

Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Hultgren
Hunter
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Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
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Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant

Marino
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Massie
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McCarthy
McCaull
McClintock
McHenry
McKinley
McMorris
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McSally
Meadows
Meehan
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Noem
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Nunes
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Palazzo
Palmer
Paulsen
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Pittenger
Poe (TX)
Poliquin
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Reed
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Rice (SC)
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Roe (TN)
Rogers (AL)
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Rohrabacher
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Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
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Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
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Clay
Clyburn
Cohen
Connolly
Cooper
Correa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings

DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Eshoo
Español
Esty (CT)
Evans
Foster
Frankel (FL)
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Gabbard
Gallego
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Gomez
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)

Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebisack
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Pelosi
Perlmutter
Peters
Peterson
Pocan

Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schneider
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shinkus
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Polis
Price (NC)
Quigley
Raskin
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff

Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Soto
Suzuki
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)

Titus
Tonko
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman
Schultz
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Watson Coleman
Wilson (FL)
Yarmuth

NOT VOTING—23

Bergman
Black
Blumenauer
Carter (TX)
Cleaver
Cramer
Cummings
Engel

Graves (MO)
Huizenga
Jones
Long
Payne
Pearce
Pingree
Rice (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1405

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. TORRES. Mr. Speaker, I was unavoidably detained and was thus unable to cast my vote on rollcall votes 83, 84, 85, 86, and 87. Had I been present, I would have voted "nay" on rollcall No. 83, "nay" on rollcall No. 84, "nay" on rollcall No. 85, "nay" on rollcall No. 86, and "nay" on rollcall No. 87.

AUTHORIZING THE USE OF EMANCIPATION HALL FOR A CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL COLLECTIVELY TO THE MEMBERS OF THE OFFICE OF STRATEGIC SERVICES

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 106, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 106

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL TO THE OFFICE OF STRATEGIC SERVICES.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on March 21, 2018, for a ceremony to present the Congressional Gold Medal collectively to the members of the Office of Strategic Services (OSS), in recognition of their superior service and major contributions during World War II.

(b) PREPARATIONS.—Physical preparations for the ceremony described in subsection (a)

shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ALLOW STATES AND VICTIMS TO FIGHT ONLINE SEX TRAFFICKING ACT OF 2017

GENERAL LEAVE

Mrs. ROBY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 748 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1865.

The Chair appoints the gentleman from California (Mr. DENHAM) to preside over the Committee of the Whole.

□ 1409

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1865) to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Alabama (Mrs. ROBY) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 30 minutes.

The Chair recognizes the gentlewoman from Alabama.

Mrs. ROBY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, this body will make tremendous progress towards ending online sex exploitation. This is a big deal.

I am proud to stand here as an original cosponsor of the important legislation we are considering today, H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act.

I have been so pleased to work closely with my colleague, Congresswoman ANN WAGNER, on this issue, and I know that I am not the only person here who greatly appreciates her leadership on this. It has been sobering, to say the least, to hear some of the personal accounts of sex trafficking victims, and several from my home State of Alabama.

It is our responsibility to provide justice for these victims and to do everything we can to protect the most vulnerable members of our society from trafficking. This is modern-day slavery.

As it stands now, the sad truth is that criminals can easily and anonymously purchase women and children on the internet using various websites.

Thanks to broad interpretation of existing law, specifically section 230 in America's courts, these websites are, essentially, immune from State and local prosecutions. These websites make millions by enabling sex trafficking while facing very little risk of being punished for these crimes.

The bill we are considering today would change that by amending this law to ensure that websites that unlawfully contribute to the exploitation of sex trafficking victims are no longer immune to punishment.

H.R. 1865 will finally hold bad actor websites accountable for these unspeakable wrongdoings. The bill also provides increased criminal liability and, thus, deters websites and individuals from selling human beings online. Websites will no longer be able to turn a blind eye or actively conceal this horrific practice without facing very real consequences.

This legislation has been a work in progress for some time now, and I am excited today to have the opportunity to cast my vote in favor of it here today. I urge my colleagues to join me.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentlewoman from Alabama for managing this legislation. I thank Congresswoman WAGNER for her leadership and, as someone said, continued determination, joined by my friend and colleague from Ohio, Congresswoman BEATTY and Congresswoman MALONEY. We have all worked together over the years for the victims of human trafficking and sex trafficking.

In the last couple of hours, we heard in the Judiciary Committee the stories of the victims of rape, so we know that this is an important time and important legislation. Throughout this time, you will hear stories of victims who have been victimized and are in need of this legislation.

Just to recount my statement in the Rules Committee, yesterday, Monday, a week ago, in Houston, I sat down with victims who had been trafficked or who had been victimized through online sex trafficking or other aspects of sex trafficking. It was overwhelming to hear parents speak of a young girl, their daughter, who had been misled and driven away from their home or from her area and had been taken and abused for a long period of time until he had to rescue her himself, spending \$50,000, and then \$60,000, to be able to rehabilitate herself, which is now an

ongoing process. Though, as every family and every parent, he is grateful that she is alive.

Mr. Chairman, I rise in support of H.R. 1865, Allow States and Victims to Fight Online Sex Trafficking Act of 2017, an important bill intended to address the reprehensible crime of online sex trafficking by prosecuting the violators and providing relief to the violated.

□ 1415

First and foremost, H.R. 1865 makes clear that section 230 of the Communications Decency Act, which its interpretation was expanded in the first circuit court ruling of *Doe v. Backpage*, this bill makes it clear that section 230 of the Communications Decency Act was never intended to protect the facilitation of online prostitution or sex trafficking and calls out those websites that have acted recklessly in allowing the sale of victims of sex trafficking online or stood idly by while young boys and girls, many as young as 13 years old or even younger, were coerced, threatened, tortured, bought, and sold on the whims of their exploiters.

Secondly, this legislation will provide Federal prosecutors with an additional weapon to use against the immoral individuals who participate in the forced enslavement we know as sex trafficking.

H.R. 1865 creates the new offense of intentional promotion or facilitation of prostitution while using or operating a facility or means of interstate or foreign commerce, such as the internet. A general violation of this offense will be punishable by a sentence of upwards of 10 years.

Websites have operated with impunity, hidden behind section 230, allowing traffickers to advertise, promote, sell minors and other vulnerable at-risk members of our society, children, parents' precious, precious children, who are forced to perform unspeakable acts under the threat of violence, gun violence, starvation, and emotional and physical abuse.

Under this legislation, an aggravated violation of the new offense, punishable by imprisonment, occurs if a defendant, such as Backpage, promotes or facilitates the prostitution of five or more victims or acts with reckless disregard of the fact that the conduct in question contributed to sex trafficking as defined in the Federal criminal code at section 1591, title 18.

Not only does H.R. 1865 create criminal liability and mandatory restitution for online sex traffickers and their enablers, this legislation goes even further. Victims harmed as a result of an aggravated violation of this new offense will have the ability—very important—to seek civil damages, while judges will be required to impose restitution upon defendants convicted of committing either the general or aggravated violation.

We appreciate law enforcement, U.S. attorneys, yet we know that State law

enforcement agencies and prosecutors are vital in the fight as well, and they have called on Congress to act and to fight more effectively. There are State task forces across the country working to protect young girls and boys, and H.R. 1865 allows State legislators to enact laws prohibiting the conduct that reflects the offense created in this bill.

Soon we will be discussing the Walters amendment, which is offered because of the victims groups who want a stronger response to helping victims. We thank them for that.

The Jackson Lee amendment, which I will offer, leads to be able to help understand what the level of recovery is and the mandatory restitution. It will tell the story. It will provide the GAO study to find out how this legislation is positively impacting, who is receiving the dollars, are they receiving the dollars.

Today, this account has swelled to \$99 billion a year, with a considerable portion of that money being generated through online advertising solicitation, and that is the account of dollars that are being used through sex trafficking.

My amendment will determine and help to bring information to us as to the effectiveness of this particular legislation, and I think it will be very important.

Let me conclude by saying that a letter to Congress from the National Association of Attorneys General indicated certain Federal courts have broadly interpreted the Communications Decency Act, which has left victims and State and local law enforcement agencies and prosecutors, who regularly confront the cruel realities of sex trafficking, feeling powerless against online ad services and websites that facilitate or allow sex trafficking.

My heart goes out, and I am grateful that we have moved. As we move forward, we will be able to build with more legislation that might include my second amendment that would have allowed victims of sex trafficking to file civil actions in State courts.

Mr. Chair, let me express my gratitude to the victims who have been courageous enough to tell their story.

Mr. Chair, I rise in support of H.R. 1865, the "Allow States and Victims to Fight Online Sex Trafficking Act of 2017," an important bill, intended to address the reprehensible crime of online sex trafficking by prosecuting the violators and providing relief to the violated.

First and foremost, H.R. 1865:

(1) Makes clear that Section 230 of the Communications Decency Act was never intended to protect the facilitation of online prostitution or sex trafficking; and

(2) Calls out those websites that have acted recklessly in allowing the sale of victims of sex trafficking online, or stood idly by while young boys and girls—many as young as thirteen years old or even younger—were coerced, threatened, tortured, bought, and sold on the whims of their exploiters.

Secondly, this legislation will provide federal prosecutors with an additional weapon to use against the immoral individuals who participate

in the forced enslavement we know as sex trafficking.

H.R. 1865 creates the new offense of intentional promotion or facilitation of prostitution while using or operating a facility or means of interstate or foreign commerce, such as the Internet.

A general violation of this offense will be punishable by a sentence of imprisonment of up to ten years.

Websites have operated with impunity and hidden behind Section 230—allowing traffickers to advertise, promote, and sell minors and other vulnerable, at risk members of our society, who are forced to perform unspeakable acts under the threat of violence, starvation, and emotional and physical abuse.

Under this legislation, an aggravated violation of the new offense, punishable by a maximum of twenty-five years imprisonment, occurs if a defendant, such as Backpage.com:

(1) Promotes or facilitates the prostitution of five or more victims; or

(2) Acts with reckless disregard of the fact that the conduct in question contributed to sex trafficking, as defined in the federal criminal code at section 1591 of title 18.

Not only does H.R. 1865 create criminal liability and mandatory restitution for online sex traffickers and their enablers, this legislation goes even further.

Victims harmed as a result of an aggravated violation of this new offense will have the ability to seek civil damages, while judges will be required to impose restitution upon defendants convicted of committing either the general or aggravated violation.

We appreciate the efforts of federal law enforcement and assistant U.S. attorneys who endeavor to rid the streets and virtual highways of sex trafficking.

Yet we know that state law enforcement agencies and prosecutors are vital to this fight as well, and they have called on Congress to help them fight more effectively.

There are state task forces across the country working on the frontlines to locate young girls and young boys—children—and return them to the arms of distraught mothers and fathers.

H.R. 1865 allows state legislatures to enact laws prohibiting conduct that reflects the offenses created in this bill and the existing sex trafficking statute that I previously mentioned.

Congresswoman WALTERS has offered an amendment, which is supported by many victims' advocacy groups, to further strengthen the legislation before us today.

Taking two key provisions from the Senate bill, known as SESTA, the Walters amendment makes clear that the Communications Decency Act does not impair or limit federal causes of action filed by victims of sex trafficking and creates a right of action for state attorneys general to file federal causes of action for sex trafficking on behalf of their citizens.

This leads me to my own amendment, which is intended to measure the effectiveness of the civil recovery and mandatory restitution provisions of H.R. 1865.

In every community across the country, soulless individuals bend, break, and use the minds and bodies of young girls, young boys, men, and women—for a profit—over and over again.

Despite the reprehensible nature of this crime, sex trafficking is a widespread problem

that is now the fastest growing criminal industry.

Today, it has swelled to \$99 billion a year—with a considerable portion of that money being generated through online advertising and solicitation.

Sex traffickers have harnessed the wide-reaching expanse of the Internet together with the ability to conduct their so-called business anonymously.

They are no longer restricted to dark, unsafe street corners, filthy truck stops, or seedy hotels and strip clubs.

Instead, websites have made sex trafficking easy, convenient, and less risky for traffickers and their cowardly customers.

Today, visitors to websites can scroll through virtual Yellow Pages of listings, on their cell phones or tablets, according to their location, tastes, and preferences, without leaving the privacy and safety of their homes.

According to the Polaris Project, U.S. law enforcement has identified online advertisements as the primary platform for buying and selling sex with minors. Over the past several years, more than 80 percent of the National Center for Missing and Exploited Children's reports regarding child sex trafficking relate to the sex trafficking of a child online.

When notified of the criminal activity occurring on their websites and platforms, many companies, have worked to remove the content and even collaborated with law enforcement to find the perpetrators and rescue victims.

