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113TH CONGRESS
1ST SESSION

S. 1738

To provide justice for the victims of trafficking.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2013

Mr. CORNYN (for himself, Mr. WYDEN, Mr. KIRK, Ms. KLOBUCHAR, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To provide justice for the victims of trafficking.

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 ''Justice for Victims of Trafficking Act of 2013''.

SEC. 2. DOMESTIC TRAFFICKING VICTIMS' FUND.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by adding at the end the following:

"§ 3014. Additional special assessment

''(a) In addition to the assessment imposed under section 3013, the court shall assess an amount of $5,000 on any person or entity convicted of an offense under—

''(1) chapter 77 (relating to peonage, slavery, and trafficking in persons);

''(2) chapter 109A (relating to sexual abuse);

''(3) chapter 110 (relating to sexual exploitation and other abuse of children);

''(4) chapter 117 (relating to transportation for illegal sexual activity and related crimes); or

''(5) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to human smuggling), unless the person induced, assisted, abetted, or aided only an individual who at the time of such action was the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

''(b) An assessment under subsection (a) shall not be payable until the person subject to the assessment has satisfied all outstanding court-ordered fines and orders of restitution arising from the criminal convictions on which the special assessment is based.

''(c) There is established in the Treasury of the United States a fund, to be known as the 'Domestic Trafficking Victims' Fund' (referred to in this section as the

'Fund'), to be administered by the Attorney General, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services.

"(d) Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of money received for the Government, there shall be deposited in the Fund an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

"(e)(1) From amounts in the Fund, and without further appropriation, the Attorney General, in coordination with the Secretary of Health and Human Services shall, for each of fiscal years 2015 through 2019, use amounts available in the Fund to award grants or enhance victims' programming under—

"(A) sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a, 14044b, and 14044c);

"(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

"(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

"(2) Of the amounts in the Fund used under paragraph (1), not less than $2,000,000 shall be used for

grants to provide services for child pornography victims under section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

"(f)(1) Effective on the day after the date of enactment of the Justice for Victims of Trafficking Act of 2013, on September 30 of each fiscal year, all unobligated balances in the Fund shall be transferred to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

"(2) Amounts transferred under paragraph (1)—

"(A) shall be available for any authorized purpose of the Crime Victims Fund; and

"(B) shall remain available until expended.

"(g) The amount assessed under subsection (a) shall, subject to subsection (b), be collected in the manner that fines are collected in criminal cases.

"(h) The obligation to pay an assessment imposed on or after the date of enactment of the Justice for Victims of Trafficking Act of 2013 shall not cease until the assessment is paid in full.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by inserting after the item relating to section 3013 the following:

"3014. Additional special assessment.".

SEC. 3. OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF HUMAN TRAFFICKING.

Section 107(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following:

"(4) OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF HUMAN TRAFFICKING.—

"(A) IN GENERAL.—Upon receiving credible information that establishes by a preponderance of the evidence that a covered individual is a victim of a severe form of trafficking and at the request of the covered individual, the Secretary of Health and Human Services shall promptly issue a determination that the covered individual is a victim of a severe form of trafficking. The Secretary shall have exclusive authority to make such a determination.

"(B) COVERED INDIVIDUAL DEFINED.—In this subsection, the term 'covered individual' means—

"(i) a citizen of the United States; or

"(ii) an alien lawfully admitted for permanent residence (as that term is defined in section 101(20) of the Immigration and Nationality Act (8 U.S.C. 1101(20))).

"(C) PROCEDURE.—For purposes of this paragraph, in determining whether a covered individual has provided credible information that the covered individual is a victim of a severe form of trafficking, the Secretary of Health and Human Services shall consider all relevant and credible evidence, and if appropriate, consult with the Attorney General, the Secretary of Homeland Security, or the Secretary of Labor.

"(D) PRESUMPTIVE EVIDENCE.—For purposes of this paragraph, the following forms of evidence shall receive deference in determining whether a covered individual has established that the covered individual is a victim of a severe form of trafficking:

"(i) A sworn statement by the covered individual or a representative of the covered individual if the covered individual is present at the time of such statement but not able to competently make such sworn statement.

