others were arrested for prostitution or for solicitation of prostitution.

Tulare County officials have announced the sentencing of a former navy Petty Officer to ten years in prison on multiple sex trafficking charges. Charles Ray Benavidez pled guilty to five felony counts.

At a preliminary hearing in Yuba County Superior Court, 20-year old Alex Smith IV has been order to stand trial on felony charges of human trafficking. He is also charged with two felony counts of intimidating a witness, his alleged victim. Bail has been set at $1 million.
Florida: Fort Lauderdale police arrested Devan Canion, 21, and his girlfriend Kamille Clarke, 19, for alleged human trafficking. According to an affidavit, an undercover member of the department acted as a 16-year-old girl on Mocospace, looking for someone to be her “pimp.” Canion and Clarke responded.

In Polk County, a former school bus monitor has been sentenced to 21 years in prison for forcing two teenage girls into prostitution.

Tallahassee police arrested two individuals, Derek Reddick and Christine Thurman, who face felony charges including human trafficking. The arrests occurred after police went to a local motel where they found a 16-year-old girl and a man who told them he had answered an ad on Backpage. Earlier this year, an undercover officer responded to a Backpage ad and discovered a 17-year-old missing from South Florida. The room had been paid for by Reddick and Thurman.

Idaho: The second defendant in a human trafficking case, Gypsie Akers, has been sentenced to 2 to 5 years in prison after she pled guilty to the charges. Her co-defendant had been earlier sentenced to 15 years. They were accused of running a sex trafficking ring out of hotels near the Boise airport.

Indiana: Indiana State police arrested a 26-year-old from Honduras after a traffic stop when they discovered that he was taking two juveniles to Ohio to work off a debt their family owed to someone in Mexico. The two children, ages 12 and 13, were turned over to child protective services, and the man faces a felony charge of human trafficking.

Kentucky: Louisville Metro police arrested a Chinese restaurant owner whose employees were allegedly victims of human trafficking. According to the arrest report, the victims were working 12-hour shifts, six days a week with limited freedoms, receiving little money in wages, and living in the basement of a residence. The restaurant owner and his wife have been charged with human trafficking.

Massachusetts: When State Police pulled over a car for a routine traffic stop north of Danvers, a trooper saw a woman sitting in the back seat who mouthed “I need your help.” When questioned, the woman said that the men had kept her captive for three days, forced her to have sex with men, and gave her drugs. The men have pled “not guilty” to sex trafficking and are being held without bond.

Five individuals were indicted in May in connection with the running of a prostitution ring. A variety of charges have been filed, including sex trafficking, kidnapping, and unlawful imprisonment.

Michigan: Ewan Scott of Flint pled guilty in May to attempted human trafficking and will be sentenced later this year. He forced victims into prostitution to pay a $600 debt that they owed him.
New York: A [mistrial](#) on some charges has been declared in the prosecution of 27-year old Anthony Rodriguez for sex trafficking; he was acquitted on some charges and convicted on others. The accused pimp is suspected of trying to witness tamper by marrying a woman two days after she started working as an intern in the Manhattan DA’s office. The alleged victim recanted her claims of forced prosecution and abuse in a text message to the prosecutor.

North Carolina: Charlotte-Mecklenburg police have arrested three people on human trafficking charges after they were called out to a local motel to investigate a complaint. Police allege that the three forced a woman in her twenties to travel around the country with them against her will.

Rhode Island: Providence police arrested Armando Arevalo for sex trafficking when they searched a first floor apartment in the city. To gain access to the brothel, men needed a special business card with an address advertising cleaning services in Spanish. Men often were given these cards in bars. Police say that several girls of Mexican and Guatemalan descent have arrived to work in Providence residential brothels.

Texas: A 44-year old prison guard has been convicted of trafficking charges relating to the sexual assault of a 13-year-old girl. The [Hays County District Attorney's office](#) prosecuted Robert Ritz under a 2011 law, the Continuous Trafficking of Persons Act, which makes the continuous sexual abuse of someone younger than 14 punishable by life imprisonment without parole.

