AMENDMENT NO.________   Calendar No.____

Purpose: In the nature of a substitute.


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 fol-

2  lowing:

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–
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 such 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"; 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 (e)(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).