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Congress of the United States
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NORTH AFRICA

SUBCOMMITTEE ON ASIA AND THE PACIFIC

September 6, 2018

Ambassador Robert Lighthizer
Office of the US Trade Representative
600 17th St. NW
Washington, DC 20508

Dear Ambassador Lighthizer,

We appreciate your strong leadership promoting free and fair trade with Mexico and Canada through U.S. negotiations relating to the North American Free Trade Agreement (NAFTA) and the United States–Mexico Trade Agreement. Last year, on September 29, we wrote to you about H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), which became law on April 11, 2018. H.R. 1865 amended the language of Section 230 of the Communications Decency Act (CDA), 47 U.S. Code § 230, to clarify ambiguity relating to both criminal and civil suits. We are writing today to bring passage of this legislation to the attention of U.S. trade negotiators who we rely on to defend United States law, and ask you to ensure that any coextensive language in a revised NAFTA, United States–Mexico Trade Agreement, or similar trade agreement be updated to reflect the changes to Section 230 made this year by the United States government.

On February 27, 2018, the House of Representatives passed amendments to Section 230 in a vote of 388-25. The Senate passed H.R. 1865 in a vote of 97-2 on March 21, 2018. We were pleased to be joined by so many of our colleagues in correcting how Section 230 was being interpreted in U.S. courts to protect websites that facilitate online sex trafficking. We had the privilege of watching President Trump sign H.R. 1865 into law this spring, surrounded by survivors of sex trafficking. After FOSTA passed and Backpage.com was seized by the Department of Justice, we received information from Memex that indicated a nearly 90% decline in initial daily commercial sex ad volume. When discarding outliers, the statistical distribution of daily volume from Memex data suggests advertising volume from January through August has declined somewhere between 60-80%.

Inclusion of outdated language derived from a past version of Section 230 in our international trade agreements would undermine current U.S. law and limit the ability of victims, law enforcement, and prosecutors to hold accountable marketplaces that facilitate sex trafficking for financial gain. We trust you will protect United States law and align any relevant text of international trade agreements with the amendments made by H.R. 1865 to uphold the will of our nation's elected representatives and the American people. We are adamant that the United States remain a leader in the fight against modern-day slavery, and are happy to work with your office to

discuss H.R. 1865 and the updated Section 230 language that President Trump signed into law on April 11, 2018.

Respectfully,

A handwritten signature in blue ink that reads "Ann Wagner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ann Wagner
Member of Congress

A handwritten signature in blue ink that reads "Carolyn B. Maloney". The signature is cursive and includes a long horizontal flourish.

Carolyn B. Maloney
Member of Congress

A handwritten signature in blue ink that reads "Doug Collins". The signature is cursive and includes a long horizontal flourish.

Doug Collins
Member of Congress

A handwritten signature in blue ink that reads "Chris Smith". The signature is cursive and includes a long horizontal flourish.

Chris Smith
Member of Congress

A handwritten signature in blue ink that reads "Mimi Walters". The signature is cursive and includes a long horizontal flourish.

Mimi Walters
Member of Congress