

December 18, 2017

Dear Representative \_\_\_\_\_:

As the leading organizations and survivors dedicated to ending human trafficking, we are writing to express our strong opposition to FOSTA as reported out of the House Judiciary Committee and **urge you to remove your name as a co-sponsor**. This new replacement bill bears little resemblance to the bill we originally supported and which you originally co-sponsored.

H.R. 1865, the Fight Online Sex Trafficking Act of 2017 (FOSTA) as reported out of the Judiciary Committee is an entirely new bill which amends the Mann Act in lieu of critical amendments to Section 230 of the Communications Decency Act (CDA) that would have provided access to justice for survivors of sex trafficking at the state and local level. For that and other reasons, FOSTA is a far departure from the language and intent of the FOSTA legislation that we supported and you co-sponsored. As an example of the substitute's shortcomings, the new language imposes a specific "intent" standard for any liability, which makes it nearly impossible for any civil litigant to file successfully against bad actors. The substitute also forecloses an existing avenue of redress for civil litigants in state court as well as private rights of action under the TVPRA. Although the amended version may be well intended, by making the possibility of a private right of action and other civil remedies far more difficult for plaintiffs, it fails.

The need for legislation to clarify Section 230 of the Communications Decency Act (CDA) arose in response to the recent 1st Circuit ruling in *Doe v. Backpage*. That ruling held that even if Backpage had participated in the crime of sex trafficking, Section 230 shielded the company from the claims filed by child victims. The court wrote that the exploited children needed a legislative solution.

We also note that not a single trafficking survivor or victims' group with which we have been working on this legislation supports this amended version of FOSTA. We hope that the House will have an opportunity to vote on legislation that truly addresses the insurmountable hurdles Section 230 presents for victims and survivors seeking accountability and redress for their exploitation. Our goal is simple: websites that engage in and facilitate human trafficking must no longer be able to hide behind the CDA and must be held accountable for their actions.

The Senate Commerce Committee recently and unanimously approved legislation that directly addresses the obstacles of Section 230, allows for civil and criminal liability, and has the support of survivors, advocates, and the tech community, most notably the Internet Association, Facebook, Oracle, IBM, Hewlett Packard, Disney, and 21<sup>st</sup> Century Fox. Our hope is that the House can find a similar solution that will provide victims and survivors with the legal remedies they so clearly need and that will have the support of advocates as well as the tech sector.

Respectfully,

SHARED HOPE INTERNATIONAL  
COVENANT HOUSE  
ECPAT  
COALITION AGAINST TRAFFICKING IN WOMEN  
LEGAL MOMENTUM  
WORLD WITHOUT EXPLOITATION  
SANCTUARY FOR FAMILIES

THE RICKY MARTIN FOUNDATION  
THE NEW ABOLITIONISTS  
NATIONAL COUNCIL OF JEWISH WOMEN  
NATIONAL COUNCIL OF JEWISH WOMEN – NEW YORK  
THE EPISCOPAL DIOCESE OF NEW YORK TASK FORCE AGAINST HUMAN TRAFFICKING  
THE LYNCH FOUNDATION FOR CHILDREN  
MY LIFE MY CHOICE  
CONSUMER WATCHDOG  
TRUCKERS AGAINST TRAFFICKING  
REBECCA BENDER INITIATIVE  
TRAFFICKING IN AMERICA TASKFORCE  
EXODUS CRY  
SAVED IN AMERICA  
INSTITUTE TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION AT VILLANOVA  
UNIVERSITY CHARLES WIDGER SCHOOL OF LAW  
SURVIVORS FOR SOLUTIONS  
SW MICHIGAN HUMAN TRAFFICKING TASK FORCE  
WOMEN'S FOUNDATION OF SOUTHWEST FLORIDA  
PARTNERS AGAINST CHILD TRAFFICKING  
NOT ON MY WATCH! SAFE HAVEN NETWORK INT'L  
HUMANS FOR JUSTICE AT ORANGE COAST COLLEGE  
ORGANIZATION FOR PROSTITUTION SURVIVORS  
SHIELD - NC  
NOW-NYS  
EQUALITY NOW  
LIVING IN FREEDOM TOGETHER  
PRAESIDIUM PARTNERS  
THE VOICES AND FACES PROJECT  
GRAHAM WINDHAM  
HOUSTONTEXASCAN  
#FIGHTFORUS  
BOUNDLESS MERCY  
ANTI-TRAFFICKING ALLIANCE  
CHILDPROOF AMERICA  
NOT IN OUR CITY  
ELIJAH RISING  
PASSION FOR HUMANITY  
HOPE RISING  
RESCUE HOUSTON  
THE REFUGE FOR DMST  
OPERATION TEXAS SHIELD  
SANTA MARIA HOSTEL, INC.  
THE UNDERGROUND: LIGHTING A WAY TO FREEDOM  
EDWARDS POTTINGER  
YWCA SILICON VALLEY  
CONNECTICUT INSTITUTE FOR REFUGEES AND IMMIGRANTS

SAN DIEGO DISTRICT ATTORNEY SUMMER STEPHEN

Mary Mazzio and the I AM JANE DOE Survivors and Families

Yvonne Ambrose, Mother of child killed by Backpage buyer – Plaintiff in *Ambrose v Backpage.com, LLC et al*

JS, Survivor – Plaintiff in *JS v Village Voice Media Holdings*

Nacole and Tom S., Parents of a survivor and advocates

Kubiiki Pride, Mother of a survivor and advocate – Plaintiff in *MA v Village Voice Media Holdings and Backpage.com*

Rebecca Bender, Survivor and advocate

Audrey Morrissey, Survivor and advocate

Jennelle Gordon, Survivor and college student

Brooke Axtell, Survivor and advocate

Jerome Elam, Survivor and advocate

Autumn Burris, Survivor and advocate

Barbara Amaya, Survivor and advocate

Rev. Dr. Marian Hatcher, SPACE International USA

Santa Clara County Supervisor Cindy Chavez

Autumn VandeHei

Catherine Belford Budd

Elizabeth Swanson

Larry and Abigail Trittschuh

Laurel Botsford

Yvette Young