To direct the Secretary of Health and Human Services to conduct a study to assess the unintended impacts on the health and safety of people engaged in transactional sex, in connection with the enactment of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (Public Law 115–164) and the loss of interactive computer services that host information related to sexual exchange, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Khanna introduced the following bill; which was referred to the Committee on

A BILL

To direct the Secretary of Health and Human Services to conduct a study to assess the unintended impacts on the health and safety of people engaged in transactional sex, in connection with the enactment of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (Public Law 115–164) and the loss of interactive computer services that host information related to sexual exchange, 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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “SESTA/FOSTA Examination of Secondary Effects for Sex Workers Study Act” or the “SAFE SEX Workers Study Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) People who engage in consensual, transactional sex utilize online platforms to protect their health, safety, and independence. This use includes building community connections, distribution of harm reduction information and techniques, identification and screening of potential clients, and negotiating the terms of consensual, transactional sex services, including condom use and other harm reduction strategies.

(2) Widespread discrimination against populations, including LGBTQI+ individuals, particularly transgender women of color, prevents many from accessing formal employment resources and educational opportunities.

(3) In the 2015 United States Transgender Survey conducted by the National Center for Transgender Equality, 19 percent of respondents reported having exchanged sex for resources, such as for money, food, or a place to sleep. Transgender women of color, including Black (42 percent), Amer-
ican Indian (28 percent), multiracial (27 percent), Latina (23 percent), and Asian (22 percent) respondents were more likely to have participated in sex work than the overall sample.

(4) In the 2015 United States Transgender Survey, respondents who experienced homelessness in the past year (17 percent) were more than three times as likely to have participated in sex work during that year compared to the overall sample.

(5) On a broader scale, internet platforms foster connections between people and play an integral part in American society. Meaningful regulation of internet platforms must take into account the role they play in the health, safety, and privacy of all people’s lives.

(6) While policymakers, representatives of internet platforms, and some advocates have discussed ways to mitigate the use of internet platforms to decrease exploitation, people who consensually trade sex are rarely involved in the drafting of legislation or policies, or in assessing their impact, despite being amongst the populations who are impacted by legislation and policies related to the regulation of these internet platforms.
(7) On February 27, 2018, the House of Representatives passed the Allow States to Fight Online Sex Trafficking Act, known as SESTA/FOSTA. While SESTA/FOSTA holds websites liable for user-generated content that facilitates sex trafficking, it also impacts online platforms where users discuss consensual sex work and related topics.

(8) Contemporaneously with the passage of SESTA/FOSTA in the Senate on March 21, 2018, websites preemptively shut down, some directly citing the law’s passage as the rationale for closure.

(9) One week before President Donald Trump signed SESTA/FOSTA into law (PL 115–164), the Department of Justice seized Backpage.com and arrested Backpage employees, citing promotion of prostitution and money laundering charges, similar to the Department of Homeland Security’s seizure of Rentboy.com only a few years prior.

(10) While these websites and individual accounts have been closing down, there has been no national investigation rigorously examining the impact of losing access to these platforms on the health and safety of people in consensual, transactional sex work. Regional and anecdotal information from health and safety service providers and sex workers
has pointed to significant impacts on the health and
safety of people who engage in consensual, trans-
actional sex.

(11) Community organizations have reported
increased homelessness of sex workers, including of
sex workers who are caretakers for their families
and have lost the economic stability provided by ac-
cess to online platforms.

(12) Sex workers have reported a reduced abil-
ity to screen potential clients for safety, and negoti-
tiate for boundaries such as condom use, resulting in
reports of physical and sexual violence.

(13) Many sex workers have turned to street-
based work, which has historically involved higher
rates of violence than other forms of transactional
sex. Street-based sex workers have frequently noted
practices which harm their health and safety, such
as the confiscation of condoms by police, or use of
condoms as evidence of arrest for prostitution.

(14) With this new level of precarity, isolation,
and vulnerability, there is substantial anecdotal evi-
dence that members of the sex work community are
more frequently being contacted by third parties
seeking to engage in management activities. This in-
cludes both sex workers who had always worked
independently, as well as those who have previously
experienced violence and exploitation by a third
party.

(15) The United States Government has long
discussed the importance of assessing collateral con-
sequences when looking at other industries. A com-
prehensive study is essential to evaluate the impact
on the health and safety of those involved in consen-
sual, transactional sex, who are increasingly losing
access to digital platforms, which have been used for
harm reduction information and techniques, and to
screen clients. Informed government policies begin
with seeking out relevant information to better guide
our actions moving forward.

SEC. 3. STUDY ON UNINTENDED IMPACTS ON HEALTH AND
SAFETY OF PEOPLE ENGAGED IN TRANSACTIONAL SEX AS A RESULT OF THE LOSS OF
CERTAIN ONLINE RESOURCES.

(a) Study.—The Secretary of Health and Human
Services (in this section referred to as the "Secretary")
in consultation as appropriate with the Director of the
Centers for Disease Control and Prevention, the Director
of the National Institutes of Health, and the Assistant
Secretary for Mental Health and Substance Use shall
study the impacts on the health and safety of people en-
gaged in transactional sex resulting from the loss of access
to interactive computer services (as defined in section
230(f) of the Communications Act of 1934 (47 U.S.C.
230(f))) in connection with the closure of websites (includ-
ing Backpage.com) that host information related to consen-
sual sexual exchange, on or after February 27, 2018,
in anticipation of, or in response to, the enactment of the
Allow States and Victims to Fight Online Sex Trafficking
Act of 2017 (Public Law 115–164).

(b) INTERVIEWS AND SURVEYS.—The study under
subsection (a) shall include interviews with, and surveys
conducted by, nonprofit and community-based organiza-
tions that provide direct services to people engaged in
transactional sex.

(c) TOPICS.—The study under subsection (a) shall in-
clude assessment of the following impacts on people en-
gaged in transactional sex:

(1) Changes in access to technology-related
harm reduction services.

(2) Changes in ability to negotiate terms with
potential clients.

(3) Changes in experiences of violence from cli-
ents.
(4) Changes in interactions with law enforcement officials, including changes in police surveillance, stops, and arrests.

(5) Changes in contact from third parties.

(6) Changes in relationship to and reliance on third parties.

(7) Changes in experiences of exploitation.

(8) Impacts on access to economic resources.

(9) Impacts on homelessness and housing stability.

(10) Impacts on mental health.

(11) Impacts on vulnerability to the transmission of HIV and other sexually transmitted infections.

(12) Changes in participation in other criminalized behavior.

(13) Disparities in these effects on key populations typically underserved by service providers, specifically LGBTQI+ individuals, people living in rural areas, racial and ethnic minorities, Tribal communities, people experiencing exploitation and trafficking, and undocumented and documented foreign nationals.
(14) Any other impacts on people engaged in transactional sex, as determined appropriate by the Secretary for inclusion in the study.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study under subsection (a) and make such report available to the public.