

Calendar No. 581

111TH CONGRESS
2^D SESSION

S. 2925

To establish a grant program to benefit victims of sex trafficking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 2009

Mr. WYDEN (for himself, Mr. CORNYN, Mr. FRANKEN, Mr. MERKLEY, Ms. CANTWELL, Mr. SCHUMER, Mr. DURBIN, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 22, 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a grant program to benefit victims of sex trafficking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~Trafficking Deterrence~~
5 ~~and Victims Support Act of 2009~~”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Human trafficking is modern-day slavery. It
4 is the fastest-growing, and second largest, criminal
5 enterprise in the world. Human trafficking generates
6 an estimated profit of \$32,000,000,000 per year,
7 world wide.

8 (2) In the United States, human trafficking is
9 an increasing problem. This criminal enterprise in-
10 cludes citizens of the United States, many of them
11 children, who are forced into prostitution, and for-
12 eigners brought into the country, often under false
13 pretenses, who are coerced into forced labor or com-
14 mercial sexual exploitation.

15 (3) Sex trafficking is one of the most lucrative
16 areas of human trafficking. Criminal gang members
17 in the United States are increasingly involved in re-
18 cruiting young women and girls into sex trafficking.
19 Interviews with gang members indicate that the
20 gang members regard working as an individual who
21 solicits customers for a prostitute (commonly known
22 as a “pimp”) to being as lucrative as trafficking in
23 drugs, but with a much lower chance of being crimi-
24 nally convicted.

25 (4) Minors in the United States are highly vul-
26 nerable for sexual exploitation and sex trafficking.

1 As many as 2,800,000 children live on the streets.
2 Of the estimated 1,600,000 children who run away
3 each year, 77 percent return home within 1 week.
4 However, 33 percent of children who run away are
5 lured into prostitution within 48 hours of leaving
6 home.

7 (5) National Incidence Studies of Missing, Ab-
8 ducted, Runaway and Throwaway Children, the de-
9 finitive study of episodes of missing children, found
10 that of the children who are victims of non-family
11 abduction, runaway or throwaway children, the po-
12 lice are alerted by family or guardians in only 21
13 percent of the cases. In 79 percent of cases there is
14 no report and no police involvement, and therefore
15 no official attempt to find the child.

16 (6) In 2007, the Administration of Children
17 and Families, Department of Health and Human
18 Services, reported to the Federal Government
19 265,000 cases of serious physical, sexual, or psycho-
20 logical abuse of children.

21 (7) Experts estimate that over 100,000 children
22 in the United States are at risk for prostitution.

23 (8) Children who have run away from home are
24 at a high risk of becoming involved in sex traf-
25 ficking. Children who have run away multiple times

1 are at much higher risk of not returning home and
2 of engaging in prostitution.

3 (9) The vast majority of children involved in sex
4 trafficking have suffered previous sexual or physical
5 abuse, live in poverty, or have no stable home or
6 family life. These children require a comprehensive
7 framework of specialized treatment and mental
8 health counseling that addresses post-traumatic
9 stress, depression, and sexual exploitation.

10 (10) The average age of entry into prostitution
11 is 12. Seventy-five percent of minors engaged in
12 prostitution have a pimp. A pimp can earn \$200,000
13 per year prostituting 1 trafficking victim.

14 (11) Sex trafficking is a complex and varied
15 criminal problem that requires a multi-disciplinary,
16 cooperative solution. Reducing trafficking will re-
17 quire the Government to address victims, pimps, and
18 johns; and to provide training specific to sex traf-
19 ficking for law enforcement officers and prosecutors,
20 and child welfare, public health, and other social
21 service providers. A good model for this type of ap-
22 proach is the Internet Crimes Against Children task
23 force program.

24 (12) Human trafficking is a criminal enterprise
25 that imposes significant costs on the economy of the

1 United States. Government and non-profit resources
2 used to address trafficking include those of law en-
3 forcement, the judicial and penal systems, and social
4 service providers. Without a range of appropriate
5 treatments to help trafficking victims overcome the
6 trauma they have experienced, victims will continue
7 to be involved in crime, unable to support them-
8 selves, and continue to require Government re-
9 sources rather than being productive contributors to
10 the legitimate economy.

11 (13) Many domestic minor sex trafficking vic-
12 tims are younger than 18 years old and are below
13 the age of consent. Because trafficking victims have
14 been forced to engage in prostitution rather than
15 willfully to committing a crime, these victims should
16 not be charged as criminal defendants. Instead,
17 these victims of trafficking should have access to
18 treatment and services to help them escape and
19 overcome being sexually exploited, and should also
20 be allowed to seek appropriate remuneration from
21 crime victims' compensation funds.

22 (14) The State of New York has adopted a safe
23 harbor law that establishes a presumption a minor
24 charged with a prostitution offense is a severely traf-
25 ficked person. This law allows the child to avoid

1 criminal charges of prostitution and instead be con-
 2 sidered a “person in need of supervision.” The stat-
 3 ute also provides support and services to sexually ex-
 4 ploited youth who are under the age of 18 years old.
 5 These services include safe houses, crisis interven-
 6 tion programs, community-based programs, and law-
 7 enforcement training to help officers identify sexu-
 8 ally exploited youth.

9 (15) Sex trafficking is not a problem that oc-
 10 curs only in urban settings. This crime exists also in
 11 rural areas and on Indian reservations. Efforts to
 12 address sex trafficking should include partnerships
 13 with organizations that seek to address the needs of
 14 such under-served communities.

