



December 1, 2017

It is with great enthusiasm that we see this current Congress taking on the critical challenge of stopping the online sex trafficking of our nation's children and adults, and we thank you for your leadership in this effort. We are equally energized by the bill Congresswoman Ann Wagner is proposing in collaboration with the House Judiciary Committee, and firmly believe it will make a meaningful impact in the fight against sex trafficking in America.

This bill allows local prosecutors to take down bad actor websites before they ever reach the scale of Backpage.com. It will ensure that fewer victims are trafficked online and make a tremendous dent in the proliferation of online sex trade. We also believe this legislation will provide a significant criminal deterrent that will stop businesses from selling our most vulnerable online. In short, it will finally make trafficking victims online just as criminal as trafficking victims offline.

In our years of fighting sex trafficking in America, we have recognized that if our society is serious about protecting victims, we need to create a legal environment that produces more prosecutions, more convictions, and gets more predators behind bars. This bill does that. It will allow vigorous criminal enforcement, ensuring that websites which purposely promote prostitution and recklessly disregard the fact that victims are being trafficked on their sites are taken off the internet.

Congresswoman Wagner's bill creates a new crime; "promotion or facilitation of prostitution and reckless disregard of sex trafficking," that is placed under the Mann Act. It criminalizes using or operating an interstate facility (e.g. a website) with the intent to promote or facilitate prostitution. It includes an aggravated violation, where significant criminal exposure of up to 15 years may be imposed where the defendant (1) intentionally promotes or facilitates prostitution (legally or illegally); (2) with reckless disregard of the fact their violation was a contributing factor to any person being a victim of sex trafficking.

In regard to Section 230 of the Communications Decency Act, the bill employs a surgical approach through a carve-out that will allow states to enforce prostitution or trafficking laws that share elements with the new federal statute. We find this of significant importance given the amount of focus and debate that has already ensued on amending Section 230.

MAILING ADDRESS

P.O. Box 272463
Tampa, FL 33688
844.600.7774

TAMPA, FL (HQ)

12353 Hampton Park Blvd.
Tampa, FL 33624
813.895.3390

LOS ANGELES, CA

1750 E. Florence Ave.
Los Angeles, CA 90001
323.457.0100

WASHINGTON DC

1629 K St. N.W., Suite 300
Washington DC 20006
202.798.0700

AUSTIN, TX

500 E. St. Johns Ave.
Suite 2.680, Austin TX 78752
512.384.1800



USIAHT.org

info@usiaht.org



Finally, it contains a mandatory restitution provision, and a private right of action for victims. This new civil recovery provision will encourage pleadings that will successfully pierce section 230's immunity provision. Giving this right to the victims of these heinous cannot be emphasized enough.

For these reasons, the U.S. Institute Against Human Trafficking supports the bill that Congresswoman Ann Wagner is proposing in conjunction with the House Judiciary Committee. We look forward to working with you to put an end to human trafficking in America.

Sincerely,

Kevin P. Malone
President of the Board
kmalone@usiaht.org

Geoffrey Rogers
CEO
gmrogers@usiaht.org

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Tampa, FL 33688
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