"(ii) Police, government agency, or court records or files.

"(iii) Documentation from a social services, trafficking, or domestic violence program, child welfare or runaway and homeless youth program, or a legal, clinical, medical, or other professional from whom the covered individual has sought assistance in dealing with the crime.

"(iv) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

"(v) Physical evidence.

"(E) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of the Justice for Victims of Trafficking Act of 2013, the Secretary of Health and Human Services shall adopt regulations to implement this paragraph.

"(F) RULE OF CONSTRUCTION; OFFICIAL RECOGNITION OPTIONAL.—Nothing in this paragraph shall be construed to require a covered individual to obtain a determination under this paragraph in order to be defined or classified as a victim of a severe form of trafficking under this section.".

SEC. 4. VICTIM-CENTERED HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b) is amended to read as follows:

"SEC. 203. VICTIM-CENTERED CHILD HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.

"(a) GRANTS AUTHORIZED.—The Attorney General may make block grants to an eligible entity to develop, improve, or expand comprehensive domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims' services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

"(b) AUTHORIZED ACTIVITIES.—Grants awarded under subsection (a) may be used for—

"(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

"(A) identify victims and acts of child human trafficking;

"(B) address the unique needs of child victims of human trafficking;

"(C) facilitate the rescue of child victims of human trafficking;

"(D) investigate and prosecute acts of human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking;

"(E) use laws that prohibit acts of child human trafficking, child sexual abuse, and child rape, and to assist in the development of State and local laws to prohibit, investigate, and prosecute acts of child human trafficking; and

"(F) implement and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of child sex trafficking victims for prostitution offenses;

"(2) the establishment or enhancement of dedicated anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

"(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except

that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving child human trafficking;

"(B) investigation expenses for cases involving child human trafficking, including—

"(i) wire taps;

"(ii) consultants with expertise specific to cases involving child human trafficking;

"(iii) travel; and

"(iv) other technical assistance expenditures;

"(C) dedicated anti-trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenders, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this section shall be not more than the percentage of the total number of hours worked by the

prosecutor that is spent working on cases involving child human trafficking; and

"(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims' services through coordination with—

"(i) child advocacy centers;

"(ii) social service agencies;

"(iii) State governmental health service agencies;

"(iv) housing agencies;

"(v) legal services agencies; and

"(vi) non-governmental organizations and shelter service providers with substantial experience in delivering comprehensive services to victims of child human trafficking; and

"(3) the establishment or enhancement of problem solving court programs for trafficking victims that include—

"(A) mandatory and regular training requirements for judicial officials involved in the administration or operation of the court program described under this paragraph;

"(B) continuing judicial supervision of victims of child human trafficking who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

"(C) the development of a specialized and individualized, court-ordered treatment program for identified victims of child human trafficking, including—

"(i) State-administered outpatient treatment;

"(ii) life skills training;

"(iii) housing placement;

"(iv) vocational training;

"(v) education;

"(vi) family support services; and

"(vii) job placement;

"(D) centralized case management involving the consolidation of all of each child human

trafficking victim's cases and offenses, and the coordination of all trafficking victim treatment programs and social services;

"(E) regular and mandatory court appearances by the victim during the duration of the treatment program for purposes of ensuring compliance and effectiveness;

"(F) the ultimate dismissal of relevant non-violent criminal charges against the victim, where such victim successfully complies with the terms of the court-ordered treatment program; and

"(G) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and non-governmental organizations to provide comprehensive services to victims and encourage cooperation with law enforcement.

"(c) APPLICATION.—

"(1) IN GENERAL.—An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

"(2) REQUIRED INFORMATION.—An application submitted under this subsection shall—

"(A) describe the activities for which assistance under this section is sought;

"(B) include a detailed plan for the use of funds awarded under the grant; and

"(C) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section.