Virginia: A Reston, Virginia man has been arrested and accused of manipulating a mentally incapacitated 22-year-old woman into prostitution. He is alleged to have posted online ads for commercial sex acts by the woman, transported her to meet clients, and kept the money she earned.

Wisconsin: Twenty-eight year old Nikia Burchette of Milwaukee has been sentenced to six years’ imprisonment for her role in the sex trafficking of a 14-year-old girl. Two other women have also been charged; their cases are pending.

A 28-year old Appleton man, Pao Chang, has been charged with multiple counts of human trafficking for allegedly prostituting runaway girls as young as 14 years of age in Sheboygan. He faces up to 90 years in prison if convicted.

**Articles of General Interest**

In an effort to address the demand side of sex trafficking, [Cook County Sherriff’s officers](#) have increased their arrests of “Johns” and have been using an ordinance passed four years ago that raised the fine on soliciting a prostitute. Sheriff Tom Dart said that they have not arrested a single repeat offender and have collected nearly $208,000 in fines. Sixty percent of that money has gone to fund a service to help prostitutes get off the street; the remainder has gone to the Cook County Juvenile Detention Center.
Los Angeles police are focusing on the pimps and “Johns” in addressing prostitution and sex trafficking in the city. In one three-hour sting, police arrested 10 men. In a similar sting in Van Nuys, 18 men were arrested for solicitation.

By 2015, Pennsylvania police will receive three hours of mandatory training on human trafficking. Currently, there is a one-hour voluntary training available.

The Georgia Bureau of Investigation issued a report on May 1 looking at how human trafficking is understood by law enforcement agencies across the state. The study revealed some common misconceptions and factors that could be hindering the ability of law enforcement to effectively recognize and mitigate human trafficking.

The International Labor Organization has issued a new report that states that global forced labor generates yearly profits of $150 billion, $99 billion from sex trafficking and $51 billion form forced economic exploitation involving domestic work, agriculture, fishing, mining, and other economic activities.
To amend title 18, United States Code, to provide for enhanced criminal and civil remedies in the protection of children and other victims of commercial sexual exploitation and related crimes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend title 18, United States Code, to provide for enhanced criminal and civil remedies in the protection of children and other victims of commercial sexual exploitation and related crimes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Advertising Vic-
tims of Exploitation Act of 2014” or the “SAVE Act”.

SEC. 2. FINDINGS AND CONSTRUCTION OF PROVISIONS.

Congress finds that—
sex trafficking is modern day slavery and violates the Thirteenth Amendment to the Constitution of the United States;

(2) this Act and the amendments made by this Act are enacted as an exercise of the authority of Congress to enforce the Thirteenth Amendment to the Constitution of the United States by appropriate legislation;

(3) this Act and the amendments made by this Act are also enacted as an exercise of the authority of Congress under the commerce clause of section 8 of article I of the Constitution of the United States to regulate, by appropriate legislation, the instrumentalities of interstate and foreign commerce, as well as that which directly and materially affects interstate and foreign commerce; and

(4) this Act and the amendments made by this Act should be liberally construed to effectuate its remedial purposes to the full extent permitted by the First Amendment to the Constitution of the United States, including the commercial speech doctrine.
SEC. 3. PROTECTION OF CHILDREN AND OTHER VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION.

(a) In General.—Chapter 77 of title 18, United States Code, is amended by inserting after section 1591 the following:

“§ 1591A. Commercial sexual exploitation

“(a) Definitions.—In this section, the following definitions apply:

“(1) Adult advertisement.—The term ‘adult advertisement’ means any advertisement that—

“(A) is subject to the record keeping requirements under section 2257; or

“(B) is designed, in whole or in part, to induce a lawful or unlawful commercial exchange for—

“(i) a sexual act or sexual contact, as those terms are defined in section 2246;

“(ii) sexually explicit conduct, as defined in section 2256;

“(iii) a commercial sex act, as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); or

“(iv) the goods or services of an adult escort or erotic performer involving any
commercial exchange described in clause (i), (ii), or (iii).