On the other hand, there are companies that have made every effort to obfuscate the criminal nature of the activity that is allowed to continue unabated, while the companies continue to turn a profit, and traffickers continue to force their captives to perform sex acts, under the threat of violence and actual physical and emotional abuse.

Girls and boys, men and women, are brazenly advertised and sold for sex on roughly a dozen major websites—the most notorious of these is, of course, Backpage.com.

However, local law enforcement officials in Seattle, Washington have identified more than 130 websites where mostly women and children are bought and sold for sex.

Many attempts have been made to hold these websites, including Backpage.com, accountable for allowing sex traffickers to operate on their platforms and profiting from their conduct.

However, as was pointed out in a letter to Congress from The National Association of Attorneys General: "certain federal courts have broadly interpreted the Communications Decency Act," which has left victims and state and local law enforcement agencies and prosecutors, who regularly confront the cruel realities of sex trafficking, feeling powerless against online ad services and websites that facilitate or allow sex trafficking.

My heart aches for those who are taken advantage of, abused, robbed of their innocence, and then robbed again of the justice they seek.

As I said earlier, the legislation before us will allow victims to file civil actions in federal courts under certain conditions and my amendment will determine if the civil actions are delivering relief and restoration.

I offered a second amendment that would have allowed victims of sex trafficking to file civil actions in state courts under the same

conditions set forth in the underlying bill for federal civil actions.

Although I am disappointed that this amendment was not accepted, I look forward to building upon the work that has been done to address the needs of victims and survivors of sex trafficking, and introducing additional legislation to continue along the pathway towards a comprehensive solution.

I am inspired and energized by the countless survivors who, despite their suffering, are willing to stand against those who have exploited them. These brave individuals want justice and I want them to have it.

As a leader in the fight against Human and Sex Trafficking and Ranking Member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I am painfully familiar with the pervasiveness of sex trafficking in my own state of Texas—which has become a hot bed of human trafficking.

Among law enforcement and human trafficking authorities, Houston is known as the hub of human trafficking.

The highest number of calls to the National Human Trafficking Hotline in Texas comes from Houston, and a study conducted by the University of Texas stated that there are more than 300,000 victims of human trafficking in Texas, including almost 79,000 minors.

In the few minutes I have left, I would like to share the story of a young woman named Kathy, who moved to Houston in 1994 with her family.

Kathy was raised to be strong and independent; she was very involved in her church, community, and ROTC.

She graduated from high school, with hopes of pursuing a career in journalism.

Yet, Kathy became a victim of sex trafficking.

Like most girls, she wanted to be loved.

She met a charming young man who treated her like she had never been treated before.

After a fairytale year, her Prince Charming proposed something Kathy felt she could not refuse—a promising job with his company, an administrative position that would triple her income and provide financial security for her future, which seemed like a dream come true.

The job was in Dallas and, despite her initial hesitation, she saw the offer as an opportunity to provide for her family.

But, shortly after she arrived in Dallas, Kathy found herself in the dark world of sex trafficking and prostitution—a life she never imagined.

Graphic images were taken of her and placed on the Internet against her will.

She was forced to perform sexual favors multiple times, every day, throughout Dallas and surrounding areas.

Escape was not easy.

She was cut off from her family.

Her boyfriend, turned pimp, limited her phone calls to johns, and did not allow her to have money.

But, somehow she found an opportunity to get away and she never looked back.

After many years of living in silence, Kathy decided to journal her experience.

That journal became a book, which became a stage play.

Kathy found her voice and is now an inspirational speaker who hopes to use her story to encourage others to join the fight against sex trafficking.

Images of Kathy's horrific past linger on the Internet.

She says: "Sites like Backpage have chosen to revictimize survivors and keeps us in bondage by refusing to remove images taken against our will."

Kathy hopes that one day the voices of survivors will be heard.

Well, Kathy—know that I hear you.

Congress hears you.

We hear the voices of the victims, who remain in physical and mental bondage.

We hear the voices of the survivors, who are struggling to rid themselves of reminders of their torment—survivors like Liliana who was lured away from her home by a man she met on the internet, held captive, repeatedly raped by at least five different men, and suffers from PTSD.

H.R. 1865, the "Allow States and Victims to Fight Online Sex Trafficking Act of 2017," together with Representative WALTERS's amendment, provides law enforcement, prosecutors, and courts at every level with the tools they need to hold responsible each and every bad actor who participates in, facilitates, contributes to, or profits from this modern-day form of slavery.

The proposed legislative combination will help defend and protect communities across the country, guard against the further spread of sex trafficking, and provide survivors with a path to justice of their own.

Mr. Chair, I reserve the balance of my time.

Mrs. ROBY. Mr. Chair, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Chair, I thank the gentlewoman from Alabama for the time and the work on this bill.

Mr. Chair, I also want to thank Mrs. WAGNER from Missouri for sponsoring this bill, along with the help of our friends on the other side.

You notice, Mr. Chair, that everybody who is in line, mostly, who are here to speak are women, and I want to congratulate the women in Congress, because they have taken the lead for making sure that we stop this scourge of human sex trafficking.

Mr. Chair, I also want to thank the different groups, victims groups, throughout the country who have continued to give us input on what we can do to make laws better. I call those groups the victims posse, because they are here all the time rounding us up, talking to us about what they want and think is necessary to make life better for victims.

Mr. Chair, according to most, Alexa was a normal and well-adjusted 15-year-old girl, teenager, but like many young people, she struggled with insecurity and loneliness. So when a handsome and sympathetic man reached out to her on social media, she was immediately taken in by his kind and comforting words.

Most Americans don't realize that the evils of human trafficking are all around us. Traffickers lurk on the phones, on computers, and on the internet, constantly searching for vulnerable victims to lure into their traps.

After months of manipulation, Alexa agreed to meet her new online friend. As soon as she got into his car, she re-

alized that this person was a different person than she believed him to be. He chained her and forced her to have sex for money, and he committed this evil numerous times.

Technology has changed our world in countless positive ways, but it has also given human sex traffickers a direct avenue to our children and their lives. We, as a society, must work harder to capture these criminals and shut down their online schemes. Only then can we protect others from Alexa's fate.

This is our job. This is our duty. We must stop the trafficking network. Not in our town, not in our city, and not in our State.

And that is just the way it is.

Ms. JACKSON LEE. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chair, I thank the gentlewoman from Texas (Ms. JACKSON LEE) for her leadership on this important issue.

Mr. Chair, as the co-chair of the Victims' Rights Caucus with my colleague Congressman TED POE, I am a proud cosponsor of this important legislation for victims in America who have suffered from these crimes.

A free and open internet, we all believe, is essential to economic growth, entrepreneurship, and enterprise in the 21st century, and America leads the way. This new technology age has reshaped our lives and allowed for greater access to learning, greater ability to shape our own futures as Americans, and with economic benefits we could not have imagined 15 years ago.

Sadly, there are some people who look at these freedoms and the openness of the internet and see ways to exploit, abuse, and prey on innocent children and teenagers in the name of profit. It is outrageous, and it is a crime. I am speaking of the scourge of sex trafficking, which has impacted the lives of too many young people in the San Joaquin Valley that I represent and throughout America.

Today, here in Congress, we look squarely at traffickers, pimps, and victimizers and say we must do a better job in protecting our citizens. As a result of this legislation, our laws will no longer be manipulated and used as a cover for their abuse. No longer will these people be able to hide behind the shield that the internet provides you when knowingly contributing to this horrible crime.

The Fresno Bee, a local daily newspaper in the San Joaquin Valley, recently ran a 6-week-long series about human trafficking in the Valley. The paper reported that nearly every 16-year-old girl in Fresno has been approached at one time or another by sex traffickers. Imagine that: nearly every 16-year-old girl in our county.

Police have seen sex trafficking victims from every high school in Fresno County and most of the junior high schools. It is horrible. This is a tragedy, and it cannot and should not be allowed to continue.

Today, we say it is time to make important changes. This legislation does that. It will help protect our children and provide them the ability to confront their abusers.

The Acting CHAIR (Mr. ADERHOLT). The time of the gentleman has expired.

Ms. JACKSON LEE. Mr. Chair, I yield an additional 30 seconds to the gentleman from California.

Mr. COSTA. Mr. Chair, as I had said, it is time to make these important changes, and this bipartisan legislation does that. It protects our children, providing them the ability to confront their abusers, including those who knowingly promote and advertise these crimes.

Mr. Chair, I thank the gentlewoman, and I am thankful for the bipartisan leadership in this effort.

Mrs. ROBY. Mr. Chair, I yield 6 minutes to the gentlewoman from Missouri (Mrs. WAGNER), my friend and colleague.

Mr. Chair, let me just say thank you to her for her tireless work on this effort.

Mrs. WAGNER. Mr. Chair, I thank the gentlewoman from Alabama, my friend, Mrs. ROBY, for her fearless leadership and support on this issue.

Today we bring, Mr. Chair, H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act, or FOSTA, to the floor, finally.

Mr. Chair, I want to thank my partners on the other side of the aisle, my dear friends, Congresswoman JOYCE BEATTY and Congresswoman CAROLYN MALONEY, for their tireless support on this effort.

The sad truth is that sex trafficking is a crime as old as the Nation itself. Over the past few years, Congress has routinely taken bipartisan action to fight it, yet sex trafficking seems to continue unabated. This is largely because the methods of recruitment and sale of sex trafficking victims have evolved with technology, and U.S. laws have remained stagnant.

Today, when the House votes on FOSTA, we will be sending a clear message: businesses that sell human beings online can no longer do so with impunity. Section 230 of the Communications Decency Act explicitly allows enforcement of Federal criminal law, but courts have mistakenly found that it does not allow robust enforcement of State criminal law.

Last summer, 50 State attorneys general called on Congress to untie their hands to allow them to bring justice to the websites that sell our children and the victims. Empowering our State and local prosecutors is in the best interests of the American people. Federal prosecution is discretionary, and the vast majority of crimes are prosecuted at the State and local level.

Most websites engaging in the online sex trade are first identified at the local level and should be quickly addressed before they ever reach the size of Backpage.com. Without proper State and local enforcement, there is no real

criminal deterrent against businesses looking to enter the sex trade. Today, we will change that.

FOSTA will allow prosecutors across the country to protect their communities without fear of section 230 preemption. FOSTA will produce more prosecutions of bad actor websites, more convictions, and put more predators behind bars. It will provide a meaningful criminal deterrent so that fewer businesses will ever enter the sex trade and fewer victims will ever be sold and raped.

Clarification of section 230 is desperately needed. In August 2017, the Sacramento Superior Court dismissed charges brought against Backpage by the California attorney general, saying: "If and until Congress sees fit to amend the immunity law, the broad reach of section 230 of the Communications Decency Act even applies to those alleged to support the exploitation of others by human trafficking."

Today, Mr. Chair, Congress sees fit to amend the immunity law to hold accountable websites that support exploitation. FOSTA also creates a new crime targeting websites that are intentionally promoting prostitution, and it encourages States to use or adopt similar laws.

Unfortunately, sex trafficking ads are written to evade law enforcement. Looking at these ads, you usually can't tell that force, fraud, and coercion were used against the victim or that the person depicted in the ad is a minor.

□ 1430

Because indications of knowledge of sex trafficking are typically hidden, it is nearly impossible for prosecutors to demonstrate beyond a reasonable doubt that the website operators knew that the ads involved sex trafficking. This is why prosecutors tell me that they would oftentimes prefer to use prostitution laws instead of sex trafficking laws when charging these websites.

Sex trafficking laws are written to target pimps, johns, and businesses, but are not always the best tool against the online sex trade. FOSTA gives prosecutors the freedom to use both State sex trafficking laws and the State prostitution laws, and lets prosecutors decide how best to do their jobs.

Importantly, prosecutors will be able to seek a higher penalty for websites that promote prostitution and recklessly contribute to sex trafficking. Online sex trafficking is flourishing in America because there are no serious legal consequences for the websites that profit from the exploitation of our most vulnerable.

FOSTA, combined with the SESTA Walters amendment that adds back in victim-centered provisions from my original language, will finally create these serious legal consequences.

Today we are voting to keep our commitment to trafficking survivors, both by empowering them to hold ac-

countable the websites that stole them and by arming prosecutors with the tools they need to ensure that the most vulnerable members of our society are never sold online in the first place.

I trust that my colleagues will join me in this vote to fundamentally transform the fight against online sex trafficking in America.

Ms. JACKSON LEE. Mr. Chair, I yield 3 minutes to the gentlewoman from Ohio (Mrs. BEATTY), a Democratic cosponsor of this legislation. I thank her very much for her perseverance and determination.

Mrs. BEATTY. Mr. Chair, I would like to thank Congresswoman JACKSON LEE not only for yielding me time, but for all her scholarship and all of her commitment to making a difference against sex trafficking.

