



January 16, 2018

The Honorable Paul Ryan, Speaker
U.S. House of Representatives
Washington, DC 20510-0001

The Honorable Kevin McCarthy, Majority Leader
U.S. House of Representatives
Washington, DC 20510-0001

Dear Mr. Speaker and Majority Leader McCarthy:

We write as organizations and individuals working to end human trafficking with allies across the country, including Wisconsin and California, and concerned citizens who respect the pressures you face conducting the nation's business.

But the issue we write about is literally a matter of life and death. Last month in Portland Oregon, the family of a 24-year old mother, murdered on Christmas by a man who bought her for sex on Backpage.com, sued the website for allowing sex trafficking in its ads.¹ The case is similar to testimony heard by the Senate Commerce Committee from the mother of a 16-year-old daughter murdered by a man who bought her via Backpage.com on Christmas Eve.²

Congress granted victims of human trafficking a private right of action under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 to provide protection and to help prevent this despicable crime. Yet court after court, has ruled the Communications Decency Act (CDA) of 1996 shields Internet Service Providers like Backpage.com from accountability. As a result, online trafficking has surged, online entities continue to facilitate trafficking with impunity, and victims have no effective legal redress. The First Circuit Court of Appeals pointedly stated, "[T]he remedy is through legislation."³

¹ http://www.oregonlive.com/portland/index.ssf/2017/12/family_of_woman_killed_in_port.html#

² <https://www.washingtonpost.com/news/true-crime/wp/2017/09/19/mother-of-slain-teen-makes-tearful-plea-for-congress-to-amend-internet-law/>

³ <http://media.ca1.uscourts.gov/pdf/opinions/15-1724P-01A.pdf>

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However, in the strong opinion of the undersigned organizations, the remedy is not the Substitute to HR 1865, Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), approved by the House Judiciary Committee on December 12, 2017.

The House Judiciary substitute does not address the CDA section 230 problem directly as it does not allow victims to pursue civil remedies against websites—an essential reform element removed from the bill by the Judiciary Committee. Survivors and the advocacy community were left completely in the dark about the Chairman's intention to make this change. We attach two legal analyses of the inadequacies of the new proposal to provide more detail on our concerns.

We are united in opposing any effort to bring a bill to the floor that does not provide a civil remedy to survivors and which does not address the issues raised by the federal courts concerning section 230 of the CDA. We ask House leadership to ensure that any legislation considered on this subject contain these two vital provisions.

We point to the Senate's efforts which are the product of extensive negotiation and consultation: S. 1693, Stop Enabling Sex Traffickers Act (SESTA), currently has 65 cosponsors and is poised for adoption by the Senate with the support of survivors, advocates, the Internet Association, and other tech and private sector entities. We urge your esteemed body to seek a similarly negotiated solution that has bipartisan support, as well as the support of survivors for whom this legislation is so essential.

Sincerely,

Ambassadors and Former Members of Congress

Linda Smith, (U.S. Congress 1995-99;
Washington State Senate/House 1983-94), **WA**
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Barbara Kennelly, U.S. Congress, 1982-
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Amb. Swanee Hunt, Author and Former U.S.
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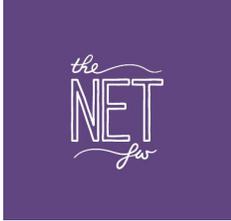
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Empowering Youth. Ending Exploitation.

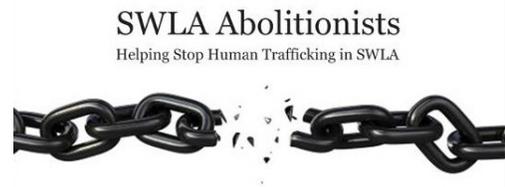


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LOVE146

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