"(3) PREFERENCE.—In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

"(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) through (3) of subsection (b); or

"(B) the application includes a plan by the State or unit of local government to continue funding of all activities funded by the award after the expiration of the award.

"(d) DURATION AND RENEWAL OF AWARD.—

"(1) IN GENERAL.—A grant under this section shall expire 1 year after the date of award of the grant.

"(2) RENEWAL.—A grant under this section shall be renewable not more than 3 times and for a period of not greater than 1 year.

"(e) EVALUATION.—The Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to child human trafficking and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section.

"(f) MANDATORY EXCLUSION.—An eligible entity awarded funds under this section that is found to have used grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

"(g) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a grant under this section if within the 5 fiscal years before submitting an application for a grant under this section, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

"(h) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

"(i) FEDERAL SHARE.—The Federal share of the cost of a program funded by a grant awarded under this section shall be—

"(1) 70 percent in the first year;

"(2) 60 percent in the second year; and

"(3) 50 percent in the third year.

"(j) AUTHORIZATION OF FUNDING; FULLY OFFSET.—For purposes of carrying out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, is authorized to award not more than $7,000,000 of the funds available in the Domestic Trafficking Victims' Fund, established under section 3014 of title 18, United States Code, for each of fiscal years 2015 through 2019.

"(k) DEFINITIONS.—In this section—

"(1) the term 'child' means a person under the age of 18;

"(2) the term 'child advocacy center' means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

"(3) the term 'child human trafficking' means 1 or more severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving a victim who is a child; and

"(4) the term 'eligible entity' means a State or unit of local government that—

"(A) has significant criminal activity involving child human trafficking;

"(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;

"(C) has developed a workable, multi-disciplinary plan to combat child human trafficking, including—

"(i) the establishment of a shelter for victims of child human trafficking, through existing or new facilities;

"(ii) the provision of trauma-informed, gender-responsive rehabilitative care to victims of child human trafficking;

"(iii) the provision of specialized training for law enforcement officers and

social service providers for all forms of human trafficking, with a focus on domestic child human trafficking;

"(iv) prevention, deterrence, and prosecution of offenses involving child human trafficking, including soliciting, patronizing, or purchasing human acts with children;

"(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth;

"(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or child, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

"(vii) cooperation or referral agreements with State child welfare agencies and child advocacy centers;

"(D) has a victim certification process for eligibility and access to State-administered medical care to ensure that minor victims of human trafficking who are not eligible for in-

terim assistance under section 107(b)(1)(F) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(F)) are granted eligibility for, and have access to, State-administered medical care immediately upon certification as such a victim, or as soon as practicable thereafter but not later than the period determined by the Assistant Attorney General in consultation with the Assistant Secretary for Children and Families of the Department; and

"(E) provides an assurance that, under the plan under subparagraph (C), a victim of child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services provided with a grant under this section.

"(l) GRANT ACCOUNTABILITY; SPECIALIZED VICTIMS' SERVICE REQUIREMENT.—No grant funds under this section may be awarded or transferred to any entity unless such entity has demonstrated substantial experience providing services to victims of human trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of human trafficking victims.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7101 note) is amended by striking the item relating to section 203 and inserting the following:

"Sec. 203. Victim-centered child human trafficking deterrence block grant program.".

SEC. 5. DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 212(5) (42 U.S.C. 13001a(5)), by inserting ", including human trafficking and the production of child pornography" before the semicolon at the end; and

(2) in section 214 (42 U.S.C. 13002)—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following:

"(b) DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, may make grants to develop and implement spe-

cialized programs to identify and provide direct services to victims of child pornography.''.

SEC. 6. INCREASING RESTITUTION FOR TRAFFICKING VICTIMS.

(a) TITLE 18 AMENDMENTS.—Section 1594 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''that was used or'' and inserting ''that was involved in, used, or'';

(ii) by inserting ''or any property traceable to such property'' after ''such violation''; and

(iii) in paragraph (2), by inserting '', or any property traceable to such property'' after ''such violation''; and

(B) in subsection (e)(1)(A)—

(i) by striking ''Any property, real or personal, used or'' and inserting ''Any property, real or personal, involved in, used, or''; and

(ii) by inserting '', or any property traceable to such property'' after ''any violation of this chapter'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

''(f) Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter. Such transfers shall have priority over any other claims to the assets or their proceeds.''.

