To amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2017

Mr. Portman (for himself, Mr. Blumenthal, Mr. McCain, Mrs. McCaskill, Mr. Cornyn, Ms. Heitkamp, Mr. Blunt, Mrs. Capito, Mr. Casey, Ms. Collins, Mr. Corker, Mr. Cruz, Mr. Flake, Mr. Graham, Mr. Isakson, Ms. Klobuchar, Mr. Lankford, Mr. Lee, Mr. Nelson, Mr. Rubio, Mr. Brown, Ms. Murkowski, Mrs. Shaheen, Mr. Hoeven, and Mr. Cochran) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

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 “Stop Enabling Sex Traffickers Act of 2017”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by title V of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 133) (commonly known as the “Communications Decency Act of 1996”)) was never intended to provide legal protection to websites that facilitate traffickers in advertising the sale of unlawful sex acts with sex trafficking victims.

(2) Clarification of section 230 of the Communications Act of 1934 is warranted to ensure that that section does not provide such protection to such websites.

SEC. 3. ENSURING ABILITY TO ENFORCE FEDERAL AND STATE CRIMINAL AND CIVIL LAW RELATING TO SEX TRAFFICKING.

(a) IN GENERAL.—Section 230 of the Communications Act of 1934 (47 U.S.C. 230) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “and” at the end;

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(B) in paragraph (5), by striking the pe-
period at the end and inserting “; and”; and

(C) by adding at the end the following:
“(6) to ensure vigorous enforcement of Federal
criminal and civil law relating to sex trafficki-
g.”;
and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting “section 1591 (relat-
ing to sex trafficking) of that title,” after
“title 18, United States Code,”;

(ii) by striking “impair the enforce-
ment” and inserting the following: “im-
pair—
“(A) the enforcement”; and

(iii) by striking “statute.” and insert-
ing the following: “statute; or
“(B) any State criminal prosecution or
civil enforcement action targeting conduct that
violates a Federal criminal law prohibiting—
“(i) sex trafficking of children; or
“(ii) sex trafficking by force, threats
of force, fraud, or coercion.”; and

(B) by adding at the end the following:
“(5) NO EFFECT ON CIVIL LAW RELATING TO
SEX TRAFFICKING.—Nothing in this section shall be
construed to impair the enforcement or limit the ap-
plication of section 1595 of title 18, United States
Code.”.

(b) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of enactment of
this Act, and the amendment made by subsection
(a)(2)(B) shall apply regardless of whether the conduct
alleged occurred, or is alleged to have occurred, before,
on, or after such date of enactment.

SEC. 4. ENSURING FEDERAL LIABILITY FOR PUBLISHING
INFORMATION DESIGNED TO FACILITATE
SEX TRAFFICKING OR OTHERWISE FACILI-
TATING SEX TRAFFICKING.

Section 1591(e) of title 18, United States Code, is
amended—

(1) by redesignating paragraphs (4) and (5) as
paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the fol-
lowing:

“(4) The term ‘participation in a venture’
means knowing conduct by an individual or entity,
by any means, that assists, supports, or facilitates a
violation of subsection (a)(1).”.

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