



September 24, 2018

Key Vote NO on the Empowering Financial Institutions to Fight Human Trafficking Act, H.R. 6729

On behalf of our activist community, I urge you to contact your representatives and ask him or her to vote NO on the Empowering Financial Institutions to Fight Human Trafficking Act, H.R. 6729. The bill is intended to give a “safe harbor” to nonprofits for reporting suspicions of human trafficking or related money laundering in order to combat human trafficking, which is undoubtedly a noble and important effort.

However, partially because it was not subjected to the scrutiny of regular order, the bill is very misguided in its means to achieve the desired end. The “safe harbor” created for nonprofits wishing to report suspicions is intended to protect these groups from civil liabilities that could be the result of a false report or privacy law violation. However, it does so much too expansively, explicitly stating in the bill that there is no requirement of good faith on the part of any group that wishes to report. This could very easily be abused, as it effectively nullifies defamation, libel, and privacy laws in these cases.

Additionally, H.R. 6729 incentivises nonprofits to share the information that they report regarding human trafficking and money laundering with financial institutions and subsequently incentivises financial institutions to share the information with each other. The incentivised oversharing of information, combined with the already-required filing of “Suspicious Activity Reports,” presents a real and significant threat to Americans, who may end up deemed “too risky to do business with” as a result of unproven and potentially malicious reports filed against them.

Finally, the bill includes multiple authorizations for the Department of the Treasury to promulgate as many rules as it so chooses pertaining to the “sharing of information between financial institutions on suspected unlawful activities.” The House Financial Services Committee has previously unsuccessfully tried to give this authority to regulators under Section 314 of the

USA PATRIOT Act in the Anti-Terrorism Information Sharing is Strength Act, H.R. 5606, in the 114th Congress.

This is unacceptably broad regulatory authority given to an executive agency and may very realistically result in an abuse of power used to increase warrantless surveillance of Americans through “information sharing” programs outlined in the bill. Efforts to curb the actions of bad actors, including those involved in human trafficking, must not come at the expense of law-abiding Americans’ rights.

FreedomWorks will count the vote for H.R. 6729 on our 2018 Congressional Scorecard. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks