Calendar No. 292

115TH CONGRESS
2d Session

S. 1693

[Report No. 115–199]

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, Mr. COCHRAN, Mr. SULLIVAN, Mr. KENNEDY, Mr. SASSE, Ms. HASSAN, Ms. DUCKWORTH, Mrs. FISCHER, Mr. BURR, Mr. DURBIN, Mr. SCOTT, Mr. COTTON, Mr. CASSIDY, Mr. TILLIS, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Ms. HARRIS, Mr. SCHATZ, Mr. BOOKER, Mr. BARRASSO, Mr. GRASSLEY, Mr. HATCH, Mr. VAN HOLLEN, Mr. TOOMEY, Mr. GARDNER, Mr. THUNE, Mr. COONS, Mr. MANCHIN, Mr. WHITEHOUSE, Mrs. ERNST, Mr. TESTER, Mrs. GILLIBRAND, Mr. ENZI, Mr. MENENDEZ, Mr. SHELBY, Mr. ROUNDS, Mr. ROBERTS, Mr. BOOZMAN, Mr. YOUNG, Mr. WICKER, and Mr. HELLER) 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.

Be it enacted by the Senate and House of Representatives 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;

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

(C) by adding at the end the following:

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

and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting “section 1591 (relating to sex trafficking) of that title,” after “title 18, United States Code,”;
(ii) by striking "impair the enforce-
ment" and inserting the followings: "im-
pair—

"(A) the enforcement"; and

(iii) by striking "statute." and insert-
ing the followings: "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 followings:

"(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-
lication 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 FACILITATING 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 following:

"(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).".

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 Commu-
nications 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;
(B) in paragraph (5), by striking the period
at the end and inserting “; and”;
(C) by adding at the end the following:
“(6) to ensure vigorous enforcement of Federal
criminal and civil law relating to sex trafficking.”;
and
(2) in subsection (e), by adding at the end the
following:
“(5) NO EFFECT ON SEX TRAFFICKING LAW.—
Nothing in this section (other than subsection
(c)(2)(A)) shall be construed to impair or limit—
“(A) any claim in a civil action brought under section 1595 of title 18, United States Code, if the conduct underlying the claim constitutes a violation of section 1591 of that title; or

“(B) any charge in a criminal prosecution brought under State law if the conduct underlying the charge constitutes a violation of section 1591 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) 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 FACILITATING 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 following:
“(4) The term ‘participation in a venture’ means knowingly assisting, supporting, or facilitating a violation of subsection (a)(1).”.

SEC. 5. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Section 1595 of title 18, United States Code, is amended by adding at the end the following:

“(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as parens patriae, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

Section 1595 of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking “this section” and inserting “subsection (a)”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “this section” and inserting “subsection (a)”.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act or the amendments made by this Act is intended to limit—
(1) any claim or cause of action under Federal law that was filed, or could have been filed, before the date of enactment of this Act; or

(2) any claim or cause of action under State law, including statutory and common law, that—

(A) was filed, or could have been filed, before the date of enactment of this Act; and

(B) was not preempted by section 230 of the Communications Act of 1934 (47 U.S.C. 230).
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.

January 10, 2018

Reported with an amendment