15 **SEC. 3. SENSE OF THE SENATE.**

16 It is the sense of the Senate that—

17 (1) the Attorney General should implement
 18 changes to the National Crime Information Center
 19 database in order to ensure that—

20 (A) a child entered into the database will
 21 be automatically designated as an endangered
 22 juvenile if the child has been reported missing
 23 not less than 3 times in a 1-year period;

1 (B) the database be programmed to cross-
2 reference newly entered reports with historical
3 records already in the database; and

4 (C) the database be programmed to in-
5 clude a visual cue on the record of a child des-
6 ignated as an endangered juvenile in order to
7 assist law enforcement officers in recognizing
8 the child and providing the child with appro-
9 priate care and services; and

10 (2) funds awarded under subpart 1 of part E
11 of title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
13 monly known as Byrne Grants) should be used to
14 provide programs relating to sex trafficking edu-
15 cation, training, deterrence, and prevention.

16 **SEC. 4. SEX TRAFFICKING BLOCK GRANTS.**

17 (a) DEFINITIONS.—In this section—

18 (1) the term “Assistant Attorney General”
19 means the Assistant Attorney General for the Office
20 of Justice Programs of the Department of Justice;

21 (2) the term “domestic minor” means an indi-
22 vidual who is—

23 (A) a citizen of the United States or a law-
24 ful permanent resident of the United States;
25 and

1 ~~(B)~~ under the age of 18 years old; and

2 ~~(3)~~ the term “eligible entity” means a State or
3 unit of local government that—

4 ~~(A)~~ has significant sex trafficking activity;

5 ~~(B)~~ has demonstrated cooperation between
6 State and local law enforcement agencies, pros-
7 ecutors, and social service providers in address-
8 ing sex trafficking; and

9 ~~(C)~~ has developed a workable, multi-dis-
10 ciplinary plan to combat sex trafficking, includ-
11 ing—

12 ~~(i)~~ the establishment of a shelter for
13 sex trafficking victims;

14 ~~(ii)~~ the provision of comprehensive
15 services to domestic minor victims;

16 ~~(iii)~~ the provision of specialized train-
17 ing for law enforcement officers and social
18 service providers; and

19 ~~(iv)~~ deterrence and prosecution of sex
20 trafficking offenses.

21 ~~(b) GRANTS AUTHORIZED.—~~

22 ~~(1) IN GENERAL.—~~The Assistant Attorney Gen-
23 eral is authorized to award 6 block grants to eligible
24 entities in different regions of the United States to
25 combat sex trafficking, and not less than 1 of the

1 block grants shall be awarded to an eligible entity
2 with a State population of less than 5,000,000.

3 ~~(2) GRANT AMOUNT.—~~Each grant awarded
4 under this section shall be in the amount of
5 \$2,500,000.

6 ~~(3) DURATION.—~~

7 ~~(A) IN GENERAL.—~~A grant awarded under
8 this section shall be for a period of 1 year.

9 ~~(B) RENEWAL.—~~The Secretary may renew
10 a grant under this section for two 1-year peri-
11 ods.

12 ~~(c) USE OF FUNDS.—~~

13 ~~(1) ALLOCATION.—~~For each grant awarded
14 under subsection (b)—

15 ~~(A) not less than 25 percent of the funds~~
16 ~~shall be used to provide shelter and services to~~
17 ~~victims of sex trafficking; and~~

18 ~~(B) not less than 10 percent of the funds~~
19 ~~shall be awarded by the eligible entity to a sub-~~
20 ~~contractor with annual revenues of less than~~
21 ~~\$750,000, to provide services to victims of sex~~
22 ~~trafficking or training for law enforcement and~~
23 ~~social service providers.~~

1 (2) OTHER ACTIVITIES.—Grants awarded pur-
2 suant to subsection (b) may be used for activities
3 such as—

4 (A) providing shelter to domestic minor
5 trafficking victims, including temporary or long-
6 term placement as appropriate;

7 (B) providing trafficking victims with
8 clothing and other daily necessities needed to
9 keep the trafficking victims from returning to
10 living on the street;

11 (C) counseling and legal services for vic-
12 tims of sex trafficking, including substance
13 abuse treatment, trauma-informed care, and
14 sexual abuse or other mental health counseling;

15 (D) specialized training for law enforce-
16 ment personnel and social service providers,
17 specific to sex trafficking issues;

18 (E) funding salaries, in whole or in part,
19 for law enforcement officers, including patrol
20 officers; detectives; and investigators; provided
21 that the percentage of the salary of the law en-
22 forcement officer paid for by funds from a
23 grant awarded under subsection (b) shall be no
24 less than the percentage of the time dedicated

1 to working on sex trafficking cases by the law
2 enforcement officer;

3 ~~(F) funding salaries for State and local~~
4 ~~prosecutors, including assisting in paying trial~~
5 ~~expenses for prosecution of sex trafficking law~~
6 ~~offenders;~~

7 ~~(G) investigation expenses, including—~~

8 ~~(i) wire taps;~~

9 ~~(ii) consultants with expertise specific~~
10 ~~to sex trafficking cases;~~

11 ~~(iii) travel; and~~

12 ~~(iv) any other technical assistance ex-~~
13 ~~penditures; and~~

14 ~~(H) outreach and education programs to~~
15 ~~provide information about deterrence and pre-~~
16 ~~vention of sex trafficking, including programs~~
17 ~~to provide treatment to men charged with solici-~~
18 ~~tation of prostitution in cases where—~~

19 ~~(i) a treatment program is an appro-~~
20 ~~priate alternative to criminal prosecution;~~

21 ~~and~~

22 ~~(ii) the men were not charged with so-~~
23 ~~licitation of sex with a minor.~~

24 ~~(d) APPLICATION.—~~

1 (1) IN GENERAL.—Each eligible entity desiring
2 a grant under this Act shall submit an application
3 to the Assistant Attorney General at such time, in
4 such manner, and accompanied by such information
5 as the Assistant Attorney General may reasonably
6 require.