(b) TITLE 28 AMENDMENT.—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting ''chapter 77 of title 18,'' after ''criminal drug laws of the United States or of''.

(c) TITLE 31 AMENDMENT.—Section 9703(a)(2)(B) of title 31, United States Code (relating to the Department of the Treasury Forfeiture Fund), is amended—

(1) in clause (iii)(III), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (iv) the following:

''(v) the United States Immigration and Customs Enforcement with respect to

a violation of chapter 77 of title 18 (relating to human trafficking).''.

SEC. 7. STREAMLINING STATE AND LOCAL HUMAN TRAFFICKING INVESTIGATIONS.

Section 2516(2) of title 18, United States Code, is amended by inserting ''human trafficking, child sexual exploitation, child pornography production,'' after ''kidnapping,''.

SEC. 8. FIGHTING COMPLEX CRIMINAL ENTERPRISES ENGAGED IN HUMAN TRAFFICKING.

(a) IN GENERAL.—Chapter 96 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1969. AGGRAVATED HUMAN TRAFFICKING RACKETEERING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'aggravated human-trafficking racketeering activity' means any activity that—

''(A) is a racketeering activity (as defined in section 1961(1)); and

''(B) includes—

''(i) any act or threat involving murder, kidnapping, human trafficking, sexual exploitation, coerced prostitution, or the production of child pornography, which is

chargeable under State law and punishable by imprisonment for more than 1 year (as amended or revised as of the date on which the activity occurred or, in the instance of a continuing offense, the date on which the charges under this section are filed in a particular matter); or

"(ii) any act that is indictable under (as amended or revised as of the date on which the activity occurred or, in the instance of a continuing offense, the date on which charges under this section are filed in a particular matter)—

"(I) sections 1581 through 1592 (relating to peonage, slavery, and trafficking in persons);

"(II) section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire);

"(III) section 1959 (relating to violent crimes in aid of racketeering);

"(IV) section 2251, 2251A, 2252, or 2260 (relating to sexual exploitation of children); or

"(V) sections 2421 through 2424 (relating to slave traffic); and

"(2) the term 'enterprise' has the meaning given the term in section 1961.

"(b) PROHIBITED ACTIVITIES.—It shall be unlawful for any person to participate, directly or indirectly, in or relating to the affairs of any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, if—

"(1)(A) such participation within the enterprise includes committing or causing to be committed 2 or more acts of aggravated human-trafficking racketeering activity in or relating to the affairs of the enterprise; or

"(B) such participation within the enterprise includes any act of participation with the intention that some known or unknown participant or participants within the enterprise would commit, or would cause to be committed, individually or collectively, 2 or more acts of aggravated human-trafficking racketeering activity in or relating to the affairs of the enterprise.

"(c) CONSPIRACY.—It shall be unlawful for any person to conspire to violate subsection (b).

"(d) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Whoever violates this section shall be punished in accordance with section 1963.

"(2) CLARIFICATION OF PUNISHABLE OFFENSES.—Any person prosecuted under this section may be both convicted and sentenced in any court of competent jurisdiction for any combination of the following:

"(A) The offense of conspiring to violate this section, and for any other particular offense or offenses that may be an object of the conspiracy.

"(B) Any violation of this section.

"(C) Any aggravated human-trafficking racketeering activity.".

(b) PENALTIES.—Section 1963 of title 18, United States Code, is amended by inserting "or section 1969" after "section 1962" each place it appears.

(c) VIOLENT CRIMES IN AID OF RACKETEERING.—Section 1959 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or aggravated human-trafficking racketeering activity" before ", or for the purpose"; and

(B) by striking ''murders, kidnaps, maims'' and inserting ''aggravated human trafficking racketeering activity, murders, kidnaps, human trafficking, sexual exploitation, coerced prostitution, maims''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) 'aggravated human-trafficking racketeering activity' has the meaning given the term in section 1969;''.

(d) TABLE OF SECTIONS.—The table of sections for chapter 96 of title 18, United States Code, is amended by inserting after the item relating to section 1968 the following:

''1969. Aggravated human trafficking racketeering.''.

SEC. 9. ENHANCING HUMAN TRAFFICKING REPORTING.

(a) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

''(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term 'part 1 violent crimes' shall include severe forms of traf-

ficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).''.

(b) CRIME CONTROL ACT AMENDMENTS.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) in paragraph (2), by striking ''and'' at the end; and

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(B) in subparagraph (A), by inserting ''and a photograph taken within the previous 180 days'' after ''dental records'';

(C) in subparagraph (B), by striking ''and'' at the end;

(D) by redesignating subparagraph (C) as subparagraph (D); and

(E) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from

a foster care family home or childcare institution; and''.

SEC. 10. REDUCING DEMAND FOR SEX TRAFFICKING.

(a) IN GENERAL.—Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or maintains'' and inserting ''maintains, patronizes, or solicits'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or obtained'' and inserting ''obtained, patronized, or solicited''; and

(B) in paragraph (2), by striking ''or obtained'' and inserting ''obtained, patronized, or solicited''; and

(3) in subsection (c)—

(A) by striking ''or maintained'' and inserting '', maintained, patronized, or solicited''; and

(B) by striking ''knew that the person'' and inserting ''knew, or recklessly disregarded the fact, that the person''.

(b) DEFINITION AMENDED.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C.

7102(10)) is amended by striking ''or obtaining'' and inserting ''obtaining, patronizing, or soliciting''.

SEC. 11. USING EXISTING TASK FORCES TO TARGET OFFENDERS WHO EXPLOIT CHILDREN.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that all task forces and working groups within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex.

SEC. 12. ENHANCED PENALTIES FOR HUMAN TRAFFICKING, CHILD EXPLOITATION, AND REPEAT OFFENDERS.

Part 1 of title 18, United States Code, is amended—

(1) in chapter 77—

(A) in section 1583(a), in the flush text following paragraph (3), by striking ''not more than 20 years'' and inserting ''not more than 30 years'';

(B) in section 1587, by striking ''four years'' and inserting ''10 years''; and

(C) in section 1591(d), by striking ''20 years'' and inserting ''25 years''; and

(2) in section 2426(a), by striking ''twice'' and inserting ''3 times''.

SEC. 13. HOLDING SEX TRAFFICKERS ACCOUNTABLE.

Section 2423(g) of title 18, United States Code, is amended by striking ''a preponderance of the evidence'' and inserting ''clear and convincing evidence''.

SEC. 14. COMBATING SEX TOURISM.

Section 2423 of title 18, United States Code is amended—

(1) in subsection (b), by striking ''for the purpose'' and inserting ''with a motivating purpose of''; and

(2) in subsection (d), by striking ''for the purpose of engaging'' and inserting ''with a motivating purpose of engaging''.

SEC. 15. GRANT ACCOUNTABILITY.

(a) DEFINITION.—In this section, the term ''covered grant'' means a grant awarded by the Attorney General under section 203 of the Trafficking Victims Protection Reauthorization Act (42 U.S.C. 14044b).

(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term ''unresolved audit finding'' means an audit

report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

(B) REQUIREMENT.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding covered grants, the Attorney General shall give priority to eligible applicants that did not have an unre-

solved audit finding during the 3 fiscal years before submitting an application for a covered grant.

(E) REIMBURSEMENT.—If an entity is awarded a covered grant during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and covered grants, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a covered grant to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice

under this Act may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this Act or an Act amended by this Act, to host or support any expenditure for conferences that uses more than $20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this Act, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification indicating whether—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(B) all mandatory exclusions required under paragraph (1)(C) have been issued;

(C) all reimbursements required under paragraph (1)(E) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

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