



## ALLOW STATES AND VICTIMS TO FIGHT ONLINE SEX TRAFFICKING ACT (FOSTA) - SPONSORED BY REP. ANN WAGNER (R-MO)

**TOPLINE MESSAGE:** FOSTA enhances criminal penalties for websites that facilitate illegal prostitution or sex trafficking, and it provides sex trafficking victims with resitution.

**PROBLEM:** The internet marketplace has grown rampant with advertisements and solicitations for sex trafficking. Bad actor websites, like Backpage.com, have argued that section 230 of the Communications Decency Act (CDA) gives websites immunity, and these websites have been successful in avoiding accountability to the state or to victims of sex trafficking.

In addition, prosecutors do not have the tools they need to enforce state criminal laws and shut down these online red-light districts.

**SOLUTION:** In order to provide justice for victims, we need to enhance criminal enforcement efforts, make sex trafficking less profitable for bad actors, and allow states and victims to bring cases against those who facilitate sex trafficking online.

### WHAT FOSTA DOES:

- **Holds Bad Actors Accountable:** clarifies that section 230 of the CDA does NOT grant immunity to websites that facilitate sex trafficking
- **Creates a New Federal Crime:** websites that have the intent to promote or facilitate illegal prostitution can be prosecuted under the new 18 U.S.C 2421A created by the bill
- **Increases Criminal Penalties:** prosecutors can seek higher penalties for websites who promote the illegal prostitution of 5 or more persons or act with reckless disregard for the fact that sex trafficking occurs on their website
- **Enforces Existing Laws:** allows state and local prosecutors to enforce sex trafficking statutes and the new 2421A
- **Provides Restitution for Victims:** gives victims of sex trafficking a pathway to sue bad actor websites for conduct violating the new criminal law, 2421A