7 (2) CONTENTS.—Each application submitted
8 pursuant to paragraph (1) shall—

9 (A) describe the activities for which assist-
10 ance under this section is sought; and

11 (B) provide such additional assurances as
12 the Secretary determines to be essential to en-
13 sure compliance with the requirements of this
14 Act.

15 (c) EVALUATION.—The Assistant Attorney General
16 shall, in consultation with the Comptroller General of the
17 United States, enter into a contract with an academic or
18 non-profit organization that has experience in sex traf-
19 ficking issues and evaluation of grant programs to conduct
20 an annual evaluation of grants made under this section
21 to determine the impact and effectiveness of programs
22 funded with grants awarded under subsection (b).

23 (f) AUTHORIZATION OF APPROPRIATIONS.—For fis-
24 cal years 2011 through 2014, there are authorized to be

1 appropriated, to carry out the provisions of this section,
2 the following sums:

3 (1) \$45,000,000 to fund grants awarded under
4 subsection (b).

5 (2) \$1,500,000 to conduct the evaluation under
6 subsection (c).

7 (3) \$3,500,000 to the Attorney General, to de-
8 sign and implement improvements to the NCIC
9 database.

10 **SEC. 5. REPORTING REQUIREMENTS.**

11 (a) REPORTING REQUIREMENT FOR STATE CHILD
12 WELFARE AGENCIES.—

13 (1) REQUIREMENT FOR STATE CHILD WELFARE
14 AGENCIES TO REPORT CHILDREN MISSING OR AB-
15 DUCTED.—Section 471(a) of the Social Security Act
16 (42 U.S.C. 671(a)) is amended—

17 (A) in paragraph (32), by striking “and”
18 after the semicolon;

19 (B) in paragraph (33), by striking the pe-
20 riod and inserting “; and”; and

21 (C) by inserting after paragraph (33) the
22 following:

23 “(34) provides that the State has in effect pro-
24 cedures that require the State agency to promptly
25 report information on missing or abducted children

1 to the law enforcement authorities for entry into the
2 National Crime Information Center (NCIC) data-
3 base.”.

4 (2) REGULATIONS.—The Secretary of Health
5 and Human Services shall promulgate regulations
6 implementing the amendment made by paragraph
7 (1). The regulations promulgated under this sub-
8 section shall include provisions to withhold Federal
9 funds to any State that fails to substantially comply
10 with the requirement imposed under the amendment
11 made by paragraph (1).

12 (3) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall take effect on October 1,
14 2010, without regard to whether final regulations re-
15 quired under paragraph (2) have been promulgated
16 by that date.

17 (b) ANNUAL STATISTICAL SUMMARY.—Section
18 3701(e) of the Crime Control Act of 1990 (42 U.S.C.
19 5779(e)) is amended by inserting “, that includes the total
20 number of reports received and the total number of entries
21 made to the National Crime Information Center (NCIC)
22 database” after “of this title”.

23 (c) STATE REPORTING.—Section 3702 of the Crime
24 Control Act of 1990 (42 U.S.C. 5780) is amended in para-
25 graph (4)—

- 1 (1) by striking “(2)” and inserting “(3)”;
- 2 (2) in subparagraph (A), by inserting “, and a
3 photograph taken within the previous 180 days”
4 after “dental records”;
- 5 (3) in subparagraph (B), by striking the “and”
6 after the semicolon;
- 7 (4) by redesignating subparagraph (C) as sub-
8 paragraph (D); and
- 9 (5) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) notify the National Center for Miss-
12 ing and Exploited Children of each report re-
13 ceived relating to a child reported missing from
14 a foster care family home or childcare institu-
15 tion; and”.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Domestic Minor Sex*
18 *Trafficking Deterrence and Victims Support Act of 2010”.*

19 **SEC. 2. FINDINGS.**

20 *Congress finds the following:*

- 21 (1) *Human trafficking is modern-day slavery. It*
22 *is one of the fastest-growing, and the second largest,*
23 *criminal enterprise in the world. Human trafficking*
24 *generates an estimated profit of \$32,000,000,000 per*
25 *year, world wide.*

1 (2) *In the United States, human trafficking is*
2 *an increasing problem. This criminal enterprise vic-*
3 *timizes individuals in the United States, many of*
4 *them children, who are forced into prostitution, and*
5 *foreigners brought into the country, often under false*
6 *pretenses, who are coerced into forced labor or com-*
7 *mercial sexual exploitation.*

8 (3) *Sex trafficking is one of the most lucrative*
9 *areas of human trafficking. Criminal gang members*
10 *in the United States are increasingly involved in re-*
11 *cruiting young women and girls into sex trafficking.*
12 *Interviews with gang members indicate that the gang*
13 *members regard working as an individual who solici-*
14 *its customers for a prostitute (commonly known as a*
15 *“pimp”) to being as lucrative as trafficking in drugs,*
16 *but with a much lower chance of being criminally*
17 *convicted.*

18 (4) *National Incidence Studies of Missing, Ab-*
19 *ducted, Runaway and Throwaway Children, the de-*
20 *finite study of episodes of missing children, found*
21 *that of the children who are victims of non-family ab-*
22 *duction, runaway or throwaway children, the police*
23 *are alerted by family or guardians in only 21 percent*
24 *of the cases. In 79 percent of cases there is no report*

1 *and no police involvement, and therefore no official*
2 *attempt to find the child.*

3 *(5) In 2007, the Administration of Children and*
4 *Families, Department of Health and Human Serv-*
5 *ices, reported to the Federal Government 265,000*
6 *cases of serious physical, sexual, or psychological*
7 *abuse of children.*

8 *(6) Experts estimate that each year at least*
9 *100,000 children in the United States are exploited*
10 *through prostitution.*

11 *(7) Children who have run away from home are*
12 *at a high risk of becoming exploited through sex traf-*
13 *ficking. Children who have run away multiple times*
14 *are at much higher risk of not returning home and*
15 *of engaging in prostitution.*