Mr. Chair, today is a proud day for me. I am proud to stand here on this House floor to urge the support and passage of the Allow States and Victims to Fight Online Sex Trafficking Act, known as FOSTA, as well as the Walters amendment.

Human trafficking and sex trafficking is happening in all areas: big cities, little cities, rural and suburban areas, Democratic districts, Republican districts. It happens in every congressional district in America, regardless of whether that district is red or blue.

Trafficking, Mr. Chair, is a non-partisan issue, and that requires bipartisan solutions. And if Congressman POE were still here, I would add, "And that is just the way it is."

I am so honored to be joined today with so many colleagues. I also want to thank Congresswoman ROBY for her leadership in managing the time. What an honor it is for me to join the leadership of Congresswoman ANN WAGNER, not only the sponsor of this bill, but a friend, a colleague, someone who is my classmate. And early on, she started talking about human trafficking, and we shared our mutual interest; and we have been, so to say, joined at the hip ever since. And I could not thank her enough for all of her leadership.

Mr. Chair, it tells you that we must work together. Congresswoman WAGNER has done that with this legislation and more. So I am very honored to be the lead Democrat. You have heard what the Fighting Online Sex Trafficking Act will do, so I won't go in great details with that again. But I will tell you, it will address a critical problem.

Our laws have not kept pace with how technology has been used to exploit the innocent. The internet has changed how humans are trafficked. It has taken something that was once done in the streets and made it easier and more anonymous. Trafficking online is a well-documented problem, yet we have seen a few websites turn a blind eye, even as they profit on the buying and the selling of children, women, and men.

FOSTA will help solve this in many ways, as you have heard. On this last

point, I would like to say FOSTA is targeted in a way that will not only affect websites engaged in the online trafficking trade; it will recognize some of the concerns that some of the tech communities initially raised. But I think that the process that FOSTA has gone through in the Judiciary Committee and now with the Walters amendment shows how the legislative process can be used.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. JACKSON LEE. Mr. Chair, I yield an additional 1 minute to the gentlewoman from Ohio.

Mrs. BEATTY. It shows how the legislative process can be used to result in a better product. The bill now has the support not only of the trafficking victims' advocates, but also of law enforcement and many of the internet and tech companies.

So, again, I thank the hard work of Congresswoman WAGNER. I want to say that we won't solve the problem of human trafficking overnight, but if we get this bill signed into law, we will make it harder for traffickers to exploit the innocent and we will keep countless children, women, and men out of the cycle of abuse.

Mrs. ROBY. Mr. Chair, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chair, the internet was never meant to be a zone of impunity for traffickers and their accomplices, including classified ad websites, that turn a blind eye to or actively facilitate to profit from the sex trafficking of children. Yet we are seeing the internet used as a virtual slave market.

Today, because of ANN WAGNER's tenacity, her courage, her legislative skill and compassion, and this bipartisan effort that, again, comes to the floor to make a major change in law, we begin taking back the internet from traffickers by passing H.R. 1865. This legislation will also allow those who have been hurt to sue. It empowers women, especially women, to take their cases into court and to get remedies there as well.

Today we say no to the status quo that allows our children to be bought, abused, and sold again with impunity online. Today we say no to courts slamming the door on trafficking victims who want to sue website owners complicit in sexual abuse and cruelty.

Mr. Chair, the statistics of the National Center for Missing and Exploited Children show that backpage.com is the subject of the majority of the child trafficking tips that are received in the United States. In documents obtained by subpoena that backpage.com originally refused to share—and I see that Mrs. MALONEY will be speaking in a moment; she and I worked very hard on that as well—Congress has found that backpage.com was removing telltale words and signs of likely human trafficking from advertisements on its

website but still posting the advertisements and making money. They made it harder to detect.

Backpage.com actively prevented U.S. law enforcement from detecting children being trafficked. Backpage wasn't prosecuted. Judges across the country wouldn't even allow civil suits by trafficking victims who were sold through backpage.com, as was pointed out by ANN WAGNER just a moment ago, all because of a law that was written before the internet or human trafficking was really understood: Section 230 of the Communications Decency Act.

Today, Congress will change that law. God willing it passes in the Senate and it will be signed by the President.

Today we can protect our children and free speech, too. H.R. 1865, as amended, will allow State prosecutors to prosecute, and it empowers trafficked women, victims, to sue the middleman who facilitated and profited from their slavery.

The status quo of rampant child online sex trafficking is more than unacceptable; it is absolutely abhorrent to anyone who believes in human dignity and human rights. This is a tremendous bill. Mr. Chair, again, I thank ANN WAGNER for her leadership.

Ms. JACKSON LEE. Mr. Chair, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), who joined with Representative JOYCE BEATTY from Ohio and the lead sponsor, Congresswoman WAGNER, to be strong supporters of this legislation. She is an original cosponsor of the bill.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chair, I thank Congresswoman LEE for yielding and for her extraordinary leadership on this issue and in so many other areas.

Mr. Chair, I rise in strong, strong support of H.R. 1865. It is transformative legislation. It is important and it will save lives. It is a historic legislative achievement. I thank my colleague ANN WAGNER for her selfless, dedicated, effective leadership in bringing this bill to the floor. I thank my colleagues, JOYCE BEATTY and SHEILA JACKSON LEE, Congresswomen ROBY and WALTERS, really everyone, and the leadership of this body for bringing this bill to the floor. I hope we should all pass it. It is important.

This bill clarifies that internet companies that actively advertise the sale of trafficking victims, many of whom are children and minors, are not protected by the Communications Decency Act, Section 230. When Congress enacted it 22 years ago, it never, never intended to make the internet into a red-light zone and a protected area to shield sex traffickers and corporations from selling our young people, many of whom are stolen, doped, forced into sex trafficking, and then protect them from the appeals of their parents for some type of justification, some type of recognition of the harm that they have caused.

Now, this bill, like every other sex trafficking bill, has been a bipartisan effort between Democrats and Republicans. It is landmark. It is important. And we must continue to fight this modern-day form of slavery wherever it exists, and this crime has absolutely exploded online because it is so profitable.

You can sell a gun once. You can sell illegal dope once. But they sell the human body over and over again until they die.

The Acting CHAIR (Mr. BURGESS). The time of the gentlewoman has expired.

Ms. JACKSON LEE. Mr. Chair, I yield an additional 1 minute to the gentlewoman.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chair, this is an important issue. I must tell you that we have a choice.

This has gone to the courts, and the courts have said Congress must decide whether Congress wants to shield corporations, profit-makers, exploiters—I would say—murderers of young children online, selling them for sex trafficking. So if you vote against this bill, you are shielding them. If you vote for it, you are protecting our children.

This bill removes obstacles for attorneys general throughout the country to enact State antitrafficking laws. That is why 50 attorneys general have supported it.

Victims and families will be given a pathway to justice through private civil action that they have been denied too long. Over 50 organizations have come out in support of H.R. 1865, and I include in the RECORD a list of those organizations.

Shared Hope International, Arlington, VA; Rights4Girls, Washington, DC; Covenant House International, New York, NY; ECPAT USA, Washington, DC; World Without Exploitation, New York, NY; Mary Mazzio & I AM JANE DOE Community, Boston, MA; Courtney's House, Washington, DC; Legal Momentum, New York, NY; Equality Now, New York, NY; National Center on Sexual Exploitation (NCOSE), Washington, DC; My Life My Choice, Boston, MA; Truckers Against Trafficking, Englewood, CO; Sanctuary For Families, New York, NY; Trafficking in America Task Force, Gainesville, FL; CSA San Diego County, El Cajon, CA; Villanova Law School Institute on Commercial Sexual Exploitation, Villanova, PA; National Council of Jewish Women New York, New York, NY; Dawn's Place, Philadelphia, PA; Child's World America, Villanova, PA; Freedom From Exploitation, Inc., San Diego, CA.

Women's Justice NOW, New York, NY; Children's Law Center of California, Sacramento, CA; Carole Landis Foundation For Social Action, Haverford, PA; The Voices and Faces Project, Chicago, IL; NH Traffick Free Coalition, Milford, NH; The Samaritan Women, Baltimore, MD; Free to Thrive, San Diego, CA; Enough Is Enough, Great Falls, VA; The Lynch Foundation for Children, Rancho Santa Fe, CA; Bags of Hope Ministries, Boston, MA; Hope Ranch For Women, Wichita, KS; Wings of Refuge, Iowa Falls, IA; North Star Initiative, Lititz, PA; Zoë Ministries, Greenwood, DE; Abolition Ohio, Dayton, OH; Arrow Child & Family Ministries, Baltimore, MD; Consumer Watchdog, Wash-

ington, DC; Airline Ambassadors International, Arlington, VA; Journey Out, Los Angeles, CA; The Ricky Martin Foundation, San Juan, PR; Praesidium Partners, Richmond, VA; Worthwhile Wear, Silverdale, PA; Amirah, Woburn, MA; Saved in America, Oceanside, CA; Awaken, Reno, NV; Ala Kuola, Honolulu, HI; Glory House of Miami, Miami, FL; Generate Hope, San Diego, CA; Refuge for Women Las Vegas, Las Vegas, NV.

INDIVIDUAL SIGNATURES

J.S., Child sex trafficking survivor, Chattanooga, TN.

Tom and Nacole S., Parents of a child sex trafficking survivor, Chattanooga, TN.

Kubiiki Pride, Mother of a child sex trafficking survivor, Boston, MA.

Ambassador Swanee Hunt.

Marian Hatcher, Senior Project Manager/Human Trafficking Coordinator, Cook County Sheriff's Office, Chicago, IL.

Penny M. Venetis, Clinical Prof. of Law/Director, International Human Rights Clinic, Rutgers Law School, Newark, NJ.

Michelle Madden Dempsey, Professor of Law, Villanova University Charles Widger School of Law, Villanova, PA.

Donna M. Hughes, Professor, Eleanor M and Oscar M Carlson Endowed Chair, University of Rhode Island, Kingston, RI.

Jody Raphael, Senior Research Fellow, DePaul University College of Law, Chicago, IL.

Audrey Rogers, Professor of Law, Elisabeth Haub School of Law, New York, NY.

Katha Pollitt, Columnist, The Nation, New York, NY.

Sarah Robinson, Public Defender, Defender Association of Philadelphia, Philadelphia, PA.

Dayle Ann Hunt, Playwright, The Trauma Brain Project, Chicago, IL.

Mrs. CAROLYN B. MALONEY of New York. Some corporations, like Facebook, Sheryl Sandberg, and others have stood up and said: Enough is enough; protect our children.

Mr. Chair, I include in the RECORD the following statement from Sheryl Sandberg of Facebook.

Sex trafficking—particularly of young girls and boys—is one of the most heinous acts that takes place anywhere in the world. Those of us in the United States must recognize that these deplorable acts of buying and selling children for sex don't just happen in other countries. They happen here all as well—right under our noses, on our streets, and on the Internet. We all have a responsibility to do our part to fight this. That's why we at Facebook support efforts to pass amended legislation in the House that would allow responsible companies to continue fighting sex trafficking while giving victims the chance to seek justice against companies that knowingly facilitate such abhorrent acts.

I care deeply about this issue and I'm so thankful to all the advocates who are fighting tirelessly to make sure we put a stop to trafficking while helping victims get the support they need. Facebook is committed to working with them and with legislators in the House and Senate as the process moves forward to make sure we pass meaningful and strong legislation to stop sex trafficking.

The Acting CHAIR. The time of the gentlewoman has again expired.

Ms. JACKSON LEE. Mr. Chair, I yield an additional 30 seconds to the gentlewoman.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chair, today, 22 years after

Congress passed the CDA, we have the opportunity to declare that the intention of the law was never to protect traffickers and companies that actively sell and enable them to continue this incredible, horrible, life-taking crime of promoting sex trafficking and selling our young people.

I urge a strong “no” vote. Let’s make it unanimous. Let’s show the world, the courts, the families, the victims where we stand.

Mrs. ROBY. Mr. Chair, I yield 3 minutes to the gentlewoman from Washington (Mrs. McMORRIS RODGERS), our fearless leader, the chairman of our conference.

□ 1445

Mrs. McMORRIS RODGERS. Mr. Chairman, I thank the gentlewoman for yielding me time, for her tremendous leadership; the leadership of the gentlewoman from Missouri; and so many more.

Mr. Chairman, I rise today in support of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017.

There is no question that human sex trafficking is one of the most significant epidemics that we face today. It often takes place in our own backyards, like in my district in eastern Washington. It targets our children, families, friends, and neighbors.

Fortunately, there are so many organizations, and I am grateful for those in eastern Washington who have stepped up—the Coalition to Abolish Human Trafficking—working to stop these horrific and heartbreaking crimes.

This bill will help fight online human trafficking through websites like Backpage, that serve as an illicit forum for traffickers.

