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RPTR PETERS

EDTR HOFSTAD

THE LATEST DEVELOPMENTS IN COMBATING

ONLINE SEX TRAFFICKING

THURSDAY, NOVEMBER 30, 2017

House of Representatives,

Subcommittee on Communications and Technology,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to notice, at 2:22 p.m., in Room 2123, Rayburn House Office Building, Hon. Marsha Blackburn [chairman of the subcommittee] presiding.

Present: Representatives Blackburn, Lance, Latta, Guthrie, Olson, Kinzinger, Bilirakis, Johnson, Long, Flores, Brooks, Collins, Walters, Costello, Doyle, Welch, Loeb sack, Ruiz, Rush, Eshoo, Engel, Butterfield, Matsui, and McNerney.

Staff Present: Jon Adame, Policy Coordinator, Communications and Technology; Ray Baum, Staff Director; Kelly Collins, Staff Assistant; Robin Colwell, Chief Counsel,

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Communications and Technology; Sean Farrell, Professional Staff Member,  
Communications and Technology; Adam Fromm, Director of Outreach and Coalitions;  
Gene Fullano, Detailee, Communications and Technology; Elena Hernandez, Press  
Secretary; Paul Jackson, Professional Staff, Digital Commerce and Consumer Protection;  
Tim Kurth, Senior Professional Staff, Communications and Technology; Lauren McCarty,  
Counsel, Communications and Technology; Alex Miller, Video Production Aide and Press  
Assistant; Evan Viau, Legislative Clerk, Communications and Technology; Jessica  
Wilkerson, Professional Staff, Oversight and Investigations; Everett Winnick, Director of  
Information Technology; David Goldman, Minority Chief Counsel, Communications and  
Technology; Jerry Leverich, Minority Counsel; Dan Miller, Minority Policy Analyst; and Tim  
Robinson, Minority Chief Counsel.

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Mrs. Blackburn. The Subcommittee on Communications and Technology will now come to order.

I am sorry that we are a few minutes late in beginning, but we have this thing we have to do around here called votes. And we did have a vote on the floor and, in the middle of it, a colloquy concerning our schedule.

At this time, I recognize myself for 5 minutes for an opening statement.

Good afternoon, and a warm welcome to each of our witnesses who are going to join us today. We are here on what has turned out to be an absolutely gorgeous day in Washington, D.C., but we are here to talk about a very ugly, sordid subject, and that is online sex trafficking or, as the name of Ms. Smith's organization describes it more bluntly, slavery.

As the stings and headlines continue to proliferate, those who thought that slavery was something that could never happen in 2017 America have had to confront the terrifying reality that not only is it happening, it is on the rise. And it is on the rise in large part because the internet, the technological masterpiece of our time, has made it much easier to do.

In both the House and the Senate this year, we are facing up to the challenge with a long-overdue conversation, driving toward effective action. With this hearing, it is my hope that the Communications and Technology Subcommittee, with our particular focus, will add some valuable perspective about exactly what is going wrong and what is going right on the tech side as the lowest of the low harness the power of the internet to enslave and exploit our children.

I am so very pleased that Ms. Smith and Mr. Winkler have been able to join us

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today to tell their stories of how Tennessee has been impacted by this abhorrent crime. Like so many of the districts that my colleagues represent, our home has been invaded by criminals luring in vulnerable women and children and forcing them into a life of sex slavery and unspeakable abuse.

I know that you both share my deep sadness and absolute outrage that this is happening in our backyard. And I cannot thank you enough for rescuing the victims, then helping them heal while seeking justice for their abusers. You are doing a superlative job.

For the fifth year in a row -- get this -- Tennessee received an A on its report card in the Protected Innocence Challenge, a comprehensive annual study of existing State laws. And this is compiled by Shared Hope International. The challenge produces State report cards that rate how effectively each State responds to the crime of domestic minor sex trafficking.

After 4 years of straight A's, Tennessee outdid itself this year by leading the rankings, number one in the country. What a testimony to the partnership between Tennessee law enforcement and victim advocates that you have built and grown together over the years. We are honored that you are taking time away.

The legislative debate this year has focused on amendments to section 230 of the Communications Decency Act, which law enforcement has consistently identified as a barrier preventing effective prosecution of online entities that facilitate trafficking and adequate recourse for trafficking victims.

Today, we welcome my colleague and dear friend, Ann Wagner, who is leading this charge in the House. I look forward to hearing her testimony about her efforts to

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find an effective approach to attack and defeat this problem. She has been a passionate and tireless advocate, and I am proud to be a cosponsor of her bill.

I also want to welcome and we look forward to hearing the concerns and the perspective of Ms. Souras and Mr. Goldman as we consider next steps. With so many women and children waiting on us and counting on us, doing nothing is not an option.

At this time, I yield back my time, and I recognize Mr. Doyle for 5 minutes.

[The prepared statement of Mrs. Blackburn follows:]

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Mr. Doyle. Thank you, Madam Chair, for holding this important hearing.

And thank you to the witnesses for appearing before us today. Human trafficking in all its forms and, in particular, sexual trafficking of children and adults is an abhorrent crime. I want to thank the witnesses here today from End Slavery Tennessee, the National Center for Missing and Exploited Children, and the Tennessee Bureau of Investigation. This is hard work that you all do, and I know that it carries a heavy burden. For my part, I want to thank you for your efforts and the efforts of your organizations. Be assured this is an issue of great concern to all of us.

I also want to thank Representative Wagner for testifying before us today. I understand that this is an issue that you have been working on for some time and that the SAVE Act that you wrote, and which has become law, is starting to be used to combat online sex trafficking.

I also understand that, in reference to the bill before us today, you are working with Chairman Goodlatte on an amendment in the nature of a substitute to your bill and hope that it will be marked up in the Judiciary Committee. I am hopeful that you will be able to move your amended bill out of committee and before the full House for a vote.

I also want to acknowledge the good work being done by Senators McCaskill and Portman and the Senate's Permanent Subcommittee on Investigations in the investigation and report they released on Backpage.com. This report is truly frightening. The report alleges that Backpage knowingly facilitated child sex trafficking.

I am deeply concerned about emails sent by Backpage moderators seeking to limit the number of ads they were reporting to NCMEC on a monthly basis. In addition, according to the report, Backpage repeatedly edited and altered ads by deleting words,

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phrases, and images that would indicate child sex trafficking without reporting those ads to NCMEC or other authorities. Again, according to this report, these edits were done for the express purpose of concealing the illegal nature of these activities.

Backpage went so far as to deploy software that automatically deleted terms from ads before publication, words such as "AMBER Alert," "rape," "young," and "fresh." This filter was apparently deployed for the purpose of concealing the true nature of the transactions that were occurring on the site.

The report goes on to say that, by Backpage's own internal estimates, they were editing between 70 to 80 percent of the ads in the adult section of their site.

Backpage would go on to start rejecting ads that contained these words, but then they would do so with a popup that would include explicit instructions for advertisers as to what the offending word or phrase was and how they could repost their ad to get around Backpage's filters.

Backpage used similar techniques when advertisers posted ads identifying people as under 18, simply instructing users to change the posted age in order for the ad to be posted.

To my mind, this report indicates a vast criminal enterprise. I am heartened by reports that there are potentially multiple Federal investigations using insights from the Senate report and an impaneled grand jury. My hope is that justice can be done.

Madam Chair, I thank you for this hearing, and I yield back.

[The prepared statement of Mr. Doyle follows:]

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Mrs. Blackburn. The gentleman yields back.

Ms. Brooks, you are recognized. We will see if Chairman Walden makes it, but you are recognized for your comments.

Mrs. Brooks. Thank you, Madam Chairwoman.

And I am very, very pleased to see our colleague and a leader in the House of Representatives, Representative Wagner, who, since we came in together 5 years ago, has been a strong, strong voice fighting for the victims and educating the American people about backpage and other avenues of sex trafficking.

I just want to take a moment to commend the State of Indiana. I was involved as a United States attorney from 2001 to 2007, and, during that time, the Bush administration put a huge focus on exploitation and on child exploitation. And we started an effort called IPATH now, which is about protection against human trafficking. And it brings together law enforcement, victim services; it puts in place protocols.

But I will tell you that the criminals and the perpetrators are always trying to stay one step ahead. They are always trying to find ways to exploit children, women, and others in order to satisfy their sexual desires. And it is very, very difficult work. Law enforcement work around the world to find victims and the webs that they have created. And the perpetrators, which coordinate around the world, are something that we must continue to pursue with every avenue we possibly can.

And, finally, I just want to focus on the victims. The victims of this type of sexual exploitation, sexual trafficking, can be found in every district in our country, from urban areas to rural areas to suburban areas. And I think people are often shocked when they read in our papers or read about the victims. And we must make sure that we are there



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for the victims.

So I just want to commend Ann Wagner and so many Members on both sides of the aisle who have stepped up to really lead the charge and try and say that we cannot allow this type of human slavery in this day and age to continue and we must continue to fight it. And I just want to thank my colleague from Missouri for being a leader.

And I yield back.

[The prepared statement of Mrs. Brooks follows:]

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Mrs. Blackburn. The gentlelady yields back.

Is there any other member seeking recognition?

No other member seeking recognition, at this time I want to recognize

Mr. Pallone -- who is not here -- for his 5 minutes.

Any other member seeking recognition?

Mr. Doyle. Oh, Madam Chairman, I --

Mrs. Blackburn. Mr. Doyle.

Mr. Doyle. Thank you. I forgot, I need to ask unanimous consent to enter into the record a letter to yourself and myself from Professor Alexander Levy of the University of Notre Dame Law School.

Mrs. Blackburn. Without objection, so ordered.

[The information follows:]

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Mr. Doyle. Thank you.

Mrs. Blackburn. All right. At this point, our first witness for today's panel will include Mrs. Ann Wagner, representing Missouri's Second Congressional District, who will give opening remarks regarding her efforts on the issue.

Mrs. Wagner, you are recognized for 5 minutes.

**STATEMENT OF THE HON. ANN WAGNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI**

Mrs. Wagner. I thank you, Madam Chairman and Ranking Member Doyle and colleagues, for hosting this committee hearing today and for allowing me to give some opening remarks.

I appreciate your commitment to addressing online trafficking and especially appreciate that so many members of this subcommittee have publicly cosponsored H.R. 1865. Stopping the victimization of America's children and adults online is my top priority in Congress, and I know I have an ally in Chairman Blackburn. I also appreciate subcommittee members Adam Kinzinger and Yvette Clarke for being original cosponsors of my bill.

My first major piece of legislation concerning online trafficking was the SAVE Act, which became law in 2015. The SAVE Act was a first step in addressing Federal-level prosecutions of websites. Unfortunately, it has not yet been used, presumably because the mens rea standard in the legislation, knowingly, is too high. Moreover, the SAVE Act was federally focused, and it did not enable States and local prosecutors to protect their

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communities.

I have learned a lot since then. And this is why, over a year and a half ago, I began working on H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act, or FOSTA. The bill is written for victims, not only because it would allow victims to pursue civil justice but because it would empower local prosecutors to take down websites that facilitate trafficking before they ever reach the size or the scope of Backpage.com.

The House understands that enabling vigorous criminal enforcement is not just important but mandatory in any legislation we pass. This is why over 170 of my colleagues cosponsored FOSTA when I personally explained to them how websites can perpetuate modern-day slavery with impunity.

Why are these websites able to sell our children? Because judges have ruled that section 230 prevents websites that exploit the most vulnerable members of our society from being held accountable. Congress' response to these rulings must be patently clear. Section 230 of the Communications Decency Act was never intended to allow businesses to commit crimes online that they could never commit offline. When Congress passed the Communications Decency Act in 1996, it explicitly acted to prevent the internet from becoming a red light district, and it clearly did not believe that rape was a prerequisite of a free and open internet.

What Congress cannot do is pass a bill that amends section 230 but is so narrow that it could only be used to prosecute Backpage.com.

Let me be plain: I support the Senate's recent action on my legislative proposal. I appreciate the complicated strategic environment that Senators Blumenthal and

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Portman and others are operating in. And I believe that it is a step in the right direction. But the Senate bill is not the full solution.

Backpage.com is currently, as Mr. Doyle stated, the largest of the websites that facilitate trafficking in America, but it is already under Federal investigation, and it is just a small, small piece -- small piece -- of this growing criminal ecosystem. Hundreds -- and let me underscore -- hundreds of advertising sites have jumped into the marketplace of illegal sex. For instance, Eros serves as the high-end market. Escorts In College advertises women close to and under the age of consent. And Massage Troll is, sadly, popular in my own district.

Thanks to Senator Portman's investigation, a wealth of evidence against Backpage.com has been discovered over the past year. And while it may now be possible, though still incredibly difficult, to prove that Backpage.com knowingly assisted in sex trafficking violations, it is not possible to gather this level of evidence for the hundreds of other websites that are profiting from the sex trade.

I have spoken with prosecutors across the country who have asked the House to pass a practical solution that will allow them to take predatory websites off the internet. And I am repeatedly told that any legislation that depends exclusively on the "knowingly" mens rea standard is merely a Washington, D.C., feel-good exercise. Congress might pat itself on the back but will have accomplished little to prevent the sale of victims online.

FOSTA is centered on the "reckless disregard" standard that prosecutors need to open cases on bad actor websites. And we must find a way to maintain a useful mens rea standard or, at the very least, not raise the very high bar that victims and prosecutors must already meet.

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If we are serious about helping victims, we must create laws that allow for a robust State and local criminal enforcement. Criminal enforcement means businesses will stay out of the illegal sex trade, fewer people will ever become victims, demand will be reduced, and, yes, civil suits will be easier to bring. The criminals who auction our children will be put behind bars.

I believe, in closing, we can mark up a bipartisan House bill that will provide meaningful tools to prevent future victimization. And I look forward to working with you to pass a forward-facing -- forward-facing -- solution that will disrupt the online trafficking industry.

I thank you, Madam Chairman, and I thank you all on the committee and my colleagues for allowing me to give these opening remarks.

[The prepared statement of Mrs. Wagner follows:]

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Mrs. Blackburn. The gentlelady yields back.

We thank you so much for your remarks and your well wishes that we will move forward.

At this time, we will briefly recess long enough to put the new nameplates up, and we will welcome our panel to the table.

[Recess.]

Mrs. Blackburn. At this time, we welcome our second panel of witnesses: Yiota Souras, who is the senior VP and general counsel for the National Center for Missing and Exploited Children; Ms. Derri Smith, CEO of End Slavery Tennessee; Mr. Russ Winkler, assistant special agent in charge at the Tennessee Bureau of Investigation; and Mr. Eric Goldman, a professor at Santa Clara University School of Law.

Welcome to each of you. We appreciate that you are here today.

We are going to begin our testimony with you, Ms. Souras.

Each of you will have 5 minutes. I ask that you move the microphone to you, touch the button in the center so that you activate it. And at the end of your 5 minutes, we will begin the questioning portion of this hearing.

Ms. Souras, you are recognized for 5 minutes.

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**STATEMENTS OF YIOTA SOURAS, SENIOR VICE PRESIDENT AND GENERAL COUNSEL, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN; DERRI SMITH, CEO, END SLAVERY TENNESSEE; RUSS WINKLER, ASSISTANT SPECIAL AGENT IN CHARGE, TENNESSEE BUREAU OF INVESTIGATION; AND ERIC GOLDMAN, PROFESSOR, SANTA CLARA UNIVERSITY SCHOOL OF LAW**

**STATEMENT OF YIOTA SOURAS**

Ms. Souras. Thank you.

Chairman Blackburn, Ranking Member Doyle, and members of the committee, I am honored to be here today on behalf of the National Center for Missing and Exploited Children and to join this discussion to ensure that America's most vulnerable victims -- children trafficked online for rape and sexual abuse -- have opportunities for justice against their traffickers, including those who participate in trafficking them online.

I would like to thank Congresswoman Wagner for her longstanding dedication to child sex trafficking victims and her tireless work to create meaningful change for these survivors.

As part of our work as the congressionally designated resource center on missing and exploited children, NCMEC receives approximately 9,800 reports of child sex trafficking every year. Over the past 5 years, 88 percent of these reports have involved a child being trafficked online. More than 74 of these reports from the public relate to an ad on Backpage.

In recent years, we have learned an enormous amount about the complexity,



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ruthlessness, and profitability of the sale of children for sex online. But we have also seen courts struggle and fail to hold websites liable for facilitating sex trafficking. Today, we are at a crossroads on how best to proceed with legislation that combats this heinous crime.

Courts have been able to find their way around the current application of the CDA, a statute that is over 21 years old and has created broad immunity, even for websites that support online child sex trafficking. These courts have called on Congress to clarify that all facilitators of online sex trafficking, including websites, are not legally protected.

The House of Representatives and the Senate have worked on parallel tracks to develop bills that respond to the recent court decisions and reconcile the CDA with protections granted to victims under the Federal trafficking statute.

We believe these bills address the specific legal barriers faced by child sex trafficking victims and coalesce around three legislative solutions: first, ensuring that State attorneys general have the authority to protect children in their own States and can bring criminal and civil actions against online entities that participate in sex trafficking; second, clarifying that sex trafficking victims can pursue civil remedies against everyone who participates in their trafficking, including websites; and, third, defining participation in a trafficking venture under Federal law as assisting, supporting, or facilitating sex trafficking.

These broad legislative solutions specifically respond to what courts have called on Congress to do: provide children with access to justice and hold websites that facilitate sex trafficking responsible.

NCMEC has assisted tens of thousands of children victimized by online sex

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trafficking. Behind the current debate about the particular details and standards within the legislative proposals are horrific experiences suffered by these children, who are defenseless against predators selling them for rape and sexual abuse online.

NCMEC has worked closely with many sex trafficking victims whose cases have been dismissed due to the current broad interpretation of the CDA's immunity. We have witnessed the anguish of these children's recovery and have heard their hopelessness when courts dismiss their cases against websites that facilitated their trafficking.

Victims who have been denied justice due to the CDA include a 14-year-old girl who was trafficked online for 2 years and advertised in sexually explicit poses; two 15-year-old girls, one who was raped over 1,000 times while trafficked online for just over a year and a second girl who was trafficked online for 2 years and sold to from 5 to 15 customers a day.

Cases like this remind us of the ongoing suffering of victims and the urgency to move forward with current legislation that addresses past cases and has broad support from all key stakeholders, including the tech sector. NCMEC believes that legislation that includes the three core solutions outlined more fully in my written testimony will provide powerful tools to ensure the rights of child victims while protecting current law that encourages a robust internet.

Chairman Blackburn, we couldn't agree with you more when you said in yesterday's Knox News that standing by idly is simply not an option. It is time that we hold companies accountable for their actions when they cross the line. We have been encouraged by the Senate's legislative progress on FOSTA, including the support of the

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Internet Association and Facebook, and are hopeful that under your leadership a similar path forward can be accomplished here in the House.

In conclusion, we stand ready to assist the committee so that at the end of the day a bill can move expeditiously to the President's desk for enactment into law.

Thank you.

[The prepared statement of Ms. Souras follows:]

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Mrs. Blackburn. The gentlelady yields back.

Ms. Smith, you are recognized for 5 minutes.

#### **STATEMENT OF DERRI SMITH**

Ms. Smith. Chairman Blackburn, Ranking Member Doyle, and members of the subcommittee, thank you for holding a hearing on this important topic. It is an honor to offer testimony on the impact of technology on human trafficking victims and survivors.

The sexual exploitation perpetrated against women, men, boys, and girls in the commercial sex industry is found all across the internet. There is no place for a survivor of human trafficking to hide, because their victimization is already on display for all to see. The public victimization exponentially complicates the healing process.

In the early days of this work, I met two girls from Atlanta. They were deceived by a girl they thought was their friend, held by child safety locks, and driven to Nashville by their trafficker. The trafficker got a hotel room, popped an ad up online, and was in business within half an hour. I was struck with how easy it was for him to sell those girls, as easy as advertising a bicycle or a car for sale. I was also struck with how quickly men arranged to have sex with these young people, as fast as ordering a pizza.

In my years since, I have heard hundreds of variations of this story. At least three out of four of the survivors we serve were advertised online, and others were recruited and groomed online.

Thankfully, an undercover detective was answering online ads that day posing as a john. He came to the girls' room and ended their exploitation within days of its start.

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They were the lucky ones.

Once recovered, survivors still face threats from predators online who are waiting for them to surface. Especially in the early days of survivor recovery, our efforts to monitor online activity are more challenging than simply monitoring phone usage. There are temptations, dangers, and master manipulators ready to entice survivors back into exploitation.

When the Tennessee Bureau of Investigation began proactively attacking human trafficking, they called End Slavery Tennessee for assistance. First, they wanted to understand the technology landscape and how it affected victims. How were victims recruited, bought, and sold across the internet? They needed firsthand information, and one of our young survivors was willing to tell them all she knew about being trafficked online.

Secondly, the TBI wanted a more direct partnership during the undercover operations. That meant our survivor intervention specialist and case manager were on site during the operation. When TBI identified a victim, she met with End Slavery Tennessee staff. These young women were offered services and a way out of exploitation that very day. Some took the offer; others did not. But they did understand that the offer did not have an expiration date. The goal was to turn that scary and often negative interaction with law enforcement into one of hope.

Once a survivor comes to End Slavery Tennessee, the plan of care often depends on drug addiction, prior victimization, length of time enslaved, and the age of the victim. We have provided care and services to survivors from the age of 4 to 52, with a primary focus on minors through age 25, and in eight languages.

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In the past 5 years, we have gone from operating out of one 10-by-10-foot office to a small suite of offices and now to a care center and three safe houses. We currently care for about 190 survivors a year in Nashville and the surrounding area.

Survivors need a plethora of wraparound services to meet their every need. Because trafficking victims suffer complex post-traumatic stress disorder, the restorative process can and usually does take years. To compound the trauma of trafficking, most victims were abused as children or suffer from a range of other adverse childhood experiences that made them vulnerable to exploitation in the first place. It is essential that an agency offer case management and a comprehensive array of specialized services until a survivor is ready to lead a productive and stable life.

In Tennessee, we use a single-point-of-entry model, with one agency in each of the four regions of the State whose entire focus is on providing intensive case management and restoration of victims. Together, we form the Tennessee Anti-Slavery Alliance. This approach ensures that quality, consistent trauma-informed services are provided statewide in the most effective and efficient way possible and that victims don't fall between the cracks.

Thank you for this opportunity to address the committee, and I will welcome your questions later.

[The prepared statement of Ms. Smith follows:]

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Mrs. Blackburn. The gentlelady yields back.

Mr. Winkler, you are recognized for 5 minutes.

#### **STATEMENT OF RUSS WINKLER**

Mr. Winkler. Thank you.

Chairman Blackburn, Ranking Member Doyle, members of the subcommittee, thank you for inviting me today. I am a special agent in charge with the Tennessee Bureau of Investigation and co-director of the Tennessee Fusion Center. One of my responsibilities is to oversee human sex trafficking investigations.

Since 2011, thanks to our general assembly, our Governor, and my boss, TBI Director Mark Gwyn, we have been given better tools to combat this disgusting crime. We are proud that, this year, Tennessee ranked number one on Shared Hope International's State report card, and that is due in large part to the sustained focus of our State leadership.

As I sit here talking with you, I am overseeing 66 active human sex trafficking investigations with minor victims in big cities and small towns across Tennessee. In most of these cases, a sex trafficking perpetrator takes a child and forces, threatens, or coerces her -- the victim is nearly always female -- to engage in sex acts for money. In our experience, most cases involved the posting of ads for underage sex on Backpage.com, though Backpage is not the only site.

To identify people seeking to engage in commercial sex acts with underage females, we use young-appearing female law enforcement officers to post ads online

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offering sex acts. We seed these ads with terms like "new to town" that are code in that environment for underage females. The undercover agents establish that they are under 18 in phone and text conversations with potential johns. All have been men so far in our investigations.

Numerous men are not deterred by their juvenile status and eventually show up at the hotels, where we set up encounters with undercover agents. The agents meet with the men in a hotel room and, again, engage in conversation that proves that the offenders think that they are underage. Money is given to the undercover agents, and the men are promptly approached by uniformed law enforcement officers, who are waiting in the next room.

For us, this is, unfortunately, a routine operation. The demand is staggering, and we know we are not unique among States. Our most recent undercover operation in a Nashville suburb resulted in 21 men being apprehended over a 3-day period when they came to a hotel room to engage in sex acts with undercover female agents who they believed were juveniles.

To target traffickers of underage girls, we use male undercover TBI agents posing as johns. Our undercovers respond to advertisements that our Fusion Center intelligence analysts find on Backpage.com. Our analysts use advanced software called Spotlight to help identify ads that have a strong likelihood of being minors.

Rescuing victims of human sex trafficking is a priority for us. We have established strong cooperative relationships with nonprofit organizations and our State child protective services agency. The nonprofit organization End Slavery Tennessee is sometimes on site during our operations. They offer services immediately on scene to



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women who come to the hotels answering Backpage ads.

We have conducted operations and investigations involving numerous perpetrators and victims. The one constant we encounter in our investigations is the use of online platforms like Backpage.com by buyers and sellers of underage sex.

Before I close, I want to point out that human sex trafficking cases offer another example of a crime that is enabled through emerging communications technologies. Victims are marketed on sites like Backpage.com, and traffickers and johns often use anonymous smartphone applications to facilitate and hide their negotiations over these children. This creates unique law enforcement challenges, which are sometimes referred to as "going dark" challenges.

So, while we need tools to discourage online platforms from facilitating commerce in children, it is clear that we also need a legal framework that ensures law enforcement can get the additional evidence we need to investigate these horrible crimes.

I appreciate the invitation to testify today and look forward to your questions.

[The prepared statement of Mr. Winkler follows:]

\*\*\*\*\* INSERT 1-5 \*\*\*\*\*

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Mrs. Blackburn. Thank you.

The gentleman yields back.

Mr. Goldman, you are recognized for 5 minutes.

#### **STATEMENT OF ERIC GOLDMAN**

Mr. Goldman. Thank you.

Chairman Blackburn, Ranking Member Doyle, and members of the subcommittee, I applaud the efforts of Congress and this subcommittee to combat the horrible crime of sex trafficking. These efforts include the Allow States and Victims to Fight Online Sex Trafficking Act of 2017, called FOSTA.

I defer to experts in the sex trafficking victim advocacy community about whether FOSTA would help victims. Based on my expertise in internet law, I will discuss FOSTA's implications for 47 U.S.C. 230, the law that Congress enacted in 1996 that says websites aren't liable for third-party content.

Section 230 ranks as one of Congress' most important policy achievements in the last quarter-century. Section 230 touches deeply each of our lives by enabling the internet services we rely upon every waking hour. It also advances free speech by helping ordinary people communicate with a global audience for the first time in history. Furthermore, Section 230 improves marketplace efficiency across our entire economy and reduces entry barriers so that new and innovative online services can keep emerging.

Section 230 is a globally unique policy. No other country provides such strong protections for online publishers of third-party content. This differentiation gives the

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United States a global competitive advantage for such services, which has helped create enormous social value here in the United States.

Congress enacted section 230 in response to a 1995 ruling that an online service could be liable for user content because it had removed other objectionable content. The ruling created a dilemma for all online services that moderate user content. Online services had to choose between two strategies: one, exercise full editorial control over user content and accept liability for whatever legally problematic content they miss; or, two, minimize potential liability by exercising no editorial control over user content.

Some services can't afford to exercise full editorial control. Other services, such as tools for real-time communications, can't function with full editorial control. Thus, if failing to moderate content perfectly leads to liability, some online services will abandon efforts to moderate user content or even shut down.

Section 230 eliminated this moderator's dilemma. Section 230 applies regardless of what online services do to moderate content or even what they know about user content. This means online services can deploy and experiment with a wide range of content moderation techniques without fearing liability for what they miss. This helps online services, but it also helps people access publication tools that let them reach new audiences.

FOSTA would reinstate the moderator's dilemma. For the first time in over two decades, it would cause online services to question whether they should moderate content. Some services will conclude that it is too risky to do so. If online services reduce or eliminate their moderation efforts, FOSTA may counterproductively cause a net increase in sex trafficking promotion and all other types of antisocial content.

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Section 230 does not give a free pass to online services facilitating sex trafficking. Section 230 does not limit Federal criminal prosecutions, and the Department of Justice has prosecuted online services for publishing third-party ads, including at least two prosecutions against services, MyRedBook and Rentboy, that facilitated online prostitution. Furthermore, in the 2015 SAVE Act, Congress criminalized online advertising of sex trafficking, and a Phoenix grand jury has been investigating Backpage.

Congress can balance additional anti-sex-trafficking initiatives with section 230's benefits by: one, ensuring that online services face only a single Federal standard of liability rather than State-by-State variations that will make it difficult or impossible for online services to determine what law applies to them; two, encouraging online services to continue performing socially valuable content moderation efforts by basing liability on an online service's intent to facilitate illegal activities, not on what it knows, and expressly saying that online services shall not be legally penalized for their moderation efforts. I oppose FOSTA because it does not conform to either principle.

Thank you for the opportunity to address the subcommittee on this very important matter.

[The prepared statement of Mr. Goldman follows:]

\*\*\*\*\* INSERT 1-6 \*\*\*\*\*

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Mrs. Blackburn. Thank you, Mr. Goldman.

The gentleman yields back. That concludes our testimony.

At this time, I have several documents to enter for the record: Shared Hope International, Exodus Cry, the National Center on Sexual Exploitation, and the Coalition Against Trafficking in Women submit a statement. We have a letter from Shared Hope International; an article from The Register-Guard; a letter written April 3, 2012, that Ms. Maloney and I did to Google, Larry Page of Google, questioning Backpage, so we have been working on this for quite a while; and then a letter submitted and testimony from Mr. Chris Cox, partner from Morgan Lewis, and he is the outside counsel for NetChoice.

Without objection, so ordered.

[The information follows:]

\*\*\*\*\* INSERT 1-7 \*\*\*\*\*

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Mrs. Blackburn. So let's begin our questions.

And, Mr. Winkler, I want to come to you to begin. You referenced the sting that you had conducted, and we all know that that made headlines, of course, in Tennessee but also around the country. And we have looked at how Tennessee is number one in Shared Hope International's study.

And what I would like to hear from you and I think everyone on this panel, Democrat and Republican, would like to hear from you, what do you think has made the difference in Tennessee? What do you use most within the law? What would you like to see changed?

The partnership -- Ms. Smith, you may want to weigh in on this -- but you are doing something different. You are getting results.

And I would like for you to begin, Mr. Winkler, and then, Ms. Smith, for you to add to his answer.

Mr. Winkler. Yes, Chairman. I think that the continued commitment by the general assembly and the Governor and the TBI director to support human trafficking investigations and our partnerships across the State with the nonprofit organizations and our partnership with our State's child protective services agency, all those things combined have been a tremendous help in Tennessee.

A lot of emphasis has been placed on enhancements in the law to make it more punishable for both buyers and sellers of sex acts with juveniles. And I think that all those things combined is what has really helped us in Tennessee combat this problem.

Mrs. Blackburn. Okay.

Ms. Smith?

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Ms. Smith. I agree. I think it takes all parts of the puzzle working together. So you have to have law enforcement, legislature, the courts, child protective services, and service providers all working together communicating and collaborating together. I think that is something we do very well.

Law enforcement does work we can't do -- investigate, prosecute the perpetrators, rescue. We can bring a survivor and an advocate perspective so that they can work in a trauma-informed way. We can bring survivors on the scene at those stings to build trust and transfer that trust to law enforcement so they are a lot more likely to cooperate. And if you don't have services in place for the victims, they are not going to stick around to make a good case. So everything intersects together.

Mrs. Blackburn. Let me ask you this. How are you all working in educating healthcare professionals?

Ms. Smith. We actually, right now, are working with one of the large hospital systems. They have been working with us for about a year to create training for all of their staff nationwide. We are doing a beta rollout now in our region to train everybody from ER staffs to the receptionists at clinics.

And we have a protocol in place so that they have a trauma-informed response. So they know to call the hotline number, they know the protocol for service provision, for mandatory reporting.

And then, in our case, we bring survivors on the scene from our staff to be there immediately to build their trust and to offer them services.

Mrs. Blackburn. Okay.

I want to go to you, Ms. Souras and Ms. Smith. I did some reading in preparation

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for the hearing and looking at who is kind of the target victim for this, and many times it seems as if it is young girls who are in State or foster care custody, if you will.

And I would like for you -- we will begin with you, Ms. Souras, and then to Ms. Smith -- to just talk about how these perpetrators of the crime go about targeting these victims, and then add if there is anything you think we could do differently.

Ms. Souras. Absolutely. Thank you, Chairman Blackburn.

You are absolutely right that the location of the child often has great bearing on whether they were vulnerable to being exploited.

NCMEC really views child sex trafficking victims as a missing-child problem. In our experience, and as an example, just last year, in 2016, one of six runaways reported to us were likely sex trafficking victims, and, of those, 86 percent were running from State care. So definite correlations between children who were running away and also where they are running away from and, again, their ultimate vulnerabilities.

In our experience, the average victim is a girl, even though there are boys and LGBTQ youth, of course, who are trafficked as well. But, again, average victim is a girl about 15-1/2 years old. Between 15 and 17 is the general age range we see.

And, typically, these are children who are really experiencing an array of vulnerabilities. They are looking for something. It might be a parental figure. It might be love or affection, someone to care about them. You know, we often talk about children who are seeking, really, human basic requirements -- safety, security, shelter. These are children who, you know, are not receiving that in their current home or social services setting. So they are very susceptible to false promises, false promises of love, shelter, again, security -- very basic needs. And that really is how they are lured.



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These are children who are, you know, often seeking just the smallest remnant of kindness from someone, so the smallest extension of that from a trafficker. And traffickers know who to extend that to and what that child might be looking for. That is often enough, just, again, for them to feel like someone has done something kind for them or something to care about for them.

Mrs. Blackburn. Ms. Smith?

Ms. Smith. I ditto that 100 percent.

And I will say that foster care and the State custody system is a perfect pool for exploitation, because you have those children who are vulnerable. And we know lots of girls who were actually recruited within the system, out of group homes. There would be somebody who was recruiting on behalf of a trafficker.

It is a system that sets things up for exploitation because these girls learn, "Oh, I have a family who gets paid to take care of me." That kind of mentality can transfer to a trafficker. "Well, he is going to take care of me, and it is reasonable that he is getting money to do so."

And I think I would add, though, that there is such a thing as familial trafficking. There are family members who traffic their children for money for drugs, usually, or for alcohol. And so, in that State system, when we are dealing with child services, there needs to be a track that is identifying those children and that is giving them the kind of specialized care that they need. They can't just be lumped in with the truants and the runaways and the unruly children. There needs to be a track that quickly gets them into the services they need.

Mrs. Blackburn. Thank you.

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My time has expired, and at this time I yield to Mr. Doyle, 5 minutes.

Mr. Doyle. Thank you, Madam Chair.

Mr. Goldman, in your testimony, you mention two ways you believe that Congress can achieve a balanced solution: first, by avoiding a patchwork of State laws, which websites would have to comply; and then, secondly, by targeting a website's intent to facilitate illegal activities.

I wonder, have you seen Mr. Goodlatte's proposed amendment to Mrs. Wagner's legislation that involves targeting the facilitation of prostitution with a specific intent standard and carving out State criminal laws that would do the same thing? Would such a proposal serve that purpose of balance?

Mr. Goldman. I have seen the proposed legislation, and I do think that the effort to focus on the specific intent to facilitate prostitution is a productive way of approaching the issue. And I consider it to be superior than the alternatives that I have seen.

Mr. Doyle. You know, I want to again applaud the good work of the Senate Permanent Subcommittee on Investigations because they bringing the details of this issue in focus. And after reading their staff report, it is clear that Backpage.com not only profited from online sex trafficking but that Backpage.com also helped to develop content for online sex traffickers.

Now, Professor Goldman, it is my understanding that section 230 does not protect the website when it develops content in this way. So could you explain for us where the courts have drawn the line between developing content which is not protected and allowing third-party posts, which is?

Mr. Goldman. The statute excludes anyone -- it is protection for anyone who

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creates or develops content in whole or in part. So someone who develops content in part is not covered by the statute per its terms.

In my opinion, the courts have interpreted that to really say that the party doesn't qualify for the section 230 immunity if they develop what is illegal about the content. And so there is a nexus between developing the content and developing what made it illegal. And I think that that is a helpful guidance for us to think about.

Mr. Doyle. So if the facts that were laid out in the Senate report are true, do you think Backpage.com can continue to use section 230 as a shield?

Mr. Goldman. I must say that the facts have raised a lot of questions about exactly how we interpret the statutory language, and I am eager to see what the courts end up doing with the facts that they have.

Certainly, in Backpage's case, we have a lot of suspicion about the legitimacy of their motives. But some of what they were doing are common tactics on the internet, and we need to make sure that whatever happens to Backpage doesn't also create problems for the other sites that might be doing similar things but with a much less pernicious objective.

Mr. Doyle. Mrs. Wagner's SAVE Act was recently passed into law. And can you tell us what tools this legislation gives law enforcement in pursuing sites like Backpage and how prosecutors and their investigators are starting to utilize it in their investigation?

And maybe you and Mr. Winkler could respond to that.

Mr. Goldman. So the SAVE Act criminalized knowingly advertising sex trafficking. And that is a new crime that did not exist, So it did cover some new area that had not been covered by any other crime.

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That law was just passed in 2015. I don't know what the typical turnaround times are for new crimes being enacted and the actual usage of them. So it is fairly early in the development of that particular law to gauge whether or not it has been effective.

We do know that there is a grand jury investigation that has been investigating Backpage in Phoenix. We don't know what is going on in the grand jury investigation because that is a black box to us; it takes place under the cloak of secrecy. But it would be logical to me that the SAVE Act would be one of the grounds on which the DOJ has asked the grand jury to investigate Backpage.

Mr. Doyle. Mr. Winkler, have you been able to utilize that act in any of your investigations or prosecutions?

Mr. Winkler. No, sir. I am not familiar with the details of that. But did you have a question, too, about Spotlight, or did I misunderstand?

Mr. Doyle. No, I didn't.

Mr. Winkler. Okay. Well, I am not familiar with that act, sir.

Mr. Doyle. Okay. Thank you.

Madam Chair, I will yield back.

Mrs. Blackburn. The gentleman yields back.

Mr. Guthrie, 5 minutes.

Mr. Guthrie. Thank you, Madam Chairman.

So I was sitting here just listening, and Ms. Smith described how quickly girls or ladies were transferred from Atlanta to Nashville and set up -- I think you said as easy as ordering a slice of pizza. And Mr. Winkler commented specifically on the online platforms and the difficulty it has had in trying to deal with this.

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And I know section 230 was passed in 1996 through a Republican Congress, through this committee. But when you hear the stories of what is coming out of this, it has to be addressed -- absolutely has to be addressed.

And, Mr. Goldman, when Mr. Doyle asked you about the Goodlatte amendment, I noticed you said it is superior to the current bill, but do you think it is acceptable and something you would like to see passed into law?

Mr. Goldman. Personally, I would favor waiting to see how the developments play out in the courts. There are a number of developments taking place right now that are very germane to what we are discussing.

For example, just on Tuesday, a Backpage challenge against the Missouri attorney general investigation was dismissed, in part with the court noting that section 230 may not protect Backpage and that would not be the grounds to hold back the Missouri AG investigation.

So we know right now things are taking place, and my preference would be to see how that plays out.

Mr. Guthrie. So there is no amendment acceptable? You would rather this legislation sit until some court makes a decision?

Mr. Goldman. I think that --

Mr. Guthrie. Or do you have something that would be acceptable now?

Because the issue is, we hear that a lot in Congress. The legislative branch, we do things, and we will let the court clarify, we will let them move forward, you know. In my personal opinion, it is our job to do that. If we know there is a problem that needs to be out there, we don't need to wait, "Well, let's see what a court decision is going to

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do," if we can clarify that ourselves. I think that is what the American people expect.

And so is there not anything we could do now that you would find acceptable that might address the problem, or do you think we should just wait on a court?

Mr. Goldman. Yeah, no, I respect that, that the whole reason why we are here is because you are in the position to take advantage of the tools that you have to solve the problems that you see.

I think that the best call is to let the existing law that Congress enacted in 2015 and all the other laws that Congress passed play out. If we are going to pursue legislation -- like you said, that is what Congress does -- I do think that the two principles I mentioned would be the guiding principles for how I would consider legislation to be acceptable.

Mr. Guthrie. Thanks.

On another topic, Ms. Souras, the Missouri attorney general, in your testimony, you specifically said that one of the issues is the patchwork attorney generals are having to move forward. What is the issue with going State by State versus us addressing this? Why does it need to be addressed here instead of waiting for a State-by-State attorney generals process?

Ms. Souras. Thank you, Representative Guthrie.

What we really have seen over the past few years is more or less a complete foreclosure on the State attorneys general in their ability to protect children from trafficking in their own States.

And I will point to the California attorney general's investigation and subsequent attempts to prosecute Backpage not once but twice on pimping charges over the past, I

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believe, 2 years. After a very long investigation into Backpage, pimping and, you know, other related charges were filed against Backpage in the Sacramento Superior Court by the State attorney general's office. The court dismissed all of the pimping charges based on the broad interpretation of the CDA.

Just before Attorney General Kamala Harris moved to the Senate at the end of 2016, she had her office refile those pimping charges with some additional facts developed to try to answer to the court's last order. And the judge, the new judge, in the second case, again dismissed the pimping charges, again based on the Communications Decency Act.

So what we have at this point and what we have heard from the courts, including the courts in California, is really that Congress needs to clarify that State attorneys general can join this battle, that they can join Federal prosecutors. I know you didn't ask about civil remedies and civil attorneys, but it is the same in that realm as well. Currently, State attorneys general simply do not have the ability to get around the CDA.

Mr. Guthrie. Thank you.

And I have been to NCMEC, and I actually have a bill that has passed the House and hopefully reauthorizing NCMEC as we go forward. And I was going to ask you a question about that, but I will save that. I am running out of time.

Just to say, what your people in that building go through every day, we are blessed as Americans to have people willing to do that kind of work. It is disturbing to see, but we have people there doing it. And I am sure, Ms. Smith, you are seeing the same; Mr. Winkler, the same thing. And it is really good that we have people on the front lines trying to combat this. And we need to give them the tools. We need to be

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judicious, but we also need to give them the tools available to do it.

And thank you for being here.

I yield back.

Mrs. Blackburn. The gentleman yields back.

Mr. McNerney, you are recognized for 5 minutes.

Mr. McNerney. Well, I thank the chairwoman, and I thank the witnesses today.

This is a difficult subject and something that needs to be done. It is urgent.

Ms. Souras, in 2015, Congress passed the Stop Advertising Victims of Exploitation, or the SAVE Act. Do you think the SAVE Act has been effective in giving prosecutors the tools to bring down sites like Backpage.com?

Ms. Souras. Thank you for the opportunity to address that. And I will, you know, piggyback a little bit on what Mr. Goldman said. He did explain that the SAVE Act was enacted at the end of 2015. It basically added advertising as one of the new predicate acts that one could commit under the Federal trafficking statute.

One thing that is very important, though, to take into account is that the statute was enacted at the end of 2015. Backpage immediately filed court papers in the Federal court here in the District of Columbia to basically enjoin that statute, saying that it was unconstitutional. They filed suit against the Department of Justice. That case was not resolved until October of 2016.

So, even though it may feel as though the law has been around for a couple of years and no one has used it, I would, you know, provide a bit of a counter view on that and say the law has really only been available to prosecutors out from under the specter of what that court's decision might have been for just about a year, which simply is not a



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long time when you think of a Federal investigation to be teed up and pursued.

Mr. McNerney. And I was going to ask you, first of all, are we clear of courts possibly overturning the SAVE Act at this point? Is the SAVE Act safe, you know, in legislative/judicial terms?

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[2:22 p.m.]

Ms. Souras. Well, it was a curious decision that the D.C. District Court issued. They did not actually address the substance of the constitutionality issue. They actually found that Backpage did not have appropriate standing, and they ruled on ancillary issues. So one could view that act as still being susceptible, if it were used in a prosecution, to constitutionality arguments.

Mr. McNerney. Well, do you think that the Congress needs to examine whether Federal prosecutors and investigators have sufficient resources to combat online sex trafficking?

Ms. Souras. So I think that is always a valid measure. You know, certainly at NCMEC we have such close partnerships with Federal and State law enforcement, and we, you know, always are encouraged by discussions around offering them more resources. But what I would -- what I would suggest is that what Federal prosecutors need is not necessarily more resources or new laws; they need more players on their team. And by that I mean state attorneys general and civil attorneys as well.

Mr. McNerney. That was my next question. Does the Goodlatte amendment allow State prosecutors to go ahead and prosecute cases as long as they comply with Federal requirements?

Ms. Souras. So the language that I have seen, which I understand is very much in flux and has shifted again, I believe, since I saw a draft of it, permits that in extremely limited ways, and I would argue much more limited than the current FOSTA bill or the

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Senate bill, SESTA.

Mr. McNerney. Thank you.

Professor Goldman, thanks for coming out here from the bay area. I want to make sure I understand a few things about section 230. Does section 230 prohibit Federal law enforcement from going after websites that host advertisements for sex trafficking?

Mr. Goldman. No.

Mr. McNerney. Does section 230 protect individuals that actively engage in sex trafficking?

Mr. Goldman. No.

Mr. McNerney. In your written testimony, you state that section 230 ranks as one of Congress' most important policy achievements in the past 25 years, a quarter century. What makes that section so important? What gives it the teeth that it has?

Mr. Goldman. It becomes the infrastructure for the entire internet ecosystem, which itself is infrastructure for our entire society. So the one little thing it does, saying publishers aren't liable for third-party content, creates this vast array of activity that wouldn't exist for any other reason except for the internet and its enablement through section 230.

Mr. McNerney. What would the world -- or the internet world -- what would the internet look like without 230?

Mr. Goldman. Well, we have some examples about that because we see what it looks like in other countries. And they don't have the same kind of robust user to user interactivity that we have here in the United States. If they have it, it is because it is

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provided by companies based here in the U.S.

Mr. McNerney. So basically 230 is doing what it is supposed to do, and we may not need to amend it until we find out if it is effective as we hope it is?

Mr. Goldman. Section 230 is a very powerful statute, and so amendments to it have potential for very dramatic effects.

Mr. McNerney. Thank you. I yield back.

Mrs. Blackburn. The gentleman yields back.

Mr. Olson, 5 minutes.

Mr. Olson. I thank my friend from Tennessee from the bottom of my heart for having this important hearing. Modern-day slavery happens all over America, as Mrs. Wagner said in the first panel. It happens in my hometown of Sugar Land, Texas. Slavery for sex and labor. It is ugly, offensive, but it is real.

It is so offensive and so ugly that some law enforcement people back home say it doesn't exist. But it does. In April 2016, back home, a high school senior, very attractive, disappeared at night working at a local gym 500 yards from my official office in the heart of Sugar Land. She had just turned 18, so she was a legal adult. Her father knew that, unless he found her in 30 days, she would likely be gone forever.

Luckily, he had resources to hire former Special Forces, SEALs, Green Berets, reinforced recon, and put a full-on onslaught on social media. He got her back. That situation had been planned for 2 years. She befriended the so-called groomer when she was 16. He used Snapchat to communicate with her to give her drugs, get her hooked, and keep that from her parents. That family was lucky; they got their daughter back. And so was my family.

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Last June, my daughter went to South Africa on an overseas study program with her college. She went to Durban, South Africa. No one told us that was a hot bed for human trafficking. The students had to walk about half a mile from the dormitory to the classroom. In the middle of a bright sunny day, 2 p.m., four-lane road, center divider, a car pulled up in front of my daughter and her new friend. Three large men jumped out. One had a pistol in his left hand. My daughter saw the pistol. That man grabbed her shoulder, tried to take her in that car. Luckily, she had her backpack hanging with one strap on her right shoulder, the one he grabbed. The backpack came off. That gave her new friend the time to grab her right arm and pull her away.

They ran as fast as they ever could. My daughter said: I was waiting to hear gunshots and being shot and dying in South Africa.

Luckily, God was with her. They got to safety, and she came home. But she came home different. Those thugs took my daughter's innocence and trust. And it is a pain that will never ever go away from my family.

As I mentioned, especially with the girl from the gym, sex traffickers use emerging technologies to help them obtain an advantage and to stay hidden from law enforcement and families. As I mentioned, Snapchat, an example, a 6-second video pops up, pops away. Bitcoin for online transactions.

My question for the entire panel -- I will start with you, Ms. Smith -- if I can make you the king, the queen, for one day to end human trafficking, what would you do?

Ms. Smith. I only have 5 minutes.

Mr. Olson. I can take whatever the chairman gives me.

Ms. Smith. First, let me say, my heart goes out to you. I sit across from parents

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with some regularity who didn't have an almost, whose children were trafficked, and it is one of the hardest things in my job to do. So I am glad your story was an almost.

From my perspective, I see the devastation in lives of young girls, primarily girls. I see, even after they come out of trafficking, the fear they have that their images are still up online, and who might find them and who might see them, and parents have those fears, too, when there are parents involved. And even looking ahead, as we are trying to help them heal, they are worried about whether their employer is going to see those someday or their children or their potential spouse. So they are just tentacles that go out in this technology.

So I think you have alluded to some of those things. The anonymity, the ease of the marketplace, has to be shut down. We can't -- you know, I heard somebody tell me this story: If you take it out of the internet and you say, "In that hotel over there, we are going to have children being raped and sold so that we can go and, you know, find them, use them as live bait," so to speak, we would be appalled. But we are okay with doing that if it is on the internet; somehow that is different.

So we have got to have mandatory privacy controls. As long as we don't have those privacy controls, predators are going to exploit our children. Children are going to lie about their ages to get accounts. So we have got to have that. We have got to get rid of the anonymity. I am a big believer in free speech but not in letting people rape our children. That is a simplistic answer, but --

Mr. Olson. And I am out of time.

I yield back. But one final comment. Those guys are so bad with Snapchat. They would send this young girl, "Okay, the drugs are on the car tire in the school parking

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lot on the fifth car that is a red Impala on the back rear tire." That would pop up for 6 seconds and then pop away; you can't track it. They are devils. Absolute evil devils. And thank God put you to stop this thing. It has to stop -- has to, has to, has to stop. My daughter was lucky. She came home. But, as you mentioned, most daughters aren't that lucky. They don't come home. And that is terrible, terrible, terrible. Thank you for coming today.

I yield back.

Mrs. Blackburn. The gentleman yields back.

Ms. Eshoo, 5 minutes.

Ms. Eshoo. Thank you, Madam Chairwoman.

Thank you to all the witnesses that are here today. A special welcome to Professor Goldman from home, from Santa Clara University, that we are all very proud of. Professor Goldman, when I read the reports about Backpage.com, I was really just absolutely disgusted by their business model. I think we need to be enforcing the law, obviously, to the fullest extent, when it comes to websites that are promoting sex trafficking.

But with that in mind, I want to clarify something about section 230. And I read your testimony, and much of it is centered in and around section 230. Under that section, does anything stop the Department of Justice from bringing a criminal case against sites like Backpage.com, and are there other ways besides civil cases that victims can seek redress? That is my first question.

Mr. Goldman. The first question -- the first part is, no, nothing would restrict the Department of Justice from bringing an enforcement action against anyone, Backpage or

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any of the other sites that have been referenced.

Ms. Eshoo. Have they?

Mr. Goldman. We have the grand jury investigation that has been taking place in Phoenix, and we don't know what the result of that is because of the nature of the grand jury investigation. It seems safe to say that Backpage surely is on their radar screen, but how that translates into a prosecution decision is beyond my expertise.

Ms. Eshoo. You don't know that yet. Uh-huh. Can you make any suggestions to us about how websites and tech companies can take it upon themselves to be proactive and find other ways to be proactive about fighting sex trafficking? Isn't that what 230 civil immunity is designed to incent?

Mr. Goldman. Yeah, it does. And I liked how Ms. Smith referenced it. It does take a partnership of all the players to combat sex trafficking. We need everybody on the fight, including the technology companies. And to get their willingness to undertake initiatives requires that they aren't held accountable for making mistakes or for not being instantaneous in their response or for the other kinds of things that are natural in an environment where users are posting lots and lots of content.

So section 230 is an integral part of the solution by making sure that we have provided the kind of legal framework that motivates the companies to do the work that we want them to do.

Ms. Eshoo. Thank you.

The bill that our colleague came to testify on is obviously intended to reduce the placement of antisocial content, like sex trafficking ads, online. But could, in your view, it be counterproductive, in other words, increase the appearance of such content? I



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mean, can you explain in the little more detail how that would work?

Mr. Goldman. Yeah. And I appreciate the opportunity to clarify that because it is counterintuitive. You would think that if we banned content and made more people liable for them, we will get less of the objectionable content. But that assumes that the existing services continue to do the work that they are already doing. But if we change the liability structure on them, they might decide that the best choice for them is to do less of the kind of policing and moderation work that we already are counting upon.

So, while we might be able to take care of some players by driving them out of existence, we might also create other players who choose to do little or none of the work that we expect them to do. And if that is the result, if those players turn off their policing efforts, then they create more environments where the antisocial content can occur.

Ms. Eshoo. That is very interesting. Do you know of any examples where online services have used the flexibility granted by 230 to help combat online sex trafficking or similar crimes and, if so, how effective these efforts have been?

Mr. Goldman. I don't have the details on that. In fact, some of my copanelists here might actually have more information on that.

Ms. Eshoo. Mr. Souras, do you know?

Ms. Souras. Yes, absolutely. You know, from NCMEC's perspective, we can certainly attest to the tremendous value that our technology partners provide, especially in the child sexual exploitation or child pornography realm. The developments of tools, hashing, the ability to utilize very advanced analytical comparisons and connections between images and data and video has definitely not only increased our report load

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tremendously at NCMEC, but it means that more and more content relating to child sexual exploitation has been reported to us. That work in the bulk of it came after the mandatory statute was put into place requiring technology companies to report apparent child pornography to NCMEC.

Ms. Eshoo. Thank you.

My time has expired, and I yield back.

Thank you to the witnesses very much.

Mrs. Blackburn. We thank the gentlelady.

Mr. Bilirakis, 5 minutes.

Mr. Bilirakis. Thank you, Madam Chair.

I appreciate it very much. Thank you for holding the hearing, and I appreciate the testimony of the panel. And, of course, Mrs. Wagner is doing an outstanding job on this issue. I am glad to see this is her priority.

I have a couple questions, but in response to increased sex trafficking around the world and in the Tampa Bay area -- I represent the Tampa Bay area or parts of it in Florida -- our local leaders established the Pasco County Commission on Human Trafficking in 2014. Over the last 3 years, the commission has helped to educate over 500,000 Floridians, trained over 3,000 community members, and saved many victims from their captors.

Recently, the commission held its first meeting to specifically address online sex trafficking. Partnering with local universities and the Pasco County Sheriff's Office, they are gathering data on local online trafficking networks in the Tampa Bay area, and it is a big problem in our area.

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So my question is -- my first question is to Ms. Smith. Based on your experience, what recommendations do you have for communities around the country that are beginning to target the online aspects of sex trafficking? And are there experienced organizations they should reach out to as they move forward?

Ms. Smith. Well, I applaud you for the efforts in your home State. I think that a lot of people are well-intentioned and go in and just have knee-jerk reactions. So it is important that there be a professional approach to this, as with any other, so that there is a needs assessment that you have the professionals in place who are best qualified to address each of the components of your -- of the problem you are tackling, whether that is internet or not.

You need the kind of collaboration that we talked about in our State, where legislators are getting educated, law enforcement is getting educated, the courts; where there is a unified system where people are talking to each other and not at crossroads; where you are defining what your issues are, and not comparing apples and oranges. There is some foundational work that I think you have to do around the issue of trafficking before you can even move to the online aspects.

I think it is important that you have survivor voices who are talking about the ways that they were trafficked and the effects on their lives and their concerns, the legal issues that they are facing. But I think some of my colleagues here might be even better in a position to --

Mr. Bilirakis. Okay. Sure.

Ms. Souras, would you like to begin?

Ms. Souras. Yes, thank you.

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I certainly agree with everything Ms. Smith related. I think -- you know, one of the things that is important, and NCMEC always says this, is that sex trafficking is a multifaceted problem; it requires a multifaceted solution. So certainly the community awareness and the use and the listening to survivors and what they have gone through and the use of peer-counseling. And, again, learning from and using the experiences of those who have gone through this so that we can learn how to better educate on prevention and awareness and signs of trafficking to everyone that comes into contact with children, in addition to the judicial system and the healthcare system as well.

Mr. Bilirakis. We have got to beat this together. It has got to be a collaborative effort, there is no question. I wish everyone could respond, but I want to move on to my next question because I don't have very much time.

While technology has been a facilitator to traffickers, it also has put innovation into the hands of law enforcement. Mr. Winkler, you mentioned your use of the Spotlight software to help identify traffickers in a crowd of online posts. Can you expand on how this technology works and its success for the Bureau, as it might benefit our commission on human trafficking as they begin online monitoring for this illegal behavior?

Mr. Winkler. Yes, sir. My understanding of Spotlight is it is an algorithm or overlay that looks for ads that are posted online, where there is a strong likelihood that those ads have been posted by minors or somebody has posted minors for -- or posted ads for minors. It is a tremendous tool for us in law enforcement. Our intelligence analysts and our agents who are assigned to conduct human trafficking investigations use that tool almost on a daily basis in an effort to identify human trafficking victims.

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So any type of technology like Spotlight that would help us in the furtherance of our investigations and in the furtherance of our efforts to combat human sex trafficking would certainly be welcome.

Mr. Bilirakis. Thank you.

Thank you, Madam Chair.

I want to thank the witnesses for their, obviously, participating today and protecting our Nation's vulnerable population. We really appreciate it. And I encourage Tampa Bay residents to visit KNOW -- and, again spelled, KNOW -- MORE PASCO, Know more information, KNOW MORE PASCO, on Facebook or Twitter to learn more about what the community is doing to combat these predators.

Thank you very much. And I thank my community for taking action. I yield back.

Mrs. Blackburn. The gentleman yields back.

Mr. Rush, you are recognized for 5 minutes.

Mr. Rush. I certainly want to thank you, Madam Chairman, for your courage in terms of having this hearing, and I want to commend you for your work and leadership in this particular matter. Child exploitation is pandemic through this Nation and is indeed a seedy dark side of our culture.

And I want to see from a different perspective how -- what role does child marriage play in this crime? It seems as though there is another aspect of this crime that really has not been discussed at all, and that is for child marriages to occur.

Do you find or can you speak to this issue at all? Anybody? I mentioned something -- I have some legislation that I am addressing to deal with the language of

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standards for our Nation to have as it relates to child marriages. There are so many different standards State by State. So we are trying to create a common standard through legislation. Do you have any -- can you respond at all? Anybody? All right. Well, let me --

Ms. Smith. I am sorry. I am getting older and hard of hearing, so I may have missed some parts of that. You were asking about child marriage and --

Mr. Rush. I am asking about child marriages.

Ms. Smith. -- and trafficking. I would say that we have had limited experience with that. It is typically a foreign national victim. We do have a current survivor we are serving who was sold at the age of 14 to be married, and her husband brought her here and trafficked her. It was just an out and out trafficking situation. She managed to escape, and we are providing her services.

But in the years in which I have worked here -- I did work internationally and came across that issue quite a bit -- but domestically, it is a relatively small percentage.

Mr. Rush. Well, I have heard and some of our researchers have said in some parts of our Nation, it is very common that young girls particularly are forced into marriages in order to satisfy the laws that prohibit interstate transfer of minors for sexual exploitation. So child marriage is an issue in certain parts of our Nation.

Let me ask you another question. Is there -- have you noticed, is there a racial component to sexual exploitation of youngsters? Is there a racial component?

Ms. Smith. I don't have those figures at my -- those at my fingertip. I would be happy to get the information and send it to you later. I do know that there is a higher percentage of African-American victims. We certainly see lots of Latina, but I am sorry; I

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don't have the percentages, and I don't believe any of us probably do.

Mr. Rush. All right. We, in recent days, have been highly focused on sexual harassment in the workplace and also in professional settings. And it seems as though there is a predominance in the news today and in recent days about sexual exploitation and harassment in the workplace and in professional settings.

How is this affecting our national focus on children who, in most instances, are far less powerful and are more vulnerable because they are more voiceless? Are you seeing -- are you seeing any kind of lessening of the attention on child sexual harassment because of the predominance in the news on harassment in the workplace and in professional settings?

Ms. Souras. Congressman, what we handle in NCMEC is obviously a much more severe type of child sexual exploitation. But, you know, I will say I think the public attention, the media counts, as you noted, around this issue, do create an environment for additional discussion that we can have with our children, with vulnerable populations.

Again, just regarding communication, being open to reporting. We are seeing some of these same trends with adults in professional settings. I think perhaps it is too early to know how that might filter down into some of the vulnerable populations that we work with here.

Mr. Rush. I yield back.

Mrs. Blackburn. The gentleman yields back.

Mr. Long, 5 minutes.

Mr. Long. Thank you, Madam Chairman.

This is a tough hearing to sit through. And what is the rate, or do you have any

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statistics on the rate of recidivism? I mean, you are talking about mostly girls, let's say, that are in this -- I know there are some LGBTQ, whatever -- but mostly girls that are trafficked. And you say that they mostly come from State homes, correct? From the State system?

Ms. Smith. [Nonverbal response.]

Mr. Long. So Mr. Winkler goes up there and busts them with his program. Where do they go from there? I mean, they don't go to a house with a white picket fence and a dog in the yard and have apple pie that night. What -- is there a recidivism? Do we know anything about that?

Ms. Smith. I can just speak experientially from our State, and it depends on -- if you are counting recidivism as returning to that life of exploitation?

Mr. Long. Right. That is what I am asking. How do you break that cycle for that age group, for those people? I mean, not the next age group coming, or whatever, but how do you take them -- you know, rescue them from that, which we all want to do? Then what happens?

Ms. Smith. I think that we found a terrific model in our State. Currently, we have an 89-percent success rate for the people that we serve not going back into exploitation. I am not going to say it is not incredibly difficult. I believe I read that the national average is that a girl typically running runs back to exploitation seven times. Thankfully our rates are much lower than that.

Mr. Long. Seven times?

Ms. Smith. Seven times. You know, there is some -- there is complex trauma going on here.



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Mr. Long. I know. I mean, that is part of the --

Ms. Smith. But, thankfully, I think some of the reasons we have had success are we have survivors on staff who build that trust and who mentor, who show visibly: This does not have to define your life. I am a professional woman. I am married. I have children. I have a college degree. This does not have to define your life.

That is a first step.

I think the fact that we keep very small caseloads, because these girls typically are looking for relationships. They were exploited because they want love and acceptance, things all of us want, but they have that deep need. So you can provide services all day long, but if you don't build that community of other survivors that they live with and the support groups and the relationship with staff and starting to build their outside support system, they are going to go back to have that need met in the only way they have ever known.

And I think those are keys to our success. I think it takes time. We can't rush this. We tend to do that. And especially child services: 2 months, 3 months, and that is all there is funding for.

Mr. Long. Let me give each of you about 45 seconds to answer, start with Ms. Souras: What are the top three things we as Congress, two or three things, that we need to do to help you?

Ms. Souras. I think the number one thing is really, quite honestly, the topic of this hearing. There need to be legal tools that can effectively break the commercial market, the commercial market that these girls run back to, as Ms. Smith indicated, that they are lured back into to be trafficked, and the same market that, again, is feeding

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between 9,000 and 10,000 reports of child sex trafficking to NCMEC a year, and there is no decrease in those reports. Something at a high level needs to happen so that these websites can be taken down.

Mr. Long. Okay. Go ahead.

Ms. Smith. I will just add with a little vignette: I have a 15-year-old this week who just got her privileges back online, because we have a tiered system for that. And the same day she got those privileges, a 40-year-old man was reaching out to her. And she said, "I am a minor," and he said, "That is fine." We see that over and over again. So I just concur.

Mr. Long. This Backpage.com or whatever it is, is this -- I mean, I have heard of it a million times, but I have never looked at it. Is it -- you buy bicycles and couches and refrigerators there, and then there is also a trafficking section, or how does it work? It is not all trafficking, right?

Ms. Smith. No, it is not all trafficking, but it is hidden under euphemisms: Buy a girl for 40 roses. Everybody knows that means \$40. It is very blatant. The pictures are very sexualized. There is not really much attempt to hide what is going on.

Mr. Long. Okay. Mr. Winkler.

Mr. Winkler. Anything that encourages innovation in technology that would assist us in conducting the investigations that we conduct, that would assist us in furthering those investigations and helping us to identify trafficking victims, anything, whether that is targeted funding or just whatever, anything that you could do along those lines would be --

Mr. Long. Mr. Goldman, I am over time, I am going to give you -- I am going to

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yield myself 45 seconds that I don't have because I want to hear from you.

Mr. Flores. I object.

Mr. Goldman. I appreciate that. I do defer to the experts on this. I think if we could clone my three copanelists here, that would be a big step forward.

Mr. Long. Thank you. I yield back.

Mrs. Blackburn. The gentleman yields back and didn't use that 45 seconds he gave himself.

Mr. Flores, you are recognized for 5 minutes.

Mr. Flores. I hope that means I get 5-1/2 minutes.

Thank you, Madam Chair.

And I want to thank the panel for being here today.

And I have to echo Mr. Long's comments: This really is a sad hearing to go through this. But I do appreciate your being here to talk about this ugly blight on American society.

Mr. Winkler, I want to follow up on one of the questions that Mr. Bilirakis introduced. He talked about your use of the tool Spotlight. And from what I understand now, as the trafficking business, if you will, is moving from text and photos to live streaming and video, it is my understanding that technology, the Spotlight types of technology, have not kept up. What sort of a challenge does that present to you?

Mr. Winkler. I don't know specifically of challenges that we are faced with yet. I do know that there is a shift from the text format to video and streaming, and that it certainly is something that is on the horizon, if it is not already here.

Like I said before, anything that you can do that would assist in fostering

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innovation in that area would be most helpful.

Mr. Flores. I have to agree with you, I think that is one of the things that we as policymakers need to do, but not through legislation necessarily, but through encouragement, is to help get the best and brightest in Silicon Valley and throughout the technology ecosystem to help develop tools to help you stop this terrible crime that is being inflicted on our young people.

Ms. Smith, I appreciate what you do. There is a group that started in Waco, Texas, called UnBound, and they do great work, and they deal with the victim side. And one of the neat things I have seen in our community is that they have brought law enforcement into the tent and have educated them about what is, I mean, what -- these folks are victimized and what is happening to them. And they have formed a collaboration where Sheriff Parnell McNamara, the sheriff of McLennan County, has set up a sting system like the ones that you all talked about -- like Mr. Winkler talked about. And, unfortunately, business is booming, but it is making a dent. From what I understand, the traffickers are no longer stopping in Waco, Texas, but that doesn't mean that they have gone away. They are just in other areas.

So I want to continue with you, Ms. Smith. We have heard a lot today about the terrible consequences of how easily victims can be lured into sex trafficking, but we haven't talked a whole lot about what can be done to stop exploitation in the first place. So can you talk about your organization's prevention efforts and how technology can be used to stop exploitation before it starts?

Ms. Smith. Great question. Thank you. We are doing a lot around prevention. We have reoccurring small groups facilitated by a therapist and a survivor

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with the high-risk kids, you know, interactive groups with middle-age -- middle school and high school students. But I think when we are talking about prevention, what we have to be talking about is demand reduction. And so because TBI does what they do, in our State, if somebody picks up the phone to call for sex, they know on the other end of the phone might be law enforcement, whether they are in the city, the county, suburbs, small towns, wherever they are. They know that are laws are strong, and they know that their picture might go out on a press release, and their wife and their boss and the people they go to church with might see that. Those are strong deterrents.

I know some sites -- law enforcement sites actually put out the pictures so everybody can see. You know, that is the kind of thing we need to have happening if we are going to actually prevent this.

And then we have just got to limit the marketplace, just as we have been talking about. As long as there is anonymity, as long as these exploiters can get by with what they are doing, prosecutors don't have the tools to go after them; law enforcement will lose motivation if there is not a legal process that works. That is what we really to have do, I believe.

Mr. Flores. We have got about 30 seconds, but what can be done from a technology perspective, do you think, to help stop the exploitation? Do you have a feel for that? That was for you, Ms. Smith. I am sorry.

Ms. Smith. I am sorry. Would you repeat --

Mr. Flores. So what can be done from a technology standpoint to stop the exploitation?

Ms. Smith. Well, you know, some of the things we have been talking about are

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the privacy controls, the anonymity that is allowed online. I think we haven't talked about the fact that there are new sites popping up constantly. It is hard to even keep track of them. I believe we need to have the resources to keep on top of that and what is being done. But also law enforcement needs the resources to be able to get what they need for making good cases and getting perpetrators.

Mr. Flores. Again, thank you all for your testimony today.

And I yield back the balance of my time.

Mrs. Blackburn. Mrs. Walters, 5 minutes.

Mrs. Walters. Thank you, Madam Chair.

And thank you to our witnesses for being here today. It is deeply upsetting that these issues exist in today's society, but I am grateful for the opportunity to discuss how we can put an end to this modern day slavery. I have worked on human trafficking issues since I served in the California State legislature since 2004. And while we have taken steps to curb this horrific practice over the last 13 years, much, much more must be done.

Trafficking is a big problem throughout California, as I am sure you are very aware. And a recent report by Polaris found that, in 2016, California had over 1,300 incidents of human trafficking, nearly double of any other State.

This heat map that I have shows the cases in California that were reported to the National Human Trafficking Hotline. But this map is just part of the picture, because it only reflects cases in which the location of the potential trafficking was actually known.

This year, in southern California, investigators have uncovered several large-scale international human trafficking rings that were using the internet to sell sexual services.

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And thousands of ads were tracked through the website that we are all familiar with, Backpage.com, including ads selling minors for commercial sex. Sadly, one of those rings was located in Irvine, which is right in the heart of my district.

The problem is so bad in Orange County that a group of law enforcement departments, government agencies, nonprofits, and community organizations banded together to establish a task force to conduct antitrafficking efforts. In 2015, the Orange County Human Trafficking Task Force assisted 225 victims. Of the 225 victims, 61 percent were new victims, 168 of those victims were used for sex trafficking, 48 of those victims were minors, 47 of whom were used for sex trafficking. And the stats go on and on.

I am proud of the work that the task force has done and will continue to do so. With that, I would like to get to some questions.

Ms. Smith, you mentioned in your testimony that when the Tennessee Bureau of Investigations began investigating human traffickers, they called on your group for assistance. Do you think State law enforcement agencies have the expertise and resources to combat this problem on their own?

Ms. Smith. No, I believe it takes the expertise of a number of players working together. So law enforcement does things I wouldn't dream of doing, investigating, researching, prosecuting, but I think we have to work together to have an approach that doesn't frighten the victims away, that meets them where they are, that brings survivors to the operations, for example, to build that trust. We have to have the services in place to keep a victim in place long enough to prosecute.

When I first started this work, I had a detective who said he was so frustrated with

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picking up the same 14-year-old girl all the time, and then he didn't know what to do with it. He lost his motivation. But now he is one of our most robust supporters because the system is working because all the pieces are in place. And so, you know, law enforcement is going out, and they are finding people. The community is getting educated so that they are being recognized by first responders. The services are in place that they need to heal. When that happens, it is a game changer.

Mrs. Walters. So what you are saying is that different partnerships are being formed in order to have that communication in order to make it work?

Ms. Smith. Absolutely.

Mrs. Walters. And then, Professor Goldman, I have a couple questions for you. First, what evidence would a civil attorney need and expect to rely upon to establish that a website knew the individual advertised on the site was a minor?

Mr. Goldman. I don't have an answer to that question in part because we haven't seen that issue thoroughly tested. Because section 230 doesn't turn on a website's knowledge, we are unclear how a different legal regime might interpret that information.

Mrs. Walters. Okay. We will see if you can answer my next question. I don't know if you will because, along the same lines, what evidence would a civil attorney need and expect to rely upon to establish that a website knew the individual advertised on the site was an adult sex trafficking victim?

Mr. Goldman. Yeah, I would answer it the same.

Mrs. Walters. Okay. Thank you.

And I yield back the balance of my time.



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Mrs. Blackburn. Mr. Costello, you are recognized 5 minutes.

Mr. Costello. Thank you.

First, I want to thank the National Center for Missing and Exploited Children, who partnered with the FBI recently conducting their 11th Annual Operation Cross Country law enforcement action focused on recovering underage victims of sex trafficking. This cross country string was an operation, including 55 FBI field offices, 74 FBI-led child exploitation task forces, and 400 law enforcement agencies throughout the country, leading to the recovery of 84 sexually exploited minors and the arrests of 239 traffickers and other individuals, including 9 in my congressional district.

Now, I understand why the CDA provided immunity to ISPs in the first instance. I think there is an intellectual appreciation for why that was the case. But I, like some others on this committee, I am sure -- and I have met with a mother whose daughter was advertised. And when you hear what these ads are and what is said, it really hits you in a way that compels you to say that is simply not acceptable, and we need to create a standard by which an ISP and others can be liable, or they have more of a responsibility than has thus far been required of them.

And so the question that I have is, can you talk about the successful efforts that were taken online during the operation and how, if at all, we can revise section 230 of the CDA to improve these efforts? I would point specifically to the reckless disregard standard that the information is in furtherance of a sex trafficking offense. I think that that is very helpful language in Mrs. Wagner's bill, as well as -- and normally, we are a little hesitant to give State investigative authorities or State law enforcement jurisdiction over really internet-type related crimes because sometimes different States do different

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things at different times. But here, I think, by freeing it up and giving States more tools to do that, it is a good thing.

So, Ms. Souras, and anyone else on the panel, can you speak to that collaboration between local and Federal law enforcement and how the proposal may best aid them in rooting this out even more effectively than we have been able to do?

Ms. Souras. Thank you very much for the question, Congressman. And thank you for the recognition regarding the Operation Cross Country. It is an amazing operation that has been undertaken, as you noted, with a large variety of partners, local, State, and Federal. NCMEC provides some recovery services, as do local groups, in addition to some analytical support, and we are extremely proud to partner with law enforcement on that operation.

I think what you see in that operation and the numbers that you quoted, especially the numbers from your State of Pennsylvania, are really indicative of the scope of the problem. There could be an Operation Cross Country every week, every month, and the numbers would be the same. You know, I will defer to Mr. Winkler, certainly, to how there can be better resources put in place for law enforcement. But the way to really provide assistance and to cut those numbers are -- and I will just repeat a little bit of what I said before -- are to take this on from the highest level, to realize that there is a commercial marketplace where these children are commodities. And that is why there are so many children who are recovered and rescued during Operation Cross Country. It is why they are lured back in -- you know, I think what Ms. Smith said, some children seven, eight times. That is also similar to what we see at NCMEC, because somebody can make money off of them.

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And until we are able to introduce some laws -- again, the FOSTA bill, you know, currently pending in the House; the SESTA bill that will soon be coming over to the House from the Senate, currently with 52 cosponsors in the Senate -- most of those bills are, you know, approaching the issue from the same framework: adding more legal resources, state attorneys general, and civil remedies. That is really what you are going to start to see. You know, with new legal initiatives of that sort, that is going to be the solution to cut down on the number of children who are being lured because if it is too hard to break into the next Backpage, whatever that website might be -- and Representative Wagner said there are hundreds. It is our experience as well, hundreds of --

Mr. Costello. Real quick. How important is it for State and local prosecutors to be able to hold bad actor websites accountable? How much more in the way of resources does that enable?

Ms. Souras. It is a tremendous benefit. I mean, state attorneys general in every State, you know, I imagine will look at this issue. Many of them have spoken to NCMEC, and they simply can't proceed legally right now.

Mr. Costello. Right. Thank you very much.

I yield back.

Mrs. Blackburn. The gentleman yields back.

And seeing that there are no further members wishing to ask questions, we thank you all so much for the testimony that you have given today.

As we conclude, I have two more submissions for the record. The opening statement of our ranking member, Frank Pallone.

[The prepared statement of Mr. Pallone follows:]

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Mrs. Blackburn. And an op-ed that I wrote this week that was printed in The Tennessean.

Without objection, so ordered.

[The information follows:]

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Mrs. Blackburn. Pursuant to committee rules, I remind members that they have 10 business days to submit additional questions for the record, and I ask, if they do and submit them to you, that you answer those questions within 10 business days.

And seeing no further business to come before the committee and the fact that we are now being called to the floor for votes, I adjourn the subcommittee.

So ordered. Thank you.

[Whereupon, at 4:11 p.m., the subcommittee was adjourned.]