

115TH CONGRESS
1ST SESSION

S. 1693

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Enabling Sex
3 Traffickers Act of 2017”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Section 230 of the Communications Act of
7 1934 (47 U.S.C. 230) (as added by title V of the
8 Telecommunications Act of 1996 (Public Law 104–
9 104; 110 Stat. 133) (commonly known as the “Com-
10 munications Decency Act of 1996”)) was never in-
11 tended to provide legal protection to websites that
12 facilitate traffickers in advertising the sale of unlaw-
13 ful sex acts with sex trafficking victims.

14 (2) Clarification of section 230 of the Commu-
15 nications Act of 1934 is warranted to ensure that
16 that section does not provide such protection to such
17 websites.

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

21 (a) IN GENERAL.—Section 230 of the Communica-
22 tions Act of 1934 (47 U.S.C. 230) is amended—

23 (1) in subsection (b)—

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

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

3 (C) by adding at the end the following:

4 “(6) to ensure vigorous enforcement of Federal
5 criminal and civil law relating to sex trafficking.”;

6 and

7 (2) in subsection (e)—

8 (A) in paragraph (1)—

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

12 (ii) by striking “impair the enforce-
13 ment” and inserting the following: “im-
14 pair—

15 “(A) the enforcement”; and

16 (iii) by striking “statute.” and insert-
17 ing the following: “statute; or

18 “(B) any State criminal prosecution or
19 civil enforcement action targeting conduct that
20 violates a Federal criminal law prohibiting—

21 “(i) sex trafficking of children; or

22 “(ii) sex trafficking by force, threats
23 of force, fraud, or coercion.”; and

24 (B) by adding at the end the following:

1 “(5) NO EFFECT ON CIVIL LAW RELATING TO
2 SEX TRAFFICKING.—Nothing in this section shall be
3 construed to impair the enforcement or limit the ap-
4 plication of section 1595 of title 18, United States
5 Code.”.

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

12 **SEC. 4. ENSURING FEDERAL LIABILITY FOR PUBLISHING**
13 **INFORMATION DESIGNED TO FACILITATE**
14 **SEX TRAFFICKING OR OTHERWISE FACILI-**
15 **TATING SEX TRAFFICKING.**

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

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

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

22 “(4) The term ‘participation in a venture’
23 means knowing conduct by an individual or entity,

1 by any means, that assists, supports, or facilitates a
2 violation of subsection (a)(1).”.

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