I also rise in support of the amendment by my friend MIMI WALTERS from California, which I believe is crucial to the success of this bill.

By strengthening section 230 of the Communications Decency Act, we can restore victims’ access to justice and hold accountable tech companies and online websites that make human trafficking easier and knowingly turn a blind eye.

We know these websites have the ability to sensor content, and we see it in the political world every day. So why can’t they work harder to sensor and remove posts related to sex trafficking and enslavement of other human beings?

This isn’t hard. It is common sense to hold websites accountable for the crimes committed on their sites.

We all must work together to put an end to human sex trafficking, which is why I urge my colleagues to support the Walters amendment and the underlying bill.

Ms. JACKSON LEE. Mr. Chair, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Judiciary Committee, a distinguished Member, who is the ranking

member of the Subcommittee on Immigration and Border Security and knows about violations of human beings.

Ms. LOFGREN. Mr. Chairman, section 230 of the Communications Decency Act has been an important element of the law. It has allowed the internet to flourish. We support that.

But we never intended section 230 to protect people who are trafficking in human beings, who are abusing children, who are prostituting children. Really, modern slavery. It is an outrage.

And when we saw the court cases about Backpage where they basically used the CDA as a shield for action that was absolutely criminal, in my judgment, those guys belong in prison, as far as I am concerned. The good news is that the bill drafted by Representative WAGNER actually fixes this problem.

We just got a letter from the U.S. Department of Justice. I just received it. This is what they say: “Every day, trafficking victims in America appear in online advertisements that are used to sell them for sex. The Department works diligently to hold traffickers accountable for their crimes but faces serious challenges.”

It goes on to say that the “high evidentiary standard needed” is a problem; but it also says that that bill, as drafted and reported from the Judiciary Committee, addresses the issues that are preventing prosecution, and it “would take meaningful steps to end the industry of advertising trafficking victims for commercial sex.”

I would just like to say thanks to the authors of the bill, as well as the Judiciary Committee, on which I serve. We worked together on a bipartisan basis to make adjustments. We had hearings so that we could have this bill that the Department of Justice says will allow them to successfully go after these guys who are trafficking these children and other victims.

A word of caution, however, and I will talk about this later when the amendment comes up, on the Walters amendment.

The Justice Department says in this letter that they believe “any revision . . . to define ‘participation in a venture’ is unnecessary,” and, in fact, that the “new language would impact prosecutions by effectively creating additional elements.” In fact, they say the amendment will make it harder to prosecute.

We get told in law school that bad cases make bad law. One of the ways to avoid that is to have the committee process work through it. That did not happen in the case of the amendment that will be offered later.

So based on the Justice Department’s admonition, I am grateful to their celebration of the underlying bill, and I am mindful of their warning that the amendment could undo all of the good work that we have done on a bipartisan basis.

Mrs. ROBY. Mr. Chairman, I yield such time as he may consume to the

gentleman from Virginia (Mr. GOODLATTE), chairman of the Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act of 2017, and urge my colleagues to do the same.

This legislation will finally make a meaningful difference in combating online sex trafficking. For too long, bad actor websites have operated with impunity in selling young women and girls forced into the commercial sale of sex. They have, beyond any shadow of a doubt, profited off the misery of others. They have convinced courts to misapply the Communications Decency Act, a Federal law that was originally intended to encourage websites to police content and rid platforms of illegal content. They have misused the Communications Decency Act as a shield to avoid criminal liability in State courts.

Given the number of local websites that are deliberately selling women and children for sex, we must now take steps to allow Federal, State, and local prosecutors to hold these websites accountable and dismantle these illicit, heinous online markets.

H.R. 1865 will ensure vigorous criminal enforcement against bad actor websites by creating a new Federal law to prosecute these sites and explicitly permitting States the ability to enforce comparable laws.

While the Federal code does not criminalize the knowing advertisement of sex trafficking, this statute is, unfortunately, of limited utility. Nearly all websites responsible for rampant sex trafficking advertisements host ads that rarely, if ever, state that the victim being sold is either underage or subject to force, fraud, or coercion.

Therefore, this bill takes measures to target websites that are deliberately promoting and facilitating prostitution.

Additionally, H.R. 1865 provides for an aggravated violation that applies to websites that promote prostitution in reckless disregard of the fact that sex trafficking is occurring on their platform.

I want to highlight, Mr. Chairman, an amendment that will be offered to this legislation. Though I applaud my colleague’s dedication to this issue and fully appreciate the suffering of victims, I have concerns about this amendment which states that the provisions of the bill apply regardless of whether the conduct alleged occurred or is alleged to have occurred before, on, or after such date of enactment.

Had regular order been followed, Mr. Chairman, the Judiciary Committee would certainly have fixed this issue, which I believe could subject this legislation to a constitutional challenge under the ex post facto clause, a concern shared by the Justice Department.

I hope we have an opportunity to fix this problem as we move forward with the bill, and I include in the RECORD a

letter from the Department of Justice highlighting these constitutional concerns.

OFFICE OF LEGISLATIVE AFFAIRS,
U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 27, 2018.

Hon. ROBERT W. GOODLATTE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice (Department) on H.R. 1865, the "Allow States and Victims to Fight Online Sex Trafficking Act of 2017." The Department supports H.R. 1865. We applaud House and Senate legislative efforts to address the use of websites to facilitate sex trafficking and to protect and restore victims who were sold for sex online. The Department appreciates this opportunity to provide technical assistance to ensure that these goals are fully met through narrowly tailored legislation. The Department also notes that a provision in the bill raises a serious constitutional concern.

Every day, trafficking victims in America appear in online advertisements that are used to sell them for sex. The Department works diligently to hold the traffickers accountable for their crimes but faces serious challenges. This is due in part to the high evidentiary standard needed to bring federal criminal charges for advertising sex trafficking, but also because the Communications Decency Act (CDA), codified at 47 U.S.C. § 230, bars our state and local partners from bringing any criminal action that is inconsistent with that section. H.R. 1865 addresses both issues and would take meaningful steps to end the industry of advertising trafficking victims for commercial sex.

TECHNICAL ASSISTANCE

Section 3(a) of the bill creates 18 U.S.C. § 2421A, a new federal offense that prohibits the use or operation of websites (and other means or facilities of interstate commerce) with the intent to promote or facilitate prostitution. The bill also provides for an aggravated felony if the defendant recklessly disregards that the crime contributed to sex trafficking as prohibited by 18 U.S.C. § 1591(a). Section 2421A would stand as a strong complement to existing federal laws.

However, the Department notes that Section 2421A as originally drafted is broader than necessary because it would extend to situations where there is a minimal federal interest, such as to instances in which an individual person uses a cell phone to manage local commercial sex transactions involving consenting adults. Therefore, the Department would support amending the language of Section 2421A so that Congress can clarify its intent to target traffickers using or operating interactive computer services, as follows (with a corresponding change to 2421A(b)): "Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service, as defined in Section 230(f) of Title 47, United States Code, or conspires or attempts to do so, with the intent to promote or facilitate prostitution shall be fined under this title, imprisoned for not more than 15 years, or both."

The Department believes that any revision to 18 U.S.C. § 1591 to define "participation in a venture" is unnecessary. Section 1591 already sets an appropriately high burden of proof, particularly in cases involving advertising. Under current law, prosecutors must prove that the defendant knowingly benefitted from participation in a sex trafficking venture, knew that the advertisement related to commercial sex, and knew that the advertisement involved a minor or the use of force, fraud, or coercion. See *Backpage.com*,

LLC v. Lynch, D.D.C., Civil Action No. 15-2155, Docket 16 (Oct. 24, 2016). While well intentioned, this new language would impact prosecutions by effectively creating additional elements that prosecutors must prove at trial. In the context of the bill, which also permits States to bring actions for conduct equivalent to Section 1591, we are also mindful that this language could have unintended consequences as applied by the States.

Section 4 of H.R. 1865 also sets forth critical revisions to the CDA to permit state prosecutors to bring criminal actions related to sex trafficking and the use of the internet with the intent to promote or facilitate prostitution. The Department believes that the existence of this exception to the CDA will alter the landscape of the industry involved in advertising prostitution.

CONSTITUTIONAL CONCERN

We note that Section 4 of H.R. 1865 states that the changes to the CDA "shall apply regardless of whether the conduct alleged occurred [sic], or is alleged to have occurred, before, on, or after such date of enactment." This raises a serious constitutional concern. Insofar as this bill would "impose[] a punishment for an act which was not punishable at the time it was committed" or "impose[] additional punishment to that then prescribed" it would violate the Constitution's Ex Post Facto Clause. *Cummings v. Missouri*, 4 Wall. 277, 325-326 (1867); see *Beazell v. Ohio*, 269 U.S. 167, 169-170 (1925); U.S. Const. art I, § 9, cl. 3. The Department objects to this provision because it is unconstitutional. We would welcome the opportunity to work with Congress to address this serious constitutional concern.

Thank you for the opportunity to present our views in support of this legislation. We hope this information is helpful, and we look forward to continuing to work with Congress on this important legislation. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

STEPHEN E. BOYD,
Assistant Attorney General.

Mr. GOODLATTE. Nevertheless, Mr. Chairman, I will support this bill since its strong reforms will allow State and local prosecutors to vigorously enforce the law against some of the worst criminals in society today.

This bill will allow law enforcement to effectively dismantle this lucrative, expansive, immoral, reprehensible market. Our children and vulnerable women are not commodities to be sold. This legislation emphatically affirms that fact. It will truly make a difference.

I would like to commend my colleague Mrs. WAGNER from Missouri and her dedicated staff for their work on this legislation and for their continued dedication to combatting sex trafficking and supporting victims.

Mr. Chairman, I encourage my colleagues to support this important legislation.

Mrs. ROBY. Mr. Chair, I yield 3 minutes to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, this bill is one of several we passed in the House that aims to combat the horrific and disgusting act of sex trafficking of minors on our borders.

Today, I want to share two stories of Ashton Talley and Arissa Farmer, both from my district, the First District of Arkansas, who were taken for the purpose of being trafficked, but, thankfully, were rescued before being lost in this abominable trade.

These young women were sought online by men preying on thousands of underage minors. Their stories, sadly, mirror one another and those of countless other minors across America.

Both were courted online by older men and believed they were engaging in harmless friendships. In both instances, these men traveled to my district from other States to take Ashton and Arissa to Washington State and Nebraska, respectively, for their horrific purposes.

It is believed that, for one of the victims, her eventual destination was to be the Super Bowl in Minneapolis, which reportedly draws an increase in trafficking activity for big events like that. In the other case, the victim was one of over 8,000 minors sought online by her predator.

Mr. Chairman, these girls are not unlike our own children. They are kids that we all see in our schools, our churches, and our neighborhoods. We must take the necessary steps like H.R. 1865 to protect America's children from these repugnant individuals.

This bill will not be the end-all for stamping out this unfortunate segment of society. We must all recognize this despicable act for what it is and work together to protect our youth by enacting responsible policy and becoming educated in the tactics used by predators to groom and lure our children.

Mr. Chairman, I urge my colleagues to support this bill, and I remain committed to fighting the ongoing practice of sex trafficking.

Ms. JACKSON LEE. Mr. Chairman, I yield myself the balance of my time and offer a closing to this important legislation.

Mr. Chairman, as indicated, I had offered an amendment that would have allowed victims of sex trafficking to file civil action in State courts under the same conditions set forth in the underlying bill for Federal/civil actions.

I believe, however, that we have laid a stupendous foundation for innocent victims and that we will have an opportunity to work with all of our friends who fought so hard for this legislation.

So again, I want to take the opportunity to thank Congresswoman WAGNER and her cosponsors, and as well Congresswoman MALONEY and Congresswoman BEATTY, and the work that we have done in the Judiciary Committee through a period of coming together, I believe, is extremely constructive.

It is so constructive that we have any number of support letters. I include in

the RECORD a statement by John F. Clark, President and CEO of the National Center for Missing & Exploited Children.

STATEMENT BY JOHN F. CLARK, PRESIDENT & AND CEO, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

REGARDING HOUSE ACTION ON LEGISLATION TO PROVIDE JUSTICE TO CHILD SEX TRAFFICKING VICTIMS—FEBRUARY 23, 2018

The National Center for Missing & Exploited Children is pleased that the House of Representatives is scheduled to consider Representative Ann Wagner's Allow States and Victims to Fight Online Sex Trafficking Act (H.R. 1865) next week. We strongly urge all Members to support the crucial amendment offered by Representative Mimi Walters, which makes long needed updates to the Communications Decency Act (CDA) to ensure that children trafficked for sex online can have their day in court against online traffickers and to clarify that there is no legal protection for anyone who participates in the sex trafficking of children.