16 *(8) The vast majority of children involved in sex*
17 *trafficking have suffered previous sexual or physical*
18 *abuse, live in poverty, or have no stable home or fam-*
19 *ily life. These children require a comprehensive frame-*
20 *work of specialized treatment and mental health coun-*
21 *seling that addresses post-traumatic stress, depression,*
22 *and sexual exploitation.*

23 *(9) The average age of first exploitation through*
24 *prostitution is 13. Seventy-five percent of minors ex-*
25 *ploited through prostitution have a pimp. A pimp*

1 *can earn \$200,000 per year prostituting 1 sex traf-*
2 *ficking victim.*

3 (10) *Sex trafficking of minors is a complex and*
4 *varied criminal problem that requires a multi-dis-*
5 *ciplinary, cooperative solution. Reducing trafficking*
6 *will require the Government to address victims,*
7 *pimps, and johns, and to provide training specific to*
8 *sex trafficking for law enforcement officers and pros-*
9 *ecutors, and child welfare, public health, and other so-*
10 *cial service providers.*

11 (11) *Human trafficking is a criminal enterprise*
12 *that imposes significant costs on the economy of the*
13 *United States. Government and non-profit resources*
14 *used to address trafficking include those of law en-*
15 *forcement, the judicial and penal systems, and social*
16 *service providers. Without a range of appropriate*
17 *treatments to help trafficking victims overcome the*
18 *trauma they have experienced, victims will continue*
19 *to be exploited by criminals and unable to support*
20 *themselves, and will continue to require Government*
21 *resources, rather than being productive contributors to*
22 *the legitimate economy.*

23 (12) *Human trafficking victims are often either*
24 *not identified as trafficking victims or are*
25 *mischaracterized as criminal offenders. Both private*

1 *and public sector personnel play a significant role in*
2 *identifying trafficking victims and potential victims,*
3 *such as runaways. Examples of such personnel in-*
4 *clude hotel staff, flight attendants, health care pro-*
5 *viders, educators, and parks and recreation personnel.*
6 *Efforts to train these individuals can bolster law en-*
7 *forcement efforts to reduce human trafficking.*

8 *(13) Minor sex trafficking victims are under the*
9 *age of 18. Because minors do not have the capacity*
10 *to consent to their own commercial sexual exploi-*
11 *tation, minor sex trafficking victims should not be*
12 *charged as criminal defendants. Instead, minor vic-*
13 *tims of sex trafficking should have access to treatment*
14 *and services to help them recover from their sexual ex-*
15 *ploitation, and should also be provided access to ap-*
16 *propriate compensation for harm they have suffered.*

17 *(14) Several States have recently passed or are*
18 *considering legislation that establishes a presumption*
19 *that a minor charged with a prostitution offense is a*
20 *severely trafficked person and should instead be cared*
21 *for through the child protection system. Some such*
22 *legislation also provides support and services to*
23 *minor sex trafficking victims who are under the age*
24 *of 18 years old. These services include safe houses, cri-*
25 *sis intervention programs, community-based pro-*

1 *grams, and law-enforcement training to help officers*
2 *identify minor sex trafficking victims.*

3 *(15) Sex trafficking of minors is not a problem*
4 *that occurs only in urban settings. This crime also ex-*
5 *ists in rural areas and on Indian reservations. Ef-*
6 *forts to address sex trafficking of minors should in-*
7 *clude partnerships with organizations that seek to ad-*
8 *dress the needs of such underserved communities.*

9 **SEC. 3. SENSE OF CONGRESS.**

10 *It is the sense of the Congress that—*

11 *(1) the Attorney General should implement*
12 *changes to the National Crime Information Center*
13 *database to ensure that—*

14 *(A) a child entered into the database will be*
15 *automatically designated as an endangered juve-*
16 *nile if the child has been reported missing not*
17 *less than 3 times in a 1-year period;*

18 *(B) the database is programmed to cross-*
19 *reference newly entered reports with historical*
20 *records already in the database; and*

21 *(C) the database is programmed to include*
22 *a visual cue on the record of a child designated*
23 *as an endangered juvenile to assist law enforce-*
24 *ment officers in recognizing the child and pro-*

1 *viding the child with appropriate care and serv-*
2 *ices;*

3 *(2) funds awarded under subpart 1 of part E of*
4 *title I of the Omnibus Crime Control and Safe Streets*
5 *Act of 1968 (42 U.S.C. 3750 et seq.) (commonly*
6 *known as Byrne Grants) should be used to provide*
7 *education, training, deterrence, and prevention pro-*
8 *grams relating to sex trafficking of minors;*

9 *(3) States should—*

10 *(A) treat minor victims of sex trafficking as*
11 *crime victims rather than as criminal defendants*
12 *or juvenile delinquents;*

13 *(B) adopt laws that—*

14 *(i) establish the presumption that a*
15 *child under the age of 18 who is charged*
16 *with a prostitution offense is a minor vic-*
17 *tim of sex trafficking;*

18 *(ii) avoid the criminal charge of pros-*
19 *titution for such a child, and instead con-*
20 *sider such a child a victim of crime and*
21 *provide the child with appropriate services*
22 *and treatment; and*

23 *(iii) strengthen criminal provisions*
24 *prohibiting the purchasing of commercial*
25 *sex acts, especially with minors;*

1 (C) amend State statutes and regulations—

2 (i) relating to crime victim compensa-
3 tion to make eligible for such compensation
4 any individual who is a victim of sex traf-
5 ficking as defined in section 1591(a) of title
6 18, United States Code, or a comparable
7 State law against commercial sexual exploi-
8 tation of children, and who would otherwise
9 be ineligible for such compensation due to
10 participation in prostitution activities be-
11 cause the individual is determined to have
12 contributed to, consented to, benefitted from,
13 or otherwise participated as a party to the
14 crime for which the individual is claiming
15 injury; and

16 (ii) relating to law enforcement report-
17 ing requirements to provide for exceptions
18 to such requirements for victims of sex traf-
19 ficking in the same manner as exceptions
20 are provided to victims of domestic violence
21 or related crimes; and

22 (4) demand for commercial sex with sex traf-
23 ficking victims must be deterred through consistent
24 enforcement of criminal laws against purchasing
25 commercial sex.