“(2) ADVERTISEMENT.—The term ‘advertisement’ includes any written or verbal statement, illustration, or depiction in any medium which is designed, in whole or in part, to induce a lawful or unlawful commercial exchange of a good or service for money, property, or another item of value, including another good or service.

“(3) COMMERCIALLY PROMOTE.—The term ‘commercially promote’ means to aid, abet, counsel, command, induce, procure, or cause the creation, placement, distribution, publication, or maintenance of any advertisement, or any series of advertisements, in exchange for any financial gain, property, or other item of value, obtained from any information content provider of any such advertisement or any series of advertisements.

“(4) COMMON CARRIER; TELECOMMUNICATIONS CARRIER.—The terms ‘common carrier’ and ‘telecommunications carrier’ have the meanings given those terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

“(5) INFORMATION CONTENT PROVIDER.—The term ‘information content provider’ has the meaning
given the term in section 230 of the Communications Act (47 U.S.C. 230).

“(6) INTERNET ACCESS SERVICE; INTERNET INFORMATION LOCATION TOOL.—The terms ‘Internet access service’ and ‘Internet information location tool’ have the meanings given those terms in section 231 of the Communications Act of 1934 (47 U.S.C. 231).

“(7) PERSON.—The term ‘person’ includes any individual or entity that is capable of holding legal or beneficial interest in property.

“(8) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any political subdivision, department, agency, or instrumentality of any such entity.

“(b) OFFENSE.—

“(1) IN GENERAL.—It shall be unlawful for a person to use any means or facility of interstate or foreign commerce to sell, commercially promote, place, or maintain an adult advertisement, or any series of adult advertisements, with negligent or reckless disregard of the fact that the adult advertise-
ment, or the series of adult advertisements, facilitates or is designed to facilitate—

“(A) an offense under paragraph (1) or (2) of section 1591(a) in which the person recruited, enticed, harbored, transported, provided, obtained, or maintained has not attained the age of 18 years at the time of such offense; or

“(B) an offense in violation of any provision of State law prohibiting felony offenses relating to child pimping, child prostitution, child sexual abuse, assault on children, or the sex trafficking of children.

“(2) CRIMINAL PENALTY.—

“(A) NEGLIGENT.—Any person who violates paragraph (1) with negligent disregard of the fact that any such adult advertisement, or series of adult advertisements, facilitates or is designed to facilitate any violation of a law described in subparagraph (A) or (B) of paragraph (1) shall be fined under this title, imprisoned not more than 1 year, or both, for each such violation.

“(B) RECKLESS.—Any person who violates paragraph (1) with reckless disregard of the
fact that any such adult advertisement, or se-
ries of adult advertisements, facilitates or is de-
signed to facilitate any violation of a law de-
scribed in subparagraph (A) or (B) of para-
graph (1) shall be fined under this title, impris-
one not more than 10 years, or both, for each
such violation.

“(3) LIMITATIONS ON LIABILITY.—

“(A) GENERIC SEARCH OR UTILITY SERV-
ICES.—An Internet access service provider,
Internet browser or mobile browser provider,
external search engine provider, external Inter-
net information location tool provider, common
carrier, telecommunications carrier, or other
such generic search or utility provider shall not
incur any criminal or civil liability under this
subsection solely based on providing such ge-
neric search or utility services.

“(B) VICTIMS YOUNGER THAN 18 YEARS
OF AGE.—For the purposes of paragraph (1),
any defendant in full compliance with sub-
section (c) may not be found negligent or reck-
less as to the fact of the age element of a minor
victim of a predicate offense specified in para-
graph (1).
“(4) Estoppel.—A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding, but a prior criminal proceeding is not a prerequisite to the commencement of any civil action under this chapter or any other provision of law.

