

THUNE
NELSON
BLUMENTHAL
SUBSTITUTE



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. THUNE (for himself, Mr. NELSON, and Mr. BLUMENTHAL)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Section 230 of the Communications Act of
9 1934 (47 U.S.C. 230) (as added by title V of the
10 Telecommunications Act of 1996 (Public Law 104—

1 104; 110 Stat. 133) (commonly known as the “Com-
2 munications Decency Act of 1996’’) was never in-
3 tended to provide legal protection to websites that
4 facilitate traffickers in advertising the sale of unlaw-
5 ful sex acts with sex trafficking victims.

6 (2) Clarification of section 230 of the Commu-
7 nications Act of 1934 is warranted to ensure that
8 that section does not provide such protection to such
9 websites.

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

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

15 (1) in subsection (b)—

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

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

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

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

24 (2) in subsection (e), by adding at the end the
25 following:

1 “(5) NO EFFECT ON SEX TRAFFICKING LAW.—
2 Nothing in this section (other than subsection
3 (c)(2)(A)) shall be construed to impair or limit—

4 “(A) any claim in a civil action brought
5 under section 1595 of title 18, United States
6 Code, if the conduct underlying the claim con-
7 stitutes a violation of section 1591 of that title;
8 or

9 “(B) any charge in a criminal prosecution
10 brought under State law if the conduct under-
11 lying the charge constitutes a violation of sec-
12 tion 1591 of title 18, United States Code.”.

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

19 **SEC. 4. ENSURING FEDERAL LIABILITY FOR PUBLISHING**
20 **INFORMATION DESIGNED TO FACILITATE**
21 **SEX TRAFFICKING OR OTHERWISE FACILI-**
22 **TATING SEX TRAFFICKING.**

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

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

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

5 “(4) The term ‘participation in a venture’
6 means knowingly assisting, supporting, or facili-
7 tating a violation of subsection (a)(1).”.

8 **SEC. 5. ACTIONS BY STATE ATTORNEYS GENERAL.**

9 (a) **IN GENERAL.**—Section 1595 of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 “(d) In any case in which the attorney general of a
13 State has reason to believe that an interest of the residents
14 of that State has been or is threatened or adversely af-
15 fected by any person who violates section 1591, the attor-
16 ney general of the State, as *parens patriae*, may bring a
17 civil action against such person on behalf of the residents
18 of the State in an appropriate district court of the United
19 States to obtain appropriate relief.”.

20 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
21 Section 1595 of title 18, United States Code, is amend-
22 ed—

23 (1) in subsection (b)(1), by striking “this sec-
24 tion” and inserting “subsection (a)”; and

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

4 **SEC. 6. SAVINGS CLAUSE.**

5 Nothing in this Act or the amendments made by this
6 Act is intended to limit—

7 (1) any claim or cause of action under Federal
8 law that was filed, or could have been filed, before
9 the date of enactment of this Act; or

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

12 (A) was filed, or could have been filed, be-
13 fore the date of enactment of this Act; and

14 (B) was not preempted by section 230 of
15 the Communications Act of 1934 (47 U.S.C.
16 230).