We especially thank Senators Rob Portman and Richard Blumenthal for their powerful leadership in authoring the Stop Enabling Sex Traffickers Act (S. 1693), which is the basis for Representative Walters' amendment, and for their ongoing support of the child survivors, their families, and the coalition of advocacy organizations who serve these survivors.

We look forward to continuing to work with Members of Congress to bring this legislation to a vote on the House Floor and through the Senate so that it can get to the President's desk to be signed into law.

Ms. JACKSON LEE. Mr. Chair, I include in the RECORD a letter from Enough is Enough.

For Immediate Release: February 26, 2018

ENOUGH IS ENOUGH CALLS ON THE U.S. HOUSE OF REPRESENTATIVES TO PASS CRITICAL LEGISLATION TO HOLD WEBSITES ACCOUNTABLE FOR KNOWINGLY FACILITATING SEX TRAFFICKING

STATEMENT BY DONNA RICE HUGHES, PRESIDENT & CEO, ENOUGH IS ENOUGH

GREAT FALLS, VA.—H.R. 1865, the Fight Online Sex Trafficking Act of 2017 (FOSTA), originally introduced by Representative Ann Wagner, is scheduled for an historic floor vote on Tuesday. The need for legislation to clarify Section 230 of the Communication's Decency Act (CDA) is necessary given the 1st Circuit ruling in *Doe v Backpage* which held that even if Backpage had participated in the crime of sex trafficking, Section 230 shielded the company from the claims filed by child victims.

"The urgency to amend Section 230 of the Communications Decency Act is long overdue," said EIE President Donna Rice Hughes. "Section 230, originally known as the Good Samaritan Defense, was intended to protect children from the online exploitation. Unfortunately, it has been anything but a Good Samaritan immunity for responsible Internet service and content providers, and instead has been misused by third party websites like backpage.com as a Trojan horse to knowingly facilitate sex and trafficking with women in children," said Ms. Hughes. "There must be accountability in the form of state and local criminal and civil liability for such sites which have been referred to by prosecutors as an 'online brothel.' Its time to put the dignity of women and children over corporate profit," said Hughes.

For years, EIE has encouraged Congress to amend Section 230 due to a series of devastating rulings in multiple court cases over the years which have misinterpreted Section

230 of the Communications Decency Act by granting anything goes immunity to websites whose advertising business model knowingly facilitates sex trafficking and exploitation.

"By passing FOSTA along with the crucial amendment offered by Representative Mimi Walters which mirrors S. 1693 "Stop Enabling Sex Trafficking Act 2017" (SESTA), each member of the House has the opportunity to send an 'enough is enough' clarion message to sites who exploit and traffic vulnerable children and women and to the federal courts who have failed to properly interpret Congress's original intent for #230. An overwhelming 'yes' vote by the House will say to child victims, 'we hear you, we see you and we are standing with you by providing the necessary legislative remedy to seek justice,'" continued Hughes, who applauded the resolution last week set forth unanimously by the Kentucky House of Representatives, which requested and petitioned the U.S. Congress to amend sections of the Community Decency Act (CDA 230) to "permit the prosecution of interactive computer service providers."

In 2016, during his candidacy, Donald Trump signed EIE's Children's Internet Safety Presidential Pledge in which he promised to "aggressively enforce existing federal laws to prevent the sexual exploitation of children online, including the obscenity, child pornography, sexual predation & sex trafficking laws." Ms. Hughes added, "We strongly urge the House to pass the FOSTA-SESTA compromise package and move it to the Senate, offering hope to and justice for those who have suffered from this unconscionable act of human exploitation." SESTA, originally introduced by Senators Portman and Blumenthal currently has 67 bipartisan Senate co-sponsors and is endorsed by the Internet Association (IA), as is H.R. 1865.

In 2013, Enough Is Enough voiced strong support of the effort of The National Association of Attorneys General (49 Attorneys General) calling on Congress to support a simple two word amendment that would enable state prosecutors to help fight prostitution and child sex trafficking. Unfortunately, Congress failed to act, resulting in more years of untold trauma and exploitation for trafficking victims and huge profits for websites and interactive service providers.

Ms. JACKSON LEE. Mr. Chair, I also include in the RECORD a letter from World Without Exploitation with many, many signatures.

For Immediate Release

NATIONAL ANTI-TRAFFICKING COALITION URGES CONGRESS TO PASS FOSTA WITH SECTION 230 PROVISION TO CURB ONLINE SEX TRAFFICKING—AS INTERNET DEMAND EXPLODES, WORLD WITHOUT EXPLOITATION CALLS ON NATIONAL LAWMAKERS TO SUPPORT SURVIVORS AND STEM THE TIDE OF HUMAN TRAFFICKING BY HOLDING WEBSITES ACCOUNTABLE

NEW YORK, NY—FEBRUARY 26, 2018—World Without Exploitation (WorldWE), the national coalition to end human trafficking and exploitation, today urges members of Congress to pass legislation that would clarify Section 230 of the Communications Decency Act and allow state law enforcement and survivors to seek justice against websites that knowingly engage in facilitating human trafficking. The bill will help disrupt sex trafficking in the United States, much of which has shifted from the streets to the Internet.

The Fight Online Sex Trafficking Act of 2017 (FOSTA), H.R. 1865, was introduced by

Rep. Ann Wagner (R-MO) and now includes a crucial amendment by Rep. Mimi Walters (R-CA) that seeks to close a legal loophole in Section 230 of the Communications Decency Act that allows websites that host online sex ads to operate with impunity. The Walters amendment echoes language from the Stop Enabling Sex Traffickers Act of 2017 (SESTA), S. 1693 sponsored in the Senate by Rob Portman (R-OH) and Richard Blumenthal (D-CT).

"Every day, thousands of children and adults are being illegally bought and sold online, and the websites that facilitate these transactions have been able to hide behind legislation that was never designed to shelter this kind of activity," said Lauren Hersh, national director of WorldWE. "WorldWE and our members are incredibly grateful to Reps. Wagner and Walters and Sens. Portman and Blumenthal, among many others, for listening to the voices of survivors and driving meaningful change with so much bipartisan support. The urgency we are seeing to stop human trafficking at the highest levels of our government is truly inspiring."

With the growth of the Internet, human trafficking that once happened mainly on street corners has largely shifted online. According to the National Center for Missing & Exploited Children, 73 percent of the 10,000 child sex trafficking reports it receives from the public each year involve ads on the website Backpage.com. The anonymity and ease with which victims can be bought and sold on the Internet has created a multibillion-dollar industry, and a tremendous surge in exploitation across the United States.

"The illegal sex trade is no less odious simply because it is operating on the Web," said Anne K. Ream, founding co-chair of WorldWE. "Wherever it happens, whenever it happens, human trafficking is an industry in which profits are built on human pain. We need public policies that are responsive to the current face of trafficking, which is why passage of FOSTA with the Walters amendment is so critical."

"We urge the House to pass FOSTA with the Walters amendment and send the bill to the Senate for adoption," said Nikki Bell, founder and director of Living in Freedom Together (LIFT), a survivor-led organization. "We are hoping after today, we will be one step closer to bringing justice to survivors and disrupting the profitable model of online trafficking in our country."

To learn more about WorldWE, hear survivor stories, donate, and join our movement to create a world without exploitation, please visit <http://www.worldwithoutexploitation.org/>

ABOUT WORLD WITHOUT EXPLOITATION

World Without Exploitation (WorldWE) is a national coalition of more than 100 organizations and individuals committed to human rights, civil rights, and gender justice. WorldWE's mission is to create a world where no person is bought, sold or exploited. The coalition aims to create a culture where those who have been trafficked or sexually exploited are treated as victims of a crime, not criminals themselves, while those who purchase, sell or exploit another human being are punished.

Ms. JACKSON LEE. What was it like before this legislation? Simply, J.S., who is documented in the film "Jane Doe," will tell you. A bright young lady, 15 years old, ran on the track team here in this area and, for her own enthusiasm, went to Seattle, Washington.

When she went to Seattle, Washington, it would have been nice if a kind soul had found her, but that was not the case.

Within 15 days, she met a man twice her age, who seduced her with gifts and convinced her to stay with him. Once she trusted the 32-year-old, he quickly turned on her and raped her, and he would post explicit pictures of her in an ad on Backpage.com, and she was forced to continue to have sex for money.

□ 1500

One would think that there was relief. But when her family sought to file in court, she lost. She lost. Only through the work of Congress has her case been able to move forward on an appeal.

So the work that we have done is vital to saving lives and to restoring lives. I am inspired and energized by the countless survivors, many of whom I have seen today and many of whom I have joined with last Monday in my district.

As a leader in the fight against human and sex trafficking and ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I am painfully familiar with the pervasiveness of sex trafficking in my own State of Texas, which has become a hotbed of human trafficking in the city of Houston.

Among law enforcement and human trafficking authorities, Houston is known as a hub of human trafficking, not because of the lack of concern and energy in my law enforcement and social service community. It is just an epicenter because of the ability for people to come because of the warm weather, for children who have aged out of foster care, and for others who are victims of human trafficking.

The highest number of calls to the National Human Trafficking Hotline in Texas comes from Houston, and a study conducted by the University of Texas stated that there are more than 300,000 victims of human trafficking in Texas, including almost 79,000 minors.

The story of Kathy, right here in Houston, in the few minutes I have left, I would like to share the story of a young woman named Kathy who moved to Houston in 1994 with her family. Kathy was raised to be strong and independent. She was very involved in a church community and ROTC. So in the few minutes I have remaining, I will share the story of Kathy.

She graduated from high school with hopes of pursuing a career in journalism, but she became a victim of sex trafficking. Like most girls, she wanted to be loved. She met a charming young man who treated her like she had never been treated before.

After a fairytale year, her Prince Charming proposed something Kathy felt she could not refuse: a promising job with his company, an administrative position that would triple her income and provide financial security for her future. It seemed like a dream come true.

The job was in Dallas. Despite her initial hesitation, she saw the offer as

an opportunity to provide for her family. But shortly after she arrived in Dallas, Kathy found herself in the dark world of sex trafficking and prostitution, a life she never knew she would be involved in.

Graphic images were taken of her and placed on the internet against her will. She was forced to perform sexual favors multiple times every day throughout Dallas' surrounding areas.

Escape was not easy. She was cut off from her family. Her boyfriend-turned-pimp limited her phone calls to Johns and did not allow her to have money. Somehow she found an opportunity to get away, and she never looked back.

After many years of living in silence, Kathy decided to journal her experience. The journal became a book, which became a stage play. Kathy found her voice and is now an inspirational speaker who hopes to use her story to encourage others to join the fight.

Images of Kathy's horrific past linger on. She said:

Sites like Backpage have chosen to revictimize survivors and keep us in bondage by refusing to remove images taken against our will.

Kathy hopes that one day the voices of survivors will be heard. Well, we hear Kathy today. Congress hears her. We hear the voices of the victims remaining in physical and mental bondage.

So, in conclusion, let me say, as we hear the voices of the survivors, we realize the importance of our First Amendment and the ability of free expression. But we know that the torment that these victims are going through, the PTSD that they are suffering, really is a statement of importance for H.R. 1865 that allows States and victims to fight online sex trafficking and to work with all of those who have worked so hard on this bill, from our Judiciary Committee to the Senate Judiciary Committee to the sponsors, and to go forward building on this legislation with more legislation, more victims being able to work with us, and, finally, Mr. Chairman, to be able to stomp out and extinguish human trafficking, sex trafficking, and online trafficking.

This is a powerful nation. There is no reason why we cannot do this. I look forward to that effort. With that, I ask for a vote of "yes" on this bill.

I want to say that Mrs. MALONEY, who sounded as if she said vote "no," really meant to say she wants a resounding "yes" on this legislation as well.

Mr. Chairman, I yield back the balance of my time.

Mrs. ROBY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I again want to thank my colleague, ANN WAGNER, for all of her hard work on this very, very important piece of legislation.

It is our responsibility here in Congress to provide the strongest, most effective tools possible to confront, pun-

ish, and, ultimately, prevent the horrific nightmare that is human sex trafficking. For far too long, we have seen a stark rise in the use of the internet to buy and sell trafficking victims and minors for sex.

This sick industry has been allowed to prosper because, due to broad interpretation of existing law, there have been no serious legal consequences for websites that turn a profit by selling human beings. Today it is incumbent upon us to stop this horrifying injustice by passing H.R. 1865 to finally give prosecutors the tools they need to crack down on sites that promote and participate in the human sex trade.

Mr. Chairman, I call on all my colleagues to support this legislation today and to send a clear message that we will no longer tolerate this evil, atrocious behavior, and we will no longer be complicit in letting these bad actors get away with these hateful crimes against humanity.

Mr. Chairman, I yield back the balance of my time.