“(c) Recordkeeping for Adult Advertisements.—

“(1) Adult Advertising Verification Requirements.—Any person who uses any means or facility of interstate or foreign commerce to sell, commercially promote, place, or maintain an adult advertisement, or a series of adult advertisements, shall—

“(A) before selling, commercially promoting, or placing the adult advertisement, or series of adult advertisements—

“(i) verify the identity of each person purchasing advertisement space to post such adult advertisement, or series of adult advertisements, by—
“(I) obtaining confirmation of
the identity of the person;

“(II) obtaining a copy of a gov-
ernment-issued document containing a
photograph, the name, and the date of
birth of the person; and

“(III) obtaining such other indi-
cia of the identity of the person as
may be required by regulation; and

“(ii) create and maintain for not less
than 7 years individually identifiable
records pertaining to each person described
in clause (i) that include the information
described in clause (i) and such other iden-
tifying information as may be required by
regulation; and

“(B) before selling, commercially pro-
moting, or placing the adult advertisement, or
series of adult advertisements—

“(i) verify that each person depicted
or advertised within such adult advertise-
ment, or series of adult advertisements, is
not less than 18 years of age by taking the
actions described in subclauses (I) through
(III) of subparagraph (A)(i); and
“(ii) create and maintain not less than 7 years individually identifiable records pertaining to each person depicted or advertised within such adult advertisement, or series of adult advertisements, that include the information described in clause (i) and such other identifying information as may be required by regulation.

“(2) RECORDKEEPING.—Any person to whom paragraph (1) applies shall—

“(A) maintain the records required under paragraph (1) at the business premises of the person, or at such other place as the Attorney General may by regulation prescribe; and

“(B) make the records available to the Attorney General, any designee of the Attorney General, the attorney general of a State, and any designee of the attorney general of a State for inspection at all reasonable times.

“(3) USE OF INFORMATION.—

“(A) IN GENERAL.—No information or evidence obtained from a record required to be created or maintained by an individual under this subsection shall be used, directly or indirectly, as evidence against that individual in a
criminal proceeding where such use would violate that individual’s constitutional privilege against compulsory self-incrimination.

“(B) EXCEPTION.—Information or evidence obtained from a record required to be created or maintained by an individual under this subsection may be used against the individual in a prosecution or other action for a violation of this subsection or for a violation of any applicable provision of law relating to the furnishing of false information.

“(4) NOTICE REQUIREMENT.—

“(A) IN GENERAL.—Any person to whom paragraph (1) applies shall cause to be affixed to each adult advertisement sold, commercially promoted, placed, or maintained by the person, in such manner and in such form as the Attorney General shall by regulation establish, a statement describing where the records required by this subsection may be located with respect to each person depicted or advertised within such adult advertisement or series of adult advertisements.

“(B) ORGANIZATIONS.—If the person to whom paragraph (1) applies is an organization,
the statement required by this paragraph shall include the name, title, and business address of the individual employed by the organization responsible for maintaining the records required by this subsection.

“(5) REGULATIONS.—The Attorney General shall issue appropriate regulations to carry out this section, which shall include regulations directing any person to whom paragraph (1) applies to take reasonable measures to ensure the means or facility of interstate or foreign commerce used by the person is not being used to facilitate prostitution or sexual exploitation of children by—

“(A) reviewing postings before they are published to ensure the postings do not offer minors for commercial sex or contain sexually explicit images of minors, and immediately removing such postings;

“(B) prohibiting the use of euphemisms and code words for, or used as a part of, a commercial exchange described in subsection (a)(1)(B);

“(C) preventing the reposting of previously banned or removed postings or postings by persons who repeatedly post inappropriate content;
“(D) requiring a person who posts an adult advertisement to provide a valid telephone number and credit card number (regardless of whether a fee is charged for the posting);

“(E) if a fee is charged for posting an adult advertisement, prohibiting the use of anonymous payment methods, including algorithm currencies, virtual currencies, prepaid cards, and gift cards;

“(F) requiring the reporting of any instances of apparent child sexual exploitation or online enticement of children to law enforcement agencies and the National Center for Missing and Exploited Children;

“(G) including information in the means or facility of interstate or foreign commerce directing users to report information about the prostitution of children to the National Center for Missing and Exploited Children and the National Human Trafficking Resource Center; and

“(H) affixing to each adult advertisement placed or maintained on the means or facility of interstate or foreign commerce, in such manner and in such form as the Attorney General shall by regulation establish, contact information re-
regarding how to contact the CyberTipline of the
National Center for Missing and Exploited Chil-
dren.

“(6) CRIMINAL PENALTY.—

“(A) IN GENERAL.—Any person to whom
paragraph (1) applies, shall be fined not less
than $250,000 and not more than $350,000 for
each violation, imprisoned not more than 5
years, or both, if such person—

“(i) fails to create or maintain the
records as required by this subsection or
by any regulation promulgated under this
subsection;

“(ii) knowingly makes any false entry
in or knowingly fails to make an appro-
priate entry in, any record required by this
subsection or any regulation promulgated
under this section;

“(iii) knowingly fails to comply with
the provisions of this subsection or any
regulation promulgated under this section;
or

“(iv) refuses to permit the Attorney
General, a designee of the Attorney Gen-
eral, the attorney general of a State, or a
designee of the attorney general of a State to conduct an inspection under this subsection.

“(B) Criminal penalty for repeat offenders.—In the case of a second or subsequent conviction of a violation described in subparagraph (A) by a person to whom paragraph (1) applies, the person shall be fined not less than $350,000 and not more than $500,000 for each such violation, imprisoned for not more than 15 years, or both.”.

(b) Criminal Forfeiture.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

“(9) The court, in sentencing a defendant convicted of an offense under section 1591A, shall order that the defendant forfeit to the United States any real or personal property—

“(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

“(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.”.
(c) CIVIL ACTION.—Section 1595(a) of title 18, United States Code, is amended by inserting “or person (as defined in section 1591A)” after “individual”.

(d) EXTRATERRESTRIAL JURISDICTION.—Section 1596(a) of title 18, United States Code, is amended by striking “or 1591” and inserting “1591, or 1591A”.

(e) DUTY TO REPORT.—Section 2258A of title 18, United States Code, is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances—

“(A) from which there is an apparent violation of—

“(i) section 1466A;

“(ii) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

“(iii) section 2422(b); or

“(B) that involve commercial sexual exploitation of children or online enticement of children.”;

(2) in subsection (b)(1), by striking “violated a Federal law described in subsection (a)(2)” and in-
serting “violated a Federal law described in subsection (a)(2)(A) or engaged in conduct described in subsection (a)(2)(B)”; and

(3) by striking subsection (e) and inserting the following:

“(e) Failure to Report.—An electronic communication service provider or remote computing service provider that fails to make a report required under subsection (a)(1), with reckless disregard of the requirement to make a report required under subsection (a)(1), shall be fined—

“(1) in the case of an initial such failure to make a report, not more than $250,000; and

“(2) in the case of any second or subsequent such failure to make a report, not more than $500,000.”.

(f) False Statements.—Section 1001(a) of title 18, United States Code, is amended, in the matter following paragraph (3), by adding at the end the following: “If the matter relates to an offense under section 1591A, the term of imprisonment imposed under this section shall be not more than 15 years.”.

(g) Technical and Conforming Amendment.—The table of sections for chapter 77 of title 18, United States Code, is amended by inserting, after the item relating to section 1591, the following:

“1591A. Commercial sexual exploitation.”.
SEC. 4. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.