1 **SEC. 4. SEX TRAFFICKING BLOCK GRANTS.**

2 *Section 204 of the Trafficking Victims Protection Re-*
 3 *authorization Act of 2005 (42 U.S.C. 14044c) is amended*
 4 *to read as follows:*

5 **“SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO**
 6 **COMBAT TRAFFICKING IN PERSONS.**

7 *“(a) SEX TRAFFICKING BLOCK GRANTS.—*

8 *“(1) DEFINITIONS.—In this section—*

9 *“(A) the term ‘Assistant Attorney General’*
 10 *means the Assistant Attorney General for the Of-*
 11 *fice of Justice Programs of the Department of*
 12 *Justice;*

13 *“(B) the term ‘eligible entity’ means a State*
 14 *or unit of local government that—*

15 *“(i) has significant criminal activity*
 16 *involving sex trafficking of minors;*

17 *“(ii) has demonstrated cooperation be-*
 18 *tween State, local, and, where applicable,*
 19 *tribal law enforcement agencies, prosecutors,*
 20 *and social service providers in addressing*
 21 *sex trafficking of minors;*

22 *“(iii) has developed a workable, multi-*
 23 *disciplinary plan to combat sex trafficking*
 24 *of minors, including—*

1 “(I) the establishment of a shelter
2 for minor victims of sex trafficking,
3 through existing or new facilities;

4 “(II) the provision of rehabilita-
5 tive care to minor victims of sex traf-
6 ficking;

7 “(III) the provision of specialized
8 training for law enforcement officers
9 and social service providers for all
10 forms of sex trafficking, with a focus
11 on sex trafficking of minors;

12 “(IV) prevention, deterrence, and
13 prosecution of offenses involving sex
14 trafficking of minors;

15 “(V) cooperation or referral agree-
16 ments with organizations providing
17 outreach or other related services to
18 runaway and homeless youth; and

19 “(VI) law enforcement protocols or
20 procedures to screen all individuals ar-
21 rested for prostitution, whether adult
22 or minor, for victimization by sex traf-
23 ficking and by other crimes, such as
24 sexual assault and domestic violence;
25 and

1 “(iv) provides an assurance that,
2 under the plan under clause (iii), a minor
3 victim of sex trafficking shall not be re-
4 quired to collaborate with law enforcement
5 to have access to any shelter or services pro-
6 vided with a grant under this section;

7 “(C) the term ‘minor victim of sex traf-
8 ficking’ means an individual who is—

9 “(i) under the age of 18 years old, and
10 is a victim of an offense described in section
11 1591(a) of title 18, United States Code, or
12 a comparable State law; or

13 “(ii) at least 18 years old but not more
14 than 20 years old, and who, on the day be-
15 fore the individual attained 18 years of age,
16 was described in clause (i) and was receiv-
17 ing shelter or services as a minor victim of
18 sex trafficking;

19 “(D) the term ‘qualified non-governmental
20 organization’ means an organization that—

21 “(i) is not a State or unit of local gov-
22 ernment, or an agency of a State or unit of
23 local government;

24 “(ii) has demonstrated experience pro-
25 viding services to victims of sex trafficking

1 or related populations (such as runaway
2 and homeless youth), or employs staff spe-
3 cialized in the treatment of sex trafficking
4 victims; and

5 “(iii) demonstrates a plan to sustain
6 the provision of services beyond the period
7 of a grant awarded under this section; and

8 “(E) the term ‘sex trafficking of a minor’
9 means an offense described in subsection (a) of
10 section 1591 of title 18, United States Code, the
11 victim of which is a minor.

12 “(2) GRANTS AUTHORIZED.—

13 “(A) IN GENERAL.—The Assistant Attorney
14 General, in consultation with the Assistant Sec-
15 retary for Children and Families of the Depart-
16 ment of Health and Human Services, is author-
17 ized to award block grants to 6 eligible entities
18 in different regions of the United States to com-
19 bat sex trafficking, and not fewer than 1 of the
20 block grants shall be awarded to an eligible enti-
21 ty with a State population of less than
22 5,000,000.

23 “(B) GRANT AMOUNT.—Subject to the avail-
24 ability of appropriations under subsection (g) to
25 carry out this section, each grant awarded under

1 *this section shall be for an amount not less than*
2 *\$2,000,000 and not greater than \$2,500,000.*

3 “(C) *DURATION.*—

4 “(i) *IN GENERAL.*—*A grant awarded*
5 *under this section shall be for a period of 1*
6 *year.*

7 “(ii) *RENEWAL.*—

8 “(I) *IN GENERAL.*—*The Assistant*
9 *Attorney General may renew a grant*
10 *under this section for two 1-year peri-*
11 *ods.*

12 “(II) *PRIORITY.*—*In awarding*
13 *grants in any fiscal year after the first*
14 *fiscal year in which grants are award-*
15 *ed under this section, the Assistant At-*
16 *torney General shall give priority to*
17 *applicants that received a grant in the*
18 *preceding fiscal year and are eligible*
19 *for renewal under this subparagraph,*
20 *taking into account any evaluation of*
21 *such applicant conducted pursuant to*
22 *paragraph (5), if available.*

23 “(D) *CONSULTATION.*—*In carrying out this*
24 *section, consultation by the Assistant Attorney*
25 *General with the Assistant Secretary for Chil-*

1 *dren and Families of the Department of Health*
2 *and Human Services shall include consultation*
3 *with respect to grantee evaluations, the avoid-*
4 *ance of unintentional duplication of grants, and*
5 *any other areas of shared concern.*

6 “(3) *USE OF FUNDS.*—

7 “(A) *ALLOCATION.*—*For each grant award-*
8 *ed under paragraph (2)—*

9 “(i) *not less than 50 percent of the*
10 *funds shall be used by the eligible entity to*
11 *provide shelter and services (as described in*
12 *clauses (i) through (iv) of subparagraph*
13 *(B)) to minor victims of sex trafficking*
14 *through qualified nongovernmental organi-*
15 *zations; and*

16 “(ii) *not less than 10 percent of the*
17 *funds shall be awarded by the eligible entity*
18 *to one or more qualified nongovernmental*
19 *organizations with annual revenues of less*
20 *than \$750,000, to provide services to minor*
21 *victims of sex trafficking or training for*
22 *service providers related to sex trafficking of*
23 *minors.*

1 “(B) *AUTHORIZED ACTIVITIES.*—*Grants*
2 *awarded pursuant to paragraph (2) may be used*
3 *for—*

4 “(i) *providing shelter to minor victims*
5 *of trafficking, including temporary or long-*
6 *term placement as appropriate;*

7 “(ii) *providing 24-hour emergency so-*
8 *cial services response for minor victims of*
9 *sex trafficking;*

10 “(iii) *providing minor victims of sex*
11 *trafficking with clothing and other daily ne-*
12 *cessities needed to keep such victims from*
13 *returning to living on the street;*

14 “(iv) *case management services for*
15 *minor victims of sex trafficking;*

16 “(v) *mental health counseling for*
17 *minor victims of sex trafficking, including*
18 *specialized counseling and substance abuse*
19 *treatment;*

20 “(vi) *legal services for minor victims of*
21 *sex trafficking;*

22 “(vii) *specialized training for law en-*
23 *forcement personnel, social service pro-*
24 *viders, and public and private sector per-*
25 *sonnel likely to encounter sex trafficking*

1 *victims on issues related to the sex traf-*
2 *ficking of minors;*

3 *“(viii) funding salaries, in whole or in*
4 *part, for law enforcement officers, including*
5 *patrol officers, detectives, and investigators,*
6 *except that the percentage of the salary of*
7 *the law enforcement officer paid for by*
8 *funds from a grant awarded under para-*
9 *graph (2) shall not be more than the per-*
10 *centage of the officer’s time on duty that is*
11 *dedicated to working on cases involving sex*
12 *trafficking of minors;*

13 *“(ix) funding salaries for State and*
14 *local prosecutors, including assisting in*
15 *paying trial expenses for prosecution of sex*
16 *trafficking offenders;*

17 *“(x) investigation expenses for cases*
18 *involving sex trafficking of minors, includ-*
19 *ing—*

20 *“(I) wire taps;*

21 *“(II) consultants with expertise*
22 *specific to cases involving sex traf-*
23 *ficking of minors;*

24 *“(III) travel; and*

1 “(IV) *any other technical assist-*
2 *ance expenditures;*

3 “(xi) *outreach and education programs*
4 *to provide information about deterrence and*
5 *prevention of sex trafficking of minors; and*

6 “(xii) *programs to provide treatment*
7 *to individuals charged or cited with pur-*
8 *chasing or attempting to purchase sex acts*
9 *in cases where—*

10 “(I) *a treatment program can be*
11 *mandated as a condition of a sentence,*
12 *fine, suspended sentence, or probation,*
13 *or is an appropriate alternative to*
14 *criminal prosecution; and*

15 “(II) *the individual was not*
16 *charged with purchasing or attempting*
17 *to purchase sex acts with a minor.*

18 “(4) *APPLICATION.—*

19 “(A) *IN GENERAL.—Each eligible entity de-*
20 *siring a grant under this section shall submit an*
21 *application to the Assistant Attorney General at*
22 *such time, in such manner, and accompanied by*
23 *such information as the Assistant Attorney Gen-*
24 *eral may reasonably require.*

1 “(B) *CONTENTS.*—*Each application sub-*
2 *mitted pursuant to subparagraph (A) shall—*

3 “(i) *describe the activities for which*
4 *assistance under this section is sought; and*

5 “(ii) *provide such additional assur-*
6 *ances as the Assistant Attorney General de-*
7 *termines to be essential to ensure compli-*
8 *ance with the requirements of this section.*

9 “(5) *EVALUATION.*—*The Assistant Attorney Gen-*
10 *eral shall enter into a contract with an academic or*
11 *non-profit organization that has experience in issues*
12 *related to sex trafficking of minors and evaluation of*
13 *grant programs to conduct an annual evaluation of*
14 *grants made under this section to determine the im-*
15 *pact and effectiveness of programs funded with grants*
16 *awarded under paragraph (2).*

17 “(b) *MANDATORY EXCLUSION.*—*Any grantee awarded*
18 *funds under this section that is found to have utilized grant*
19 *funds for any unauthorized expenditure or otherwise unal-*
20 *lowable cost shall not be eligible for any grant funds award-*
21 *ed under the block grant for 2 fiscal years following the*
22 *year in which the unauthorized expenditure or unallowable*
23 *cost is reported.*

24 “(c) *COMPLIANCE REQUIREMENT.*—*A grantee shall not*
25 *be eligible to receive a grant under this section if within*

1 *the last 5 fiscal years, the grantee has been found to have*
2 *violated the terms or conditions of a Government grant pro-*
3 *gram by utilizing grant funds for unauthorized expendi-*
4 *tures or otherwise unallowable costs.*

5 “(d) *ADMINISTRATIVE CAP.*—*The cost of admin-*
6 *istering the grants authorized by this section shall not ex-*
7 *ceed 3 percent of the total amount appropriated to carry*
8 *out this section.*

9 “(e) *AUDIT REQUIREMENT.*—*For fiscal years 2012*
10 *and 2013, the Inspector General of the Department of Jus-*
11 *tice shall conduct an audit of all 6 grantees awarded block*
12 *grants under this section.*

13 “(f) *MATCH REQUIREMENT.*—*A grantee of a grant*
14 *under this section shall match at least 25 percent of a grant*
15 *in the first year, 40 percent in the second year, and 50*
16 *percent in the third year.*

17 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
18 *are authorized to be appropriated to the Attorney General*
19 *to carry out this section \$15,000,000 for each of the fiscal*
20 *years 2012 through 2014.”.*

21 **SEC. 5. REPORTING REQUIREMENTS.**

22 “(a) *ANNUAL STATISTICAL SUMMARY.*—*Section 3701(c)*
23 *of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is*
24 *amended by inserting “, which shall include the total num-*
25 *ber of reports received and the total number of entries made*

1 *to the National Crime Information Center (NCIC) database*
 2 *of the Federal Bureau of Investigation, established pursuant*
 3 *to section 534 of title 28, United States Code.” after “this*
 4 *title”.*

5 (b) *STATE REPORTING.—Section 3702 of the Crime*
 6 *Control Act of 1990 (42 U.S.C. 5780) is amended in para-*
 7 *graph (4)—*

8 (1) *by striking “(2)” and inserting “(3)”;*

9 (2) *in subparagraph (A), by inserting “, and a*
 10 *photograph taken within the previous 180 days” after*
 11 *“dental records”;*

12 (3) *in subparagraph (B), by striking “and” after*
 13 *the semicolon;*

14 (4) *by redesignating subparagraph (C) as sub-*
 15 *paragraph (D); and*

16 (5) *by inserting after subparagraph (B) the fol-*
 17 *lowing:*

18 “(C) *notify the National Center for Missing*
 19 *and Exploited Children of each report received*
 20 *relating to a child reported missing from a foster*
 21 *care family home or childcare institution; and”.*

22 **SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS**
 23 **AND SURVIVORS.**

24 *Section 225(b) of the Trafficking Victims Reauthoriza-*
 25 *tion Act of 2008 (22 U.S.C. 7101 note) is amended—*

1 (1) *in paragraph (1), by striking “and” at the*
2 *end;*

3 (2) *by redesignating paragraph (2) as para-*
4 *graph (3); and*

5 (3) *by inserting after paragraph (1) the fol-*
6 *lowing:*

7 “(2) *protects children exploited through prostitu-*
8 *tion by including safe harbor provisions that—*

9 “(A) *treat an individual under 18 years of*
10 *age who has been arrested for offering to engage*
11 *in or engaging in a sexual act with another per-*
12 *son in exchange for monetary compensation as a*
13 *victim of a severe form of trafficking in persons;*

14 “(B) *prohibit the charging or prosecution of*
15 *an individual described in subparagraph (A) for*
16 *a prostitution offense;*

17 “(C) *require the referral of an individual*
18 *described in subparagraph (A) to comprehensive*
19 *service or community-based programs that pro-*
20 *vide assistance to child victims of commercial*
21 *sexual exploitation, to the extent that comprehen-*
22 *sive service or community-based programs exist;*
23 *and*

24 “(D) *provide that an individual described*
25 *in subparagraph (A) shall not be required to*

1 *prove fraud, force, or coercion in order to receive*
2 *the protections described under this paragraph;*
3 *and”.*

4 **SEC. 7. SUBPOENA AUTHORITY.**

5 *Section 566(e)(1) of title 28, United States Code, is*
6 *amended—*

7 (1) *in subparagraph (A), by striking “and” at*
8 *the end;*

9 (2) *in subparagraph (B), by striking the period*
10 *at the end and inserting “; and”; and*

11 (3) *by adding at the end the following:*

12 “(C) *issue administrative subpoenas in accord-*
13 *ance with section 3486 of title 18, solely for the pur-*
14 *pose of investigating unregistered sex offenders.”.*

15 **SEC. 8. PROTECTION OF CHILD WITNESSES.**

16 *Section 1514 of title 18, United States Code, is amend-*
17 *ed—*

18 (1) *in subsection (b)—*

19 (A) *in paragraph (1)—*

20 (i) *by inserting “or its own motion,”*
21 *after “attorney for the Government”; and*

22 (ii) *by inserting “or investigation”*
23 *after “Federal criminal case” each place it*
24 *appears;*

1 (B) by redesignating paragraphs (2), (3),
2 and (4) as paragraphs (3), (4), and (5), respec-
3 tively;

4 (C) by inserting after paragraph (1) the fol-
5 lowing:

6 “(2) In the case of a minor witness or victim, the court
7 shall issue a protective order prohibiting harassment or in-
8 timidation of the minor victim or witness if the court finds
9 evidence that the conduct at issue is reasonably likely to
10 adversely affect the willingness of the minor witness or vic-
11 tim to testify or otherwise participate in the Federal crimi-
12 nal case or investigation. Any hearing regarding a protec-
13 tive order under this paragraph shall be conducted in ac-
14 cordance with paragraphs (1) and (3), except that the court
15 may issue an *ex parte* emergency protective order in ad-
16 vance of a hearing if exigent circumstances are present. If
17 such an *ex parte* order is applied for or issued, the court
18 shall hold a hearing not later than 14 days after the date
19 such order was applied for or is issued.”;

20 (D) in paragraph (4), as so redesignated, by
21 striking “(and not by reference to the complaint
22 or other document)”; and

23 (E) in paragraph (5), as so redesignated, in
24 the second sentence, by inserting before the pe-
25 riod at the end the following: “, except that in

1 *the case of a minor victim or witness, the court*
2 *may order that such protective order expires on*
3 *the later of 3 years after the date of issuance or*
4 *the date of the eighteenth birthday of that minor*
5 *victim or witness”;* and

6 (2) *by striking subsection (c) and inserting the*
7 *following:*

8 “(c) *Whoever knowingly and intentionally violates or*
9 *attempts to violate an order issued under this section shall*
10 *be fined under this title, imprisoned not more than 5 years,*
11 *or both.*

12 “(d)(1) *As used in this section—*

13 “(A) *the term ‘course of conduct’ means a series*
14 *of acts over a period of time, however short, indi-*
15 *cating a continuity of purpose;*

16 “(B) *the term ‘harassment’ means a serious act*
17 *or course of conduct directed at a specific person*
18 *that—*

19 “(i) *causes substantial emotional distress in*
20 *such person; and*

21 “(ii) *serves no legitimate purpose;*

22 “(C) *the term ‘immediate family member’ has*
23 *the meaning given that term in section 115 and in-*
24 *cludes grandchildren;*

1 “(D) the term ‘intimidation’ means a serious act
2 or course of conduct directed at a specific person
3 that—

4 “(i) causes fear or apprehension in such
5 person; and

6 “(ii) serves no legitimate purpose;

7 “(E) the term ‘restricted personal information’
8 has the meaning give that term in section 119;

9 “(F) the term ‘serious act’ means a single act of
10 threatening, retaliatory, harassing, or violent conduct
11 that is reasonably likely to influence the willingness
12 of a victim or witness to testify or participate in a
13 Federal criminal case or investigation; and

14 “(G) the term ‘specific person’ means a victim or
15 witness in a Federal criminal case or investigation,
16 and includes an immediate family member of such a
17 victim or witness.

18 “(2) For purposes of subparagraphs (B)(ii) and
19 (D)(ii) of paragraph (1), a court shall presume, subject to
20 rebuttal by the person, that the distribution or publication
21 using the Internet of a photograph of, or restricted personal
22 information regarding, a specific person serves no legiti-
23 mate purpose, unless that use is authorized by that specific
24 person, is for news reporting purposes, is designed to locate
25 that specific person (who has been reported to law enforce-

1 *ment as a missing person), or is part of a government-au-*
2 *thorized effort to locate a fugitive or person of interest in*
3 *a criminal, antiterrorism, or national security investiga-*
4 *tion.”.*

5 **SEC. 9. SENTENCING GUIDELINES.**

6 *Pursuant to its authority under section 994 of title*
7 *28, United States Code, and in accordance with this section,*
8 *the United States Sentencing Commission shall review and*
9 *amend the Federal sentencing guidelines and policy state-*
10 *ments to ensure—*

11 *(1) that the guidelines provide an additional*
12 *penalty increase of up to 8 offense levels, if appro-*
13 *priate, above the sentence otherwise applicable in*
14 *Part J of the Guidelines Manual if the defendant was*
15 *convicted of a violation of section 1591 of title 18,*
16 *United States Code, or chapters 109A, 109B, 110 or*
17 *117 of title 18, United States Code; and*

18 *(2) if the offense described in paragraph (1) in-*
19 *volved causing or threatening to cause physical injury*
20 *to a person under 18 years of age, in order to obstruct*
21 *the administration of justice, an additional penalty*
22 *increase of up to 12 levels, if appropriate, above the*
23 *sentence otherwise applicable in Part J of the Guide-*
24 *lines Manual.*

1 **SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD**
2 **PORNOGRAPHY.**

3 (a) *CERTAIN ACTIVITIES RELATING TO MATERIAL IN-*
4 *VOLVING THE SEXUAL EXPLOITATION OF MINORS.*—Section
5 *2252(b)(2) of title 18, United States Code, is amended by*
6 *inserting after “but if” the following: “any visual depiction*
7 *involved in the offense involved a prepubescent minor or*
8 *a minor who had not attained 12 years of age, such person*
9 *shall be fined under this title and imprisoned for not less*
10 *than 1 year nor more than 20 years, or if”.*

11 (b) *CERTAIN ACTIVITIES RELATING TO MATERIAL*
12 *CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.*—
13 *Section 2252A(b)(2) of title 18, United States Code, is*
14 *amended by inserting after “but, if” the following: “any*
15 *image of child pornography involved in the offense involved*
16 *a prepubescent minor or a minor who had not attained 12*
17 *years of age, such person shall be fined under this title and*
18 *imprisoned for not less than 1 year nor more than 20 years,*
19 *or if”.*

20 **SEC. 11. ADMINISTRATIVE SUBPOENAS.**

21 *Section 3486(a)(1) of title 18, United States Code, is*
22 *amended—*

23 (1) *in subparagraph (A)(i)—*

24 (A) *by striking “or” after “Federal health*
25 *care offense;”;* and

1 (B) by striking “children,” and inserting
2 the following: “children; or (III) and only for the
3 purpose of investigations by the U.S. Marshals
4 Service of an unregistered sex offender”;

5 (2) in subparagraph (D)—

6 (A) by striking “paragraph, the term” and
7 inserting the following: “paragraph—
8 “(i) the term”;

9 (B) by inserting “, 2250” after “2243”;

10 (C) by striking the period at the end and
11 inserting “; and”; and

12 (D) by adding at the end the following:

13 “(ii) the term ‘sex offender’ means an individual
14 required to register under the Sex Offender Registra-
15 tion and Notification Act (42 U.S.C. 16901 et seq.).”.

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11TH CONGRESS
2^D Session

S. 2925

A BILL

To establish a grant program to benefit victims of sex trafficking, and for other purposes.

SEPTEMBER 22, 2010

Reported with an amendment