Mr. COSTA. Mr. Chair, I include in the RECORD these excerpts from a series of articles entitled "Slaves of the Sex Trade" by Rory Appleton from the Fresno Bee: "Don't kid yourself. Sex slaves are all around us—and you may know some of them" (November 2, 2017), "She was a hospital worker. He sold her for sex before, during and after her shifts" (November 2, 2017), "Police: 'Every 16-year-old girl in Fresno' has been targeted by sex trade recruiters" (November 9, 2017), "Once sold for sex, she now helps lead the fight against human trafficking" (November 15, 2017), "How do you rescue women forced to walk the streets at night? It's not easy" (November 16, 2017), "To break the cycle of children sold for sex, the legal system is trying something new" (November 28, 2017), "All of us must help beat the scourge of human trafficking. Here's what you can do" (December 7, 2017). The full series can be found at <http://www.fresnobee.com/news/special-reports/human-trafficking/>.

These seven articles demonstrate the impact of sex trafficking on our communities. I commend the Fresno Bee on their important reporting.

[From the Fresno Bee, Nov. 2, 2017]

DON'T KID YOURSELF. SEX SLAVES ARE ALL AROUND US—AND YOU MAY KNOW SOME OF THEM

(By Rory Appleton)

Rebecca Rodriguez-Brown still remembers the room where he imprisoned her—the charming man she met and fell in love with while still a teenager. She mapped it out with her hands as she sat in a central Fresno office nearly 20 years later.

"They would have a little microwave there, and they would have a little ice chest right there by the sink," she said. "I still remember the color of the ice chest."

Rodriguez-Brown isn't sure whether the room was in an apartment or hotel. But she does remember that for seven months she was kept in this room under guard and forced to perform whatever sex act the strangers entering the room asked for. The room was punishment for refusing to do the same at her trafficker's home. Her captors brought her all of her meals. If she defied them, she'd be beaten—sometimes with her hands bound.

The Bee normally does not identify the victims of sexual assault, however Rodriguez-Brown agreed to be named.

Her story is not uncommon in Fresno, or anywhere in the world. It is one of cyclical abuse, habitual arrest and unspeakable trauma. Women and children are bought and sold every day in Fresno—online, in street corners, while at school. They are raped, branded and beaten. They are taught that they are the problem, not the people who force them into this life—causing psychological scars that may never heal.

It is what many refer to as “modern-day slavery.”

Full article is available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article182090031.html>

[From the Fresno Bee, Nov. 2, 2017]

SHE WAS A HOSPITAL WORKER. HE SOLD HER FOR SEX BEFORE, DURING AND AFTER HER SHIFTS

(By Rory Appleton)

At her lowest point, the days seemed to stretch on forever. Eight hours a day as a hospital administrator, five hours—sometimes more—as a prostitute.

He would wake her up at 4 a.m. to walk the streets. She hated it—not that the house calls were much better. But when she begged to stop, he would convince her the fault was hers. Eventually, she would apologize and allow him to drop her off before the sun was up.

“He wanted at least \$300 before I went to work at the hospital,” she said.

So she would work the streets for three hours before starting an eight-hour day scheduling appointments in the nephrology unit of a San Diego hospital—a job she had enjoyed before she met him. He eventually forced her to have sex with men during her lunch break, in addition to before and after work. On the weekends, he took her to neighboring cities—a common tactic to avoid law enforcement or reach a new clientele.

“If it were up to him, I would have never slept,” she said.

The mood-altering drug Xanax helped with the anxiety stemming from the intense guilt she felt. She was ashamed to talk to her friends and family—not that she could have if she wanted to. He had her phone now, and he made sure she never heard about her mother’s attempts to contact her.

This woman, now 34, is one of thousands who are sex-trafficked in California each year and one of hundreds of victims now living in the central San Joaquin Valley.

Full article available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article182089821.html>

[From the Fresno Bee, Nov. 9, 2017]

POLICE: ‘EVERY 16-YEAR-OLD GIRL IN FRESNO’ HAS BEEN TARGETED BY SEX TRADE RECRUITERS

(By Rory Appleton)

It was about 2 p.m. on a Tuesday when the 15-year-old girl left her central Fresno hotel room. She climbed into a car driven by a stranger, who would take her to another stranger with whom she had agreed to have sex for money.

If it had been a few minutes later, the girl could have easily blended in with children walking home from school. She was not dressed provocatively; she wore a red Fresno State sweatshirt and jeans. She was not wearing excessive makeup. She carried a backpack.

Who knows how many times she had followed this pattern—strange men and strange cars. Online advertisements showed her in various states of undress.

That’s how the vice unit of the Fresno Police Department found her. Today, these strangers were both undercover officers. Tonight, she will be safe.

“She said she hasn’t eaten in five days,” Sgt. Curt Chastain said. “No real family—an unreported runaway. She’s in the sex trade to survive.”

“She wants help,” he continued. “She wants to be in school, but mom won’t sign her up.”

One of Chastain’s undercover detectives confirmed this is not a rare occurrence.

“I’ve had (sex trafficking) victims from every high school in Fresno County—and most junior high schools,” the detective said. The Fresno Bee is not identifying him due to the sensitivity of his work. These traffickers, he added, use a variety of tactics to lure children and young women into “the life.”

Full article available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article183592286.html>

[From the Fresno Bee, Nov. 15, 2017]

ONCE SOLD FOR SEX, SHE NOW HELPS LEAD THE FIGHT AGAINST HUMAN TRAFFICKING

(By Rory Appleton)

Arien Pauls doesn’t look like someone who’s been through hell.

She flashes an easy smile as she speaks. Her voice is soft, but her words are deliberate and flow with eloquence. She has a distinct rockabilly style, with one arm bearing a tattoo modeled from Disney’s “The Little Mermaid” and a hair clip featuring two large pink roses.

Looking at her, it’s hard to imagine that a man she loved forced her into slavery. For four years, Pauls was sold for sex on streets and in hotel rooms across the western half of the United States. She was barred from contacting her friends or family. She was arrested multiple times and treated like a criminal—a stigma that even now, five years later, is difficult to shake.

Her worst moments seem unimaginable.

Pauls’ trafficker—a man she believed to be her boyfriend—refused to take her to a hospital when one of the men he sold her to raped her. When she became pregnant with her trafficker’s baby, he forced her into an illegal, late-term abortion. When her reeling body began to produce breast milk after the abortion, her trafficker saw it as a money-maker: Those with certain fetishes would pay extra now, he told her.

It took a daring late-night escape—her trafficker’s SUV roaring behind her getaway car on a Las Vegas street—to get out of that life. But once she returned to Fresno, her arrest record kept her from working in her chosen career, and she has struggled with the mental scars inflicted during her past life.

Full article available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article184943988.html>

[From the Fresno Bee, Nov. 16, 2017]

HOW DO YOU RESCUE WOMEN FORCED TO WALK THE STREETS AT NIGHT? IT’S NOT EASY

(By Rory Appleton)

For decades, the women rescued from the hotel rooms and apartments in Fresno where they had been raped, beaten and forced to have sex with strangers for money had few alternatives.

The first—and it was seldom optional—was jail. They could also go to rehab, provided they had a drug problem. But more often than not, they returned to the sex trade.

That is no longer the case.

In 2012, human trafficking became a crime in California, carrying with it new language

for dealing with the crime and harsher penalties for traffickers. Local law enforcement found success against traffickers by treating girls and women in the sex trade as victims, not complicit criminals.

Over the past few years, a growing network of advocates has added new avenues of help for the hundreds of women who are trafficked. These groups have provided victims with shelter, counseling and the tools to rebuild their lives.

Many who work with human trafficking victims consider the practice to be modern-day slavery. If that’s true, this advocacy coalition is the underground railroad.

Full article available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article184943793.html>

[From the Fresno Bee, Nov. 28, 2017]

TO BREAK THE CYCLE OF CHILDREN SOLD FOR SEX, THE LEGAL SYSTEM IS TRYING SOMETHING NEW

(By Rory Appleton)

Defense attorney Kristin Maxwell remembers when a client came to her Fresno office shortly after being discharged from a hospital.

The teenage girl had been beaten, raped and dumped in a neighboring county. Police found her unconscious, lying naked in an alley.

“There are some parts of the body that bruise easily, and some that don’t,” said Maxwell, who’s worked in the Fresno County Public Defender’s office for 11 years. “Looking at her, you knew she had been through it. She had been beaten really badly.”

This case stands out for its brutality, Maxwell said. But it was the sheer number of human trafficking cases crossing her desk when she took control of the Public Defender’s juvenile office in 2015 that shocked her into action.

The legal community has partnered with advocacy groups, law enforcement and the Fresno County Probation Department to improve the criminal justice system in an effort to get children out of the sex trade permanently. Their work will soon bear fruit: On Jan. 19, Fresno County’s juvenile court will establish a courtroom dedicated solely to human trafficking cases.

This new court—patterned after similar courts in Sacramento, Los Angeles and other California counties—will allow a judge with specialized training to work with the various partner agencies to ensure children caught up in the sex trade receive help that’s customized for their needs.

Full article available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article186937063.html>

[From the Fresno Bee, Dec. 7, 2017]

ALL OF US MUST HELP BEAT THE SCOURGE OF HUMAN TRAFFICKING. HERE’S WHAT YOU CAN DO

(By Rory Appleton)

Pimps have ensnared Fresno middle-school students who were selling their bodies for extra spending money. Young women have been tricked, blackmailed and forced into having sex with strangers to support men they believed were their boyfriends. People—especially children—with low self-esteem, mental illness, unstable home lives or living in poverty are the preferred targets of an industry operating in the shadows.

Human trafficking is a complex issue. Police, advocacy groups and the Fresno legal community have formed a unique partnership to tackle the growing problem in new ways. But what can the rest of Fresno do to fight human trafficking?

Talking to your children or younger family members about the issue can educate them

and help keep them out of harm's way. Non-profits that help trafficking victims would welcome financial donations. Residents can urge governments to allocate more resources to those policing and prosecuting traffickers. And far larger strides can be made to address a major underlying issue in the sex trade: the people, mostly men, who buy sex.

Full article available at: <http://www.fresnobee.com/news/special-reports/human-trafficking/article188526804.html>

The Acting CHAIR (Mr. DONOVAN). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Allow States and Victims to Fight Online Sex Trafficking Act of 2017".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) section 230 of the Communications Act of 1934 (47 U.S.C. 230; commonly known as the "Communications Decency Act of 1996") was never intended to provide legal protection to websites that unlawfully promote and facilitate prostitution and contribute to sex trafficking;

(2) websites that promote and facilitate prostitution have been reckless in allowing the sale of sex trafficking victims and have done nothing to prevent the trafficking of children and victims of force, fraud, and coercion; and

(3) clarification of such section is warranted to ensure that such section does not provide such protection to such websites.

SEC. 3. PROMOTION OF PROSTITUTION AND RECKLESS DISREGARD OF SEX TRAFFICKING.

(a) *PROMOTION OF PROSTITUTION.—Chapter 117 of title 18, United States Code, is amended by inserting after section 2421 the following:*

"§2421A. Promotion or facilitation of prostitution and reckless disregard of sex trafficking

"(a) IN GENERAL.—Whoever uses or operates a facility or means of interstate or foreign commerce or attempts to do so with the intent to promote or facilitate the prostitution of another person shall be fined under this title, imprisoned for not more than 10 years, or both.

"(b) AGGRAVATED VIOLATION.—Whoever uses or operates a facility or means of interstate or foreign commerce with the intent to promote or facilitate the prostitution of another person and—

"(1) promotes or facilitates the prostitution of 5 or more persons; or

"(2) acts in reckless disregard of the fact that such conduct contributed to sex trafficking, in violation of 1591(a),

shall be fined under this title, imprisoned for not more than 25 years, or both.

"(c) CIVIL RECOVERY.—Any person injured by reason of a violation of section 2421A(b) may recover damages and reasonable attorneys' fees in an action before any appropriate United States district court. Consistent with section 230 of the

Communications Act of 1934 (47 U.S.C. 230), a defendant may be held liable, under this subsection, where promotion or facilitation of prostitution activity includes responsibility for the creation or development of all or part of the information or content provided through any interactive computer service.

"(d) MANDATORY RESTITUTION.—Notwithstanding sections 3663 or 3663A and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this section.

"(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a) where the defendant proves, by a preponderance of the evidence, that the promotion or facilitation of prostitution is legal in the jurisdiction where the promotion or facilitation was targeted."

(b) TABLE OF CONTENTS.—The table of contents for such chapter is amended by inserting after the item relating to section 2421 the following:

"2421A. Promotion or facilitation of prostitution and reckless disregard of sex trafficking."

SEC. 4. COMMUNICATIONS DECENCY ACT.

Section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)) is amended by adding at the end the following:

"(5) NO EFFECT ON STATE LAWS CONFORMING TO 18 U.S.C. 1591(A) OR 2421A.—Nothing in this section shall be construed to impair or limit any charge in a criminal prosecution brought under State law—

"(A) if the conduct underlying the charge constitutes a violation of section 2421A of title 18, United States Code, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant's promotion or facilitation of prostitution was targeted; or

"(B) if the conduct underlying the charge constitutes a violation of section 1591(a) of title 18, United States Code."

SEC. 5. SAVINGS CLAUSE.

Nothing in this Act or the amendments made by this Act shall be construed to limit or preempt any civil action or criminal prosecution under Federal law or State law (including State statutory law and State common law) filed before or after the day before the date of enactment of this Act that was not limited or preempted by section 230 of the Communications Act of 1934 (47 U.S.C. 230), as such section was in effect on the day before the date of enactment of this Act.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 115-583. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115-583.

Mr. GOODLATTE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, beginning on line 12, strike "contribute to sex trafficking" and insert

"websites that facilitate traffickers in advertising the sale of unlawful sex acts with sex trafficking victims".

Page 6, beginning on line 8, strike "Whoever uses or operates a facility or means of interstate or foreign commerce or attempts to do so" and insert "Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service (as such term is defined in defined in section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f))), or conspires or attempts to do so,".

Page 6, beginning on line 13, strike "Whoever uses or operates a facility or means of interstate or foreign commerce" and insert "Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service (as such term is defined in defined in section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f))), or conspires or attempts to do so,".

Page 7, line 1, strike "Consistent" and all that follows through line 7.

Page 7, line 11, strike "offense under this section." and insert the following: "violation of subsection (b)(2). The scope and nature of such restitution shall be consistent with section 2327(b)."

Page 7, line 13, insert after "subsection (a)" the following: ", or subsection (b)(1)".

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

This amendment makes small but important changes to the bill.

Most significantly, the bill narrows the class of defendants covered in the new section 2421A, which criminalizes the deliberate promotion or facilitation of prostitution. As the creation of this law is designed to target bad actor websites, this amendment narrows defendants covered to those who own, manage, or operate an interactive computer service with the intent to promote or facilitate prostitution. This amendment avoids creating a broad Federal law that covers conduct that is not necessarily Federal in nature.

Second, the manager's amendment strikes language from the underlying bill's civil recovery provision that was intended to encourage victims to successfully plead their cases. However, the language could have created a risk of confusion by the courts, and so it has been removed.

Further, the manager's amendment clarifies that mandatory restitution provision is only applicable to victims of sex trafficking, not to those who voluntarily have engaged in prostitution.

Finally, the manager's amendment adds language inadvertently omitted from the original bill, which permits defendants who face an aggravated charge for promoting or facilitating more than five people to assert the statute's affirmative defense if a defendant can prove that advertisements were targeted to a locality where promotion or facilitation is legal.

Mr. Chairman, this manager's amendment is the product of the Judiciary Committee's repeated and thoughtful effort to produce a workable and technically sound piece of legislation. This bill will do a great deal to protect victims of sex trafficking. I am proud of the hard work by my colleagues and staff to ensure that the criminal law is appropriately tailored to achieve that goal.

Mr. Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I rise to support the Goodlatte amendment, and I thank the chairman along with our ranking member, Mr. NADLER, for their hard work in working together.

I think this amendment is particularly important because it clarifies that the restitution provision applies to victims of sex trafficking and ensures that the affirmative defense applies to both of the criminal offenses created in the underlying bill. These changes are simple and reasonable.

Mr. Chair, I rise in support of the Goodlatte Manager's Amendment, which makes technical changes to H.R. 1865.

The amendment adds "attempt" language that was inadvertently omitted from the bill and is consistent with, and tracks the typical language used in the federal criminal code to define criminal offenses.

The amendment also clarifies that the restitution provision applies to victims of sex trafficking and ensures that the affirmative defense applies to both of the criminal offenses created in the underlying bill.

These changes are simple and reasonable and maintain the overall spirit of the bill.

Mr. Chairman, I support the amendment, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I urge my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. MIMI WALTERS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115-583.

Mrs. MIMI WALTERS of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 21, strike "COMMUNICATIONS DECEIT ACT" and insert "ENSURING ABILITY TO

ENFORCE FEDERAL AND STATE CRIMINAL AND CIVIL LAW RELATING TO SEX TRAFFICKING".

Page 7, line 22, strike "Section 230" and insert "(a) IN GENERAL.—Section 230".

Page 8, strike line 1 and all that follows through line 13, and insert the following:

"(5) NO EFFECT ON SEX TRAFFICKING LAW.—Nothing in this section (other than subsection (c)(2)(A)) shall be construed to impair or limit—

"(A) any claim in a civil action brought under section 1595 of title 18, United States Code, if the conduct underlying the claim constitutes a violation of section 1591 of that title;

"(B) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 1591 of title 18, United States Code; or

"(C) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 2421A of title 18, United States Code, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant's promotion or facilitation of prostitution was targeted.".

Page 8, after line 13, insert the following:

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and the amendment made by subsection (a) shall apply regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment.

SEC. 5. ENSURING FEDERAL LIABILITY FOR PUBLISHING INFORMATION DESIGNED TO FACILITATE SEX TRAFFICKING OR OTHERWISE FACILITATING SEX TRAFFICKING.

Section 1591(e) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) The term 'participation in a venture' means knowingly assisting, supporting, or facilitating a violation of subsection (a)(1).".

SEC. 6. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Section 1595 of title 18, United States Code, is amended by adding at the end the following:

"(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as parens patriae, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1595 of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking "this section" and inserting "subsection (a)"; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "this section" and inserting "subsection (a)".

Page 8, line 14, strike "5" and insert "7".

The Acting CHAIR. Pursuant to House Resolution 748, the gentlewoman from California (Mrs. MIMI WALTERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. MIMI WALTERS of California. Mr. Chairman, I rise today in support of my amendment to H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act.

I also want to thank my colleague, ANN WAGNER, for her dedication to this issue and her efforts to bring this bill to the floor.

The underlying bill will help crack down on online facilitators of human sex trafficking to end this modern-day slavery. My amendment will allow enforcement of criminal and civil sex trafficking laws against websites that knowingly facilitate online sex trafficking activities.

Mr. Chairman, this issue is of significant local concern in the heart of my district in Orange County. Last year, a major international sex trafficking ring was uncovered in a quiet Irvine, California, neighborhood. Young women from overseas were sold repeatedly through the website Backpage.com.

Websites like Backpage, which are essentially storefronts for the facilitation of sex trafficking, have been able to operate with impunity. My amendment, in conjunction with the underlying bill, will help prosecutors crack down on websites that knowingly facilitate or promote sex trafficking, while keeping in place safeguards for those who responsibly publish third-party content. This legislation will empower sex trafficking survivors to come forward and seek justice.

Mr. Chairman, I urge my colleagues to join me in supporting this bill and putting an end to the human sex trafficking industry in America, and I yield back the balance of my time.

Ms. LOFGREN. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, section 230 of the Communications Decency Act stands for a very simple, powerful idea: a website should not be liable for the actions of its users.

Because of section 230, we have the internet as we know it today. Also, because of section 230, the vast majority of websites can safely and effectively report and coordinate with law enforcement on various crimes, including sex trafficking, child pornography, and the like.

Unfortunately, section 230 has been utilized by bad actors, including a notorious one, Backpage, to traffic in children and to exploit victims. Really, they are slavery victims. The underlying bill, H.R. 1865, puts a stop to that. As the Department of Justice has noted, it will allow for the prosecution of people who are trafficking in victims online.

The Walters amendment, however, for the first time, would carve a hole in section 230 and make it actually more difficult than the underlying bill to prosecute traffickers online. By creating potential liability for "knowing" that a user is using their website for facilitating sex trafficking, the Walters amendment would create what legal experts call the moderator's dilemma.

There is no obligation under law to moderate your website. In fact, if you

have 2 million users or 10 million users, you really don't know what is being posted by your users. But under this amendment, if you made any effort to try and find out what was happening among your users—as many websites do today, especially for child pornography, but also for trafficking—you would incur liability because you would then have a reason to know.

□ 1515

Other laws that deal with intermediary liability, such as a requirement to report child pornography or copyright safe harbors of the DMCA, have very clear and specific provisions on when a website has sufficient knowledge and what express actions it should take. The Walters amendment has none of these. There is no case law on it either.

So the amendment really would put web owners in a very weird place. If you do anything to moderate, you are risking liability. The safe incentive would be to not monitor at all. That would be tragic and it would be a gain for child predators, although I know that that is not the intention. You can't stop moderating just for trafficking. You either moderate or you don't moderate.

We do know that there have been tremendous advances for machine-operated filters to find child pornography. Actually, that is one of the easiest things to find, using filters, and it is very important that websites cooperate with law enforcement to catch those bad guys.

Under the Walters amendment, the disincentive would be huge not to do that. I think that is why the Department of Justice does not support the Walters amendment.

As I said earlier—and the chairman put the letter into the Record—the Department believes that any revision to define participation in a venture is unnecessary. They say that, while well-intentioned, this new language would impact prosecutions by effectively creating additional elements that prosecutors would have to prove at trial.

That is why it is a bad idea to adopt this amendment. As the chairman of the committee has said, section 4 of the amendment also violates the *ex post facto* clause of the Constitution by attaching criminal liability to actions that preceded the enactment of the bill. This is clearly unconstitutional.

Although I don't have any doubt as to the good intentions behind the offering of this amendment, it would actually impair the ability to protect victims. It would make it more difficult to prosecute, as the Department of Justice has pointed out.

It didn't go through the Judiciary Committee. I think that is a major fault. One of the things we were able to do in the committee—and we did this together, on a bipartisan basis—was to sort through the unintended consequences of seemingly simple language.

Nothing in writing law is simple. Certainly, nobody wants a provision that is going to negatively impact prosecutions; have unintended consequences for State actions, as the Department of Justice has pointed out; and would provide a disincentive for people to moderate activities to try and catch bad guys and to work with law enforcement.

So, although the intentions are good, the amendment is flawed. I hope we vote “no” on it, and then I hope we give a resounding unanimous vote “yes” for the underlying bill.

Mr. Chair, I yield back the balance of my time.

Mrs. MIMI WALTERS of California. Mr. Chair, I ask unanimous consent to reclaim the time I yielded back.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. MIMI WALTERS of California. Mr. Chair, I yield to the gentlewoman from Missouri (Mrs. WAGNER).

Mrs. WAGNER. Mr. Chair, I thank the gentlewoman for yielding and for bringing up the Walters amendment to H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act, called FOSTA.

The Walters amendment reinstates critical pro-victim provisions from my original bill. It also reflects the work that has been done in the Senate on these provisions, which are the meat of S. 1693, the Stop Enabling Sex Traffickers Act, or SESTA.

FOSTA has over 175 House cosponsors and SESTA has over 67 Senate cosponsors. These two bills depend on each other to address the problem of online sex trafficking.

Mr. Chair, we should not allow Big Tech money and special interests to try and overdefine this conversation and override our criminal justice system.

FOSTA amends section 230 to allow for stronger criminal enforcement against websites that profit from human trafficking, and SESTA amends section 230 to allow for stronger civil enforcement against websites that profit from human trafficking.

They are two sides of the same coin and they must pass together. We need both criminal and civil tools to properly combat the highly “lucrative” industry of online sex trafficking.

Moreover, it is imperative that we clarify that section 230 does not impair or limit the ability of trafficking victims to use the Federal private right of action that Congress clearly provided in the Trafficking Victims Protection Act.

Two years ago, the First Circuit Court of Appeals ruled that there is a fundamental tension between these private right of action and section 230. Today, by voting “yes” on the Walters amendment, the House will dispel this tension. No website is immune from civil liability for knowingly facilitating the sale of trafficking victims.

Ms. JACKSON LEE. Will the gentlewoman yield?

Mrs. MIMI WALTERS of California. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chair, a 16-year-old was found beaten and stabbed to death after being advertised as a prostitute on Backpage.

I might suggest that we follow one great philosopher in California who asked: Can we all get along?

This amendment is needed in order to give enhanced powers to State attorneys general that they can provide the extra litigation leverage for individuals who are impacted in a devastating manner.

As I said, we have to be concerned about the First Amendment, but we have got to protect our children. Every time I think of this precious young lady, Desiree, and the tears of her mother who testified before the other body in the Senate hearing, I think it is important that we move forward. If we move forward, we can build on this legislation.

I intend to offer additional legislation that we will need so that we can put a stop sign in front of the dastardly behavior of online sex trafficking.

So I ask my colleagues to support the Walters amendment in order to ensure that we can move forward and, as we move forward, make a difference in the lives of these children.

Mr. Chair, I rise in support of the Walters Amendment, which addresses problems states and local law enforcement agencies, prosecutors, and advocates have faced in their attempts to hold online sex traffickers responsible for their despicable behavior.

Congress decided more than 150 years ago that no person—no woman, no child, no boy or girl—deserves to be bought, sold, or owned by another person.

And, as I have said many times before, trafficking in human beings has no place in a civilized society.

Our country is facing a crisis that touches urban cities, rural areas, and suburbs, and violates the fundamental American ideal of liberty—which sets this country apart from so many others.

Traffickers hold their victims captive both physically and mentally, employing extreme forms of psychological abuse and coercion to maintain control over them and prevent them from escaping, while stripping them of their humanity.

This is an ongoing battle with very high stakes. Several years ago, I, along with Chairman MCCAUL, held the first field hearing on human trafficking in Texas before the Committee on Homeland Security. At the time of the hearing, a stash house was raided and 115 people were rescued. I visited that location and saw first-hand, the atrocious conditions in which those people were forced to exist.

Without the hard work of those Texas officers, I cannot fathom the torment that might have befallen those poor souls.

As Ranking Member of the Judiciary Crime Subcommittee, I support the eradication of Human and Sex Trafficking. This vile cruelty must end.

Anyone who aids, assists, facilitates or promotes such behavior must be held accountable.

Just last week, I sat down with a room filled with anti-human trafficking advocates and representatives of anti-human trafficking advocacy groups, including Real Beauty Real Women and Break the Cycle. I heard stories of suffering and stories of frustrations.

Victims and survivors are crying out for a change in the law and they are crying out for justice. They have tried to bring cases against the people, websites, and online service providers, who contributed to their suffering and profited from their victimization—to no avail.

Prosecutors have tried to bring online sex traffickers and the companies who provide them safe harbor—and, unfortunately failed.

It is imperative that we do all that we can to provide for victims of this disgusting crime, protect vulnerable members of society from becoming victims as well, and tell websites like backpage.com.

Sex trafficking is a callous and brutal crime that unquestionably deserves the nation's utmost attention. It is particularly difficult to see the victimization of the very young who are sold into the sex trafficking market.

The SESTA amendment provides law enforcement, prosecutors, and courts at every level with the tools they need to hold responsible, both civilly and criminally, each and every bad actor who participates in, facilitates, contributes to, or profits from sex trafficking.

Many of the groups that work with victims and survivors of sex trafficking support passage of H.R. 1865 only if Ms. WALTERS's amendment passes as well.

Mrs. MIMI WALTERS of California. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. MIMI WALTERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115-583.

Ms. JACKSON LEE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 6. GAO STUDY.

On the date that is 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report which includes the following:

(1) Information on each civil action brought pursuant to section 2421A(c) of title 18, United States Code, that resulted in an

award of damages, including the amount claimed, the nature or description of the losses claimed to support the amount claimed, the losses proven, and the nature or description of the losses proven to support the amount awarded.

(2) Information on each civil action brought pursuant to section 2421A(c) of title 18, United States Code, that did not result in an award of damages, including—

(A) the amount claimed and the nature or description of the losses claimed to support the amount claimed; and

(B) whether the case was dismissed, and if the case was dismissed, information describing the reason for the dismissal.

(3) Information on each order of restitution entered pursuant to section 2421A(d) of title 18, United States Code, including—

(A) whether the defendant was a corporation or an individual;

(B) the amount requested by the Government and the justification for, and calculation of, the amount requested, if restitution was requested; and

(C) the amount ordered by the court and the justification for, and calculation of, the amount ordered.

(4) For each defendant convicted of violating section 2421A(b) of title 18, United States Code, that was not ordered to pay restitution—

(A) whether the defendant was a corporation or an individual;

(B) the amount requested by the Government, if restitution was requested; and

(C) information describing the reason that the court did not order restitution.

The Acting CHAIR. Pursuant to House Resolution 748, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I have already raised the picture of Desiree, who is dead. Her death was driven by being exposed as a so-called prostitute in the sex trafficking of a little girl on Backpage.

Or J.S., who, in fact, was victimized in Seattle. She was raped. She was put on Backpage. Then she was rescued by her family. Since it was before this legislation, it failed in court.

My legislation is very simple: Does this bill work? What more can we do?

I am asking for a study where the GAO would be instructed to assess the damages awarded to victims and restitution amounts imposed against defendants as a result of this bill.

Victims of sex trafficking require a multifaceted response to rebuild their life. That includes housing; counseling; job training; and, in many cases, drug treatment and rehabilitation. We as Members of Congress need to be able to know if it works.

A citizen-led movement called Fight for Us, along with a team of influential citizens called The Houston 20, work to fill in the gaps and strengthen the services for victims and survivors in the city of Houston.

I was very proud to meet with them at the Community of Faith Church, a socially motivated church, led by Bishop James Dixon. Jackie is the lead. They were all committed, Children at Risk and many other organiza-

tions, to eliminating some of the gaps for The Houston 20, which will allow them to utilize resources for greater work.

So I ask my colleagues to support the Jackson Lee amendment.

Mr. Chair, I rise in support of my amendment to H.R. 1865 which requests the Government Accountability Office to study the effectiveness of the civil and restitution provisions enacted by H.R. 1865.

In an effort to determine if we are actually providing justice to victims of sex trafficking through this legislation, GAO would be instructed to assess the damages awarded to victims and restitution amounts imposed against defendants as a result of this bill.

Victims of sex trafficking require a multi-faceted response to rebuild their lives that includes: housing, counseling, job training, and, in many cases, drug treatment and rehabilitation.

There are well-meaning, dedicated victim advocacy groups all over the country, that offer their help and services that are dependent on state and federal grants, charitable donations, and private funding.

A citizen-led movement called Fight For Us, along with a team of influential citizens called the Houston 20, work to fill in the gaps and strengthen the services for victims and survivors in my city of Houston. I commend these selfless individuals and hope that they continue their important work.

Fortunately though, H.R. 1865 creates a civil cause of action for victims of the aggravated violation, and requires judges to impose mandatory restitution orders in criminal cases involving such victims.

It is my hope that this measure will eliminate some of those gaps for the Houston 20 and allow them to utilize their resources for even greater work. Through this legislation, victims will be empowered to take control of their own recovery and restoration.

My amendment will collect data on the civil awards and restitution orders, to determine whether victims are actually receiving the relief, assistance, and justice they require and deserve.

My amendment primarily asks GAO to:

(1) report the amounts of the damages awarded and the restitution amounts ordered; but also

(2) report the amounts that are requested by victims and the government, on behalf of victims;

(3) the nature and descriptions of the losses that are claimed and proven; and

(4) the justifications for the amounts that are requested and eventually ordered to be paid.

My amendment further asks GAO to report cases that are dismissed and provide information describing the reason or reasons for the dismissals.

While it is Congress's duty to address the needs of our citizens by enacting sensible legislation, we are also responsible for monitoring the legislation we enact and determining whether we have truly responded to the needs of our citizens.

For this reason, and all reasons previously stated, I ask my colleagues to support the Jackson Lee Amendment.

Mr. Chair, I reserve the balance of my time.

Mrs. ROBY. Mr. Chair, I claim the time in opposition to the amendment,

although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Alabama is recognized for 5 minutes.

There was no objection.

Mrs. ROBY. Mr. Chair, I support Ms. JACKSON LEE's amendment requiring a GAO study. It is always helpful to require more information on the efficiency of a new law. This study will provide useful information to determine whether this legislation has proven to be the meaningful tool that we anticipate it will be. I commend Ms. JACKSON LEE for introducing this amendment and for her commitment to combating sex trafficking.

Mr. Chair, I yield 3 minutes to the gentlewoman from Missouri (Mrs. WAGNER).

Mrs. WAGNER. Mr. Chair, I thank the gentlewoman from Alabama for yielding.

Mr. Chair, in recent years, sex trafficking has moved from the streets to the internet. The National Center for Missing and Exploited Children has witnessed an 846 percent increase in suspected child sex trafficking reports. Eighty-one percent of these reports concern online trafficking facilitated by websites that help traffickers post advertisements of child victims.

I find it hard to imagine that if a neighborhood business hosted a slave auction, the auctioneer would not be considered liable. But that is actually what is happening with websites like backpage.com and hundreds others.

I have spoken with State and local prosecutors across America who want to hold online advertisers accountable for facilitating traffic and promoting prostitution, but they cannot.

Section 230 has been interpreted so broadly that courts have ruled in favor of backpage.com in criminal and civil cases, despite the website's clear criminal conduct. These rulings defy congressional intent.

Twenty-two years ago, Senator Jim Exon from Nebraska, the sponsor of the Communications Decency Act, stated that "the information superhighway should not become a red-light district."

Section 230 was an amendment to the CDA that intended to motivate websites to screen explicit content in "good faith," and to shield websites from unfair liability for third-party content. However, section 230 was never intended to shield websites from liability for criminal conduct.

Congress did not intend to allow businesses to commit trafficking crimes online that they could never commit offline. It never meant to imply that criminal conduct can hide behind the defense of legitimate publishing or editing.

H.R. 1865 is a long-overdue clarification of section 230 explaining to America's courts that State and local prosecutors are not handcuffed from protecting their communities and that the State laws should be freely enforced

against websites that unlawfully promote prostitution and sex.

Mr. Chair, the Jackson Lee amendment will help us track the use of this new crime, and I am delighted to support it. I thank the gentlewoman for offering it.

Mr. Chair, I am horrified that children and adults are sold on the internet like a T-shirt or takeout. I am horrified that human beings are sold with impunity and have no access to justice.

Today, please vote "yes" for justice.

Mrs. ROBY. Mr. Chair, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chair, how much time is remaining on each side?

The Acting CHAIR. The gentlewoman from Texas has 3 minutes remaining. The gentlewoman from Alabama has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Chair, I yield 1 minute to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Mr. Chair, I thank the gentlewoman for yielding. More importantly, I thank her for her amendment. As the lead Democrat sponsor of this bill, I proudly join her with that amendment.

Like my colleague Congresswoman ROBY said, it is always good when you have a great bill that you can have an amendment that asks for a study to make sure that it is effective.

□ 1530

Lastly, let me just say, I thank the Congresswoman for sharing those stories, whether it is the story of Cathy, whether it is the story of Erika, or in my district, Theresa, it makes me proud to stand with her. And I thank her not only for this amendment but for her work in judiciary because what we know her amendment will do, it will protect the innocent.

Mrs. ROBY. Mr. Chair, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chair, does the gentlewoman have any additional speakers?

Mrs. ROBY. Mr. Chair, I have no additional speakers.

Ms. JACKSON LEE. Mr. Chair, I yield myself such time as I may consume. I will close at this time.

Mr. Chair, I thank the gentlewomen from Ohio and from New York. I thank Congresswoman WAGNER. I thank Congresswoman LOFGREN for her concern, as evidenced by her statement, but I want to focus on building blocks, and I want to say to fight for us in the coalition of 20 that I met with.

My promise is that we are in building blocks. We are going to build on what we are doing today, and we are going to continue to mount the assault on sex trafficking and human trafficking, and we are going to literally wipe it out.

We are going to wipe it out because of Shaundra. We are going to wipe it out because of this young, beautiful lady, 16 years old, Desiree. We are going to wipe it out because of Desiree. We are going to wipe it out because of J.S. We are going to wipe it out be-

cause Desiree was found beaten, stabbed to death, after being advertised as a prostitute on Backpage. We want her mother to know that we are outraged that children are treated in this way.

My amendment will be the guidepost: Is what we are doing working? It will provide a report on the amounts of damages awarded, the restitution awarded, report the amounts that are requested by victims and the government on their behalf, the nature and description of the losses that are claimed and proven, the justification for the amounts that are requested and eventually ordered to be paid.

My amendment asks GAO to report cases that are dismissed and provide information to describing the reason for those dismissals. We don't want anything to go under the rug. Our children are too important. I would ask my colleagues to support the Jackson Lee amendment.

And in conclusion, I would say to those who I met with, to those groups around the Nation meeting in local communities thinking that they are alone fighting this dastardly act of sex trafficking and human trafficking, and, of course, a moneymaker like Backpage, you are not alone, we are starting today, we have done work before, and we are not going to stop. I will work with you for the ongoing blocks that are going to continue to stamp out online sex trafficking and human trafficking. With that, I ask for support of the legislation and my amendment.

Mr. Chair, I yield back the balance of my time.

Mrs. ROBY. Mr. Chair, I support Ms. JACKSON LEE's amendment, and I urge my colleagues to vote "yes."

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR (Mr. PITTEMBERG). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

Mrs. ROBY. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DONOVAN) having assumed the chair, Mr. PITTEMBERG, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1865) to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair