

114TH CONGRESS
1ST SESSION

H. R. 181

To provide justice for the victims of trafficking.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

Mr. POE of Texas (for himself and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide justice for the victims of trafficking.

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 “Justice for Victims
5 of Trafficking Act of 2015”.

6 **SEC. 2. VICTIM-CENTERED SEX TRAFFICKING DETERRENCE**
7 **GRANT PROGRAM.**

8 Section 203 of the Trafficking Victims Protection Re-
9 authorization Act of 2005 (42 U.S.C. 14044b) is amend-
10 ed—

1 (1) by redesignating subsection (g) as sub-
2 section (j);

3 (2) by striking subsections (a) through (f), and
4 inserting the following:

5 “(a) GRANTS AUTHORIZED.—The Attorney General
6 may make grants to eligible entities to develop, improve,
7 or expand comprehensive domestic child human trafficking
8 deterrence programs that assist law enforcement officers,
9 prosecutors, judicial officials, and qualified victims’ serv-
10 ices organizations in collaborating to rescue and restore
11 the lives of victims, while investigating and prosecuting of-
12 fenses involving child human trafficking.

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

15 “(1) the establishment or enhancement of spe-
16 cialized training programs for law enforcement offi-
17 cers, first responders, health care officials, child wel-
18 fare officials, juvenile justice personnel, prosecutors,
19 and judicial personnel to—

20 “(A) identify victims and acts of child
21 human trafficking;

22 “(B) address the unique needs of victims
23 of child human trafficking;

24 “(C) facilitate the rescue of victims of child
25 human trafficking;

1 “(D) investigate and prosecute acts of
2 child human trafficking, including the soliciting,
3 patronizing, or purchasing of commercial sex
4 acts from children, as well as training to build
5 cases against complex criminal networks in-
6 volved in child human trafficking; and

7 “(E) implement and provide education on
8 safe harbor laws enacted by States, aimed at
9 preventing the criminalization and prosecution
10 of victims of child human trafficking for pros-
11 titution offenses;

12 “(2) the establishment or enhancement of dedi-
13 cated anti-child human trafficking law enforcement
14 units and task forces to investigate child human
15 trafficking offenses and to rescue victims, includ-
16 ing—

17 “(A) funding salaries, in whole or in part,
18 for law enforcement officers, including patrol
19 officers, detectives, and investigators, except
20 that the percentage of the salary of the law en-
21 forcement officer paid for by funds from a
22 grant awarded under this section shall not be
23 more than the percentage of the officer’s time
24 on duty that is dedicated to working on cases
25 involving child human trafficking;

1 “(B) investigation expenses for cases in-
2 volving child human trafficking, including—

3 “(i) wire taps;

4 “(ii) consultants with expertise spe-
5 cific to cases involving child human traf-
6 ficking;

7 “(iii) travel; and

8 “(iv) other technical assistance ex-
9 penditures;

10 “(C) dedicated anti-child human traf-
11 ficking prosecution units, including the funding
12 of salaries for State and local prosecutors, in-
13 cluding assisting in paying trial expenses for
14 prosecution of child human trafficking offenses,
15 except that the percentage of the total salary of
16 a State or local prosecutor that is paid using an
17 award under this section shall be not more than
18 the percentage of the total number of hours
19 worked by the prosecutor that is spent working
20 on cases involving child human trafficking; and

21 “(D) the establishment of child human
22 trafficking victim witness safety, assistance,
23 and relocation programs that encourage co-
24 operation with law enforcement investigations
25 of crimes of child human trafficking by

1 leveraging existing resources and delivering
2 child human trafficking victims’ services
3 through coordination with—

4 “(i) child advocacy centers;

5 “(ii) social service agencies;

6 “(iii) State governmental health serv-
7 ice agencies;

8 “(iv) housing agencies;

9 “(v) legal services agencies; and

10 “(vi) non-governmental organizations
11 and shelter service providers with substan-
12 tial experience in delivering services to vic-
13 tims of child human trafficking;

14 “(3) the establishment or enhancement of prob-
15 lem solving court programs for child human traf-
16 ficking victims that include—

17 “(A) continuing judicial supervision of vic-
18 tims of child human trafficking who have been
19 identified by a law enforcement or judicial offi-
20 cer as a potential victim of child human traf-
21 ficking, regardless of whether the victim has
22 been charged with a crime related to human
23 trafficking;

- 1 “(B) the development of specialized and in-
2 dividualized treatment programs for identified
3 victims of child human trafficking, including—
- 4 “(i) State-administered outpatient
5 treatment;
- 6 “(ii) life skills training;
- 7 “(iii) housing placement;
- 8 “(iv) vocational training;
- 9 “(v) education;
- 10 “(vi) family support services; and
- 11 “(vii) job placement; and
- 12 “(C) collaborative efforts with child advo-
13 cacy centers, child welfare agencies, shelters,
14 and non-governmental organizations to provide
15 services to victims and encourage cooperation
16 with law enforcement; and
- 17 “(4) the establishment or enhancement of vic-
18 tims’ services programs for victims of child human
19 trafficking, which offer services including—
- 20 “(A) residential care, including temporary
21 or long-term placement, as appropriate;
- 22 “(B) 24-hour emergency social services re-
23 sponse systems; and
- 24 “(C) counseling and case management
25 services.

1 “(c) APPLICATION.—

2 “(1) IN GENERAL.—An eligible entity shall sub-
3 mit an application to the Attorney General for a
4 grant under this section in such form and manner
5 as the Attorney General may require.

6 “(2) REQUIRED INFORMATION.—An application
7 submitted under this subsection shall—

8 “(A) disclose—

9 “(i) any other grant funding from the
10 Department of Justice or from any other
11 Federal department or agency for purposes
12 similar to those described in subsection (b)
13 for which the eligible entity has applied,
14 and which application is pending on the
15 date of the submission of an application
16 under this section; and

17 “(ii) any other such grant funding
18 that the eligible entity has received during
19 the 5-year period prior to the date of the
20 submission of an application under this
21 section;

22 “(B) describe the activities for which as-
23 sistance under this section is sought;

24 “(C) include a detailed plan for the use of
25 funds awarded under the grant; and

1 “(D) provide such additional information
2 and assurances as the Attorney General deter-
3 mines to be necessary to ensure compliance
4 with the requirements of this section.

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

9 “(A) the application includes a plan to use
10 awarded funds to engage in all activities de-
11 scribed under paragraphs (1) and (2) of sub-
12 section (b); or

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

17 “(d) DURATION AND RENEWAL OF AWARD.—

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

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

24 “(e) EVALUATION.—The Attorney General shall
25 enter into a contract with an academic or non-profit orga-

1 nization that has experience in issues related to child
2 human trafficking and evaluation of grant programs to
3 conduct an annual evaluation of grants made under this
4 section to determine the impact and effectiveness of pro-
5 grams funded with grants awarded under this section, and
6 shall submit any such evaluation to the Committee on the
7 Judiciary of the House of Representatives and the Com-
8 mittee on the Judiciary of the Senate.

9 “(f) OVERSIGHT AND ACCOUNTABILITY.—An eligible
10 entity that receives a grant under this section is subject
11 to the requirements of section 10 of the Justice for Vie-
12 tims of Trafficking Act of 2014.

13 “(g) ADMINISTRATIVE CAP.—The cost of admin-
14 istering the grants authorized by this section shall not ex-
15 ceed 5 percent of the total amount appropriated to carry
16 out this section.

17 “(h) FEDERAL SHARE.—The Federal share of the
18 cost of a program funded by a grant awarded under this
19 section may not exceed—

20 “(1) 70 percent in the first year;

21 “(2) 60 percent in the second year; and

22 “(3) 50 percent in the third year.

23 “(i) DEFINITIONS.—In this section—

24 “(1) the term ‘child’ means a person under the
25 age of 18;

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

4 “(3) the term ‘child human trafficking’ means
5 1 or more severe forms of trafficking in persons (as
6 defined in section 103 of the Trafficking Victims
7 Protection Act of 2000 (22 U.S.C. 7102)) involving
8 a victim who is a child; and

9 “(4) the term ‘eligible entity’ means a State or
10 unit of local government that—

11 “(A) has significant criminal activity in-
12 volving child human trafficking;

13 “(B) has demonstrated cooperation be-
14 tween Federal, State, local, and, where applica-
15 ble, tribal law enforcement agencies, prosecu-
16 tors, and social service providers in addressing
17 child human trafficking; and

18 “(C) has developed a workable, multi-dis-
19 ciplinary plan to combat child human traf-
20 ficking.”; and

21 (3) in subsection (j) (as so redesignated)—

22 (A) by striking “Secretary of Health and
23 Human Services” and inserting “Attorney Gen-
24 eral, in consultation with the Secretary of
25 Health and Human Services,”; and

1 (B) by striking “fiscal years 2008 through
2 2011” and inserting “fiscal years 2015 through
3 2019”.

4 **SEC. 3. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE**

5 **ACT OF 1990.**

6 The Victims of Child Abuse Act of 1990 (42 U.S.C.
7 13001 et seq.) is amended—

8 (1) in section 212(5) (42 U.S.C. 13001a(5)), by
9 inserting “, including human trafficking and the
10 production of child pornography” before the semi-
11 colon at the end; and

12 (2) in section 214 (42 U.S.C. 13002)—

13 (A) by redesignating subsections (b), (c),
14 and (d) as subsections (c), (d), and (e), respec-
15 tively; and

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

18 “(b) DIRECT SERVICES FOR VICTIMS OF CHILD POR-
19 NOGRAPHY.—The Administrator, in coordination with the
20 Director and with the Director of the Office of Victims
21 of Crime, may make grants to develop and implement spe-
22 cialized programs to identify and provide direct services
23 to victims of child pornography.”.

1 **SEC. 4. STREAMLINING STATE AND LOCAL HUMAN TRAF-**
2 **FICKING INVESTIGATIONS.**

3 Section 2516(2) of title 18, United States Code, is
4 amended by inserting “human trafficking, child sexual ex-
5 ploitation, child pornography production,” after “kidnap-
6 ping,”.

7 **SEC. 5. ENHANCING HUMAN TRAFFICKING REPORTING.**

8 Section 3702 of the Crime Control Act of 1990 (42
9 U.S.C. 5780) is amended—

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

12 (2) in paragraph (4)—

13 (A) in the matter preceding subparagraph
14 (A), by striking “paragraph (2)” and inserting
15 “paragraph (3)”;

16 (B) in subparagraph (A), by inserting
17 “and a photograph taken within the previous
18 180 days” after “dental records”;

19 (C) in subparagraph (B), by striking
20 “and” at the end;

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

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

25 “(C) notify the National Center for Miss-
26 ing and Exploited Children of each report re-

1 ceived relating to a child reported missing from
2 a foster care family home or childcare institu-
3 tion; and”.

4 **SEC. 6. REDUCING DEMAND FOR SEX TRAFFICKING.**

5 Section 1591 of title 18, United States Code, is
6 amended—

7 (1) in subsection (a)(1), by striking “or main-
8 tains” and inserting “maintains, patronizes, or solie-
9 its”;

10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “or ob-
12 tained” and inserting “obtained, patronized, or
13 solicited”; and

14 (B) in paragraph (2), by striking “or ob-
15 tained” and inserting “obtained, patronized, or
16 solicited”; and

17 (3) in subsection (c)—

18 (A) by striking “or maintained” and in-
19 serting “, maintained, patronized, or solicited”;
20 and

21 (B) by striking “knew that the person”
22 and inserting “knew, or recklessly disregarded
23 the fact, that the person”.

1 **SEC. 7. USING EXISTING TASK FORCES TO TARGET OF-**
2 **FENDERS WHO EXPLOIT CHILDREN.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Attorney General shall ensure that all task
5 forces and working groups within the Violent Crimes
6 Against Children Program engage in activities, programs,
7 or operations to increase the investigative capabilities of
8 State and local law enforcement officers in the detection,
9 investigation, and prosecution of persons who patronize,
10 or solicit children for sex.

11 **SEC. 8. HOLDING SEX TRAFFICKERS ACCOUNTABLE.**

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

15 **SEC. 9. OVERSIGHT AND ACCOUNTABILITY.**

16 (a) **AUDIT REQUIREMENT.**—In fiscal year 2015, and
17 each fiscal year thereafter, the Inspector General of the
18 Department of Justice shall conduct audits of covered
19 grantees to prevent waste, fraud, and abuse of such funds.
20 The Inspector General shall determine the appropriate
21 number of covered grantees to be audited each year.

22 (b) **MANDATORY EXCLUSION.**—A covered grantee
23 that is found to have an unresolved audit finding shall
24 not be eligible for an allocation of grant funds from the
25 covered grant program from which it received a grant

1 award during the first 2 fiscal years beginning after the
2 end of the 12-month period described in subsection (g)(3).

3 (c) REIMBURSEMENT.—If a covered grantee is
4 awarded funds under the covered grant program from
5 which it received a grant award during the 2-fiscal-year
6 period during which the covered grantee is ineligible for
7 an allocation of grant funds as a result of subsection (b),
8 the Attorney General shall—

9 (1) deposit an amount equal to the amount of
10 the grant funds that were improperly awarded to the
11 covered grantee into the General Fund of the Treas-
12 ury; and

13 (2) seek to recoup the costs of the repayment
14 to the Fund from the covered grantee that was erro-
15 neously awarded grant funds.

16 (d) NONPROFIT ORGANIZATION REQUIREMENTS.—

17 (1) DEFINITION.—For purposes of this section,
18 the term “nonprofit”, when used with respect to an
19 organization, means an organization that is de-
20 scribed in section 501(c)(3) of the Internal Revenue
21 Code of 1986 and is exempt from taxation under
22 section 501(a) of such Code.

23 (2) PROHIBITION.—A nonprofit organization
24 that holds money in offshore accounts for the pur-
25 pose of avoiding paying the tax described in section

1 511(a) of the Internal Revenue Code of 1986, shall
2 not be eligible to receive, directly or indirectly, any
3 funds from a covered grant program.

4 (3) DISCLOSURE.—Each nonprofit organization
5 that is a covered grantee shall disclose in its applica-
6 tion for such a grant, as a condition of receipt of
7 such a grant, the compensation of its officers, direc-
8 tors, and trustees. Such disclosure shall include a
9 description of the criteria relied upon to determine
10 such compensation.

11 (e) CONFERENCE EXPENDITURES.—

12 (1) LIMITATION.—No amounts made available
13 under a covered grant program may be used to host
14 or support a conference that uses more than
15 \$20,000 in funds made available by the Department
16 of Justice unless the Deputy Attorney General or
17 the appropriate Assistant Attorney General, Direc-
18 tor, or principal deputy (as designated by the Dep-
19 uty Attorney General) provides prior written ap-
20 proval that the funds may be expended to host or
21 support such conference, except that a conference
22 that uses more than \$20,000 in such funds, but less
23 than \$500 in such funds for each attendee of the
24 conference, shall not be subject to the limitation
25 under this paragraph.

1 (2) WRITTEN APPROVAL.—Written approval
2 under paragraph (1) shall include a written estimate
3 of all costs associated with the conference, including
4 the cost of all food, beverages, audio-visual equip-
5 ment, honoraria for speakers, and entertainment.

6 (3) REPORT.—The Deputy Attorney General
7 shall submit an annual report to the Committee on
8 the Judiciary of the Senate and the Committee on
9 the Judiciary of the House of Representatives on all
10 conference expenditures approved under this sub-
11 section.

12 (f) PROHIBITION ON LOBBYING ACTIVITY.—

13 (1) IN GENERAL.—Amounts made available
14 under a covered grant program may not be used by
15 any covered grantee to—

16 (A) lobby any representative of the Depart-
17 ment of Justice regarding the award of grant
18 funding; or

19 (B) lobby any representative of the Federal
20 Government or a State, local, or tribal govern-
21 ment regarding the award of grant funding.

22 (2) PENALTY.—If the Attorney General deter-
23 mines that a covered grantee has violated paragraph
24 (1), the Attorney General shall—

1 (A) require the covered grantee to repay
2 the grant in full; and

3 (B) prohibit the covered grantee from re-
4 ceiving a grant under the covered grant pro-
5 gram from which it received a grant award dur-
6 ing at least the 5-year period beginning on the
7 date of such violation.

8 (g) DEFINITIONS.—In this section, the following defi-
9 nitions apply:

10 (1) The term “covered grant program” means
11 the following:

12 (A) The grant program under section 203
13 of the Trafficking Victims Protection Reauthor-
14 ization Act of 2005 (42 U.S.C. 14044b).

15 (B) The grant programs under section 214
16 and 214A of the Victims of Child Abuse Act of
17 1990 (42 U.S.C. 13002, 13003).

18 (2) The term “covered grantee” means a recipi-
19 ent of a grant from a covered grant program.

20 (3) The term “unresolved audit finding” means
21 an audit report finding in a final audit report of the
22 Inspector General of the Department of Justice that
23 a covered grantee has used grant funds awarded to
24 that grantee under a covered grant program for an
25 unauthorized expenditure or otherwise unallowable

1 cost that is not closed or resolved during the 12-
2 month period beginning on the date on which the
3 final audit report is issued.

4 **SEC. 10. CRIME VICTIMS' RIGHTS.**

5 (a) IN GENERAL.—Section 3771 of title 18, United
6 States Code, is amended—

7 (1) in subsection (a), by adding at the end the
8 following:

9 “(9) The right to be informed in a timely man-
10 ner of any plea bargain or deferred prosecution
11 agreement.

12 “(10) The right to be informed of the rights
13 under this section and the services described in sec-
14 tion 503(c) of the Victims’ Rights and Restitution
15 Act of 1990 (42 U.S.C. 10607(c)) and provided con-
16 tact information for the Office of the Victims’
17 Rights Ombudsman of the Department of Justice.”;

18 (2) in subsection (d)(3), in the fifth sentence,
19 by inserting “, unless the litigants, with the approval
20 of the court, have stipulated to a different time pe-
21 riod for consideration” before the period; and

22 (3) in subsection (e)—

23 (A) by striking “this chapter, the term”
24 and inserting the following: “this chapter:

1 “(1) COURT OF APPEALS.—The term ‘court of
2 appeals’ means—

3 “(A) the United States court of appeals for
4 the judicial district in which a defendant is
5 being prosecuted; or

6 “(B) for a prosecution in the Superior
7 Court of the District of Columbia, the District
8 of Columbia Court of Appeals.

9 “(2) CRIME VICTIM.—

10 “(A) IN GENERAL.—The term”;

11 (B) by striking “In the case” and inserting
12 the following:

13 “(B) MINORS AND CERTAIN OTHER VIC-
14 TIMS.—In the case”; and

15 (C) by adding at the end the following:

16 “(3) DISTRICT COURT; COURT.—The terms
17 ‘district court’ and ‘court’ include the Superior
18 Court of the District of Columbia.”.

19 (b) APPELLATE REVIEW OF PETITIONS RELATING
20 TO CRIME VICTIMS’ RIGHTS.—

21 (1) IN GENERAL.—Section 3771(d)(3) of title
22 18, United States Code, as amended by subsection
23 (a)(2) of this section, is amended by inserting after
24 the fifth sentence the following: “In deciding such

1 application, the court of appeals shall apply ordinary
2 standards of appellate review.”.

3 (2) APPLICATION.—The amendment made by
4 paragraph (1) shall apply with respect to any peti-
5 tion for a writ of mandamus filed under section
6 3771(d)(3) of title 18, United States Code, that is
7 pending on the date of enactment of this Act.

8 **SEC. 11. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1) child human trafficking (as such term is de-
11 fined in section 203(i) of the Trafficking Victims
12 Protection Reauthorization Act of 2005 (42 U.S.C.
13 14044b), as added by this Act) has no place in a civ-
14 ilized society, and that persons who commit crimes
15 relating to child human trafficking should be pros-
16 ecuted to the fullest extent of the law;

17 (2) the United States, as a leader in monitoring
18 and combating human trafficking throughout the
19 world, must hold all nations to the same standards
20 to which we hold our Nation;

21 (3) those who obtain, solicit, or patronize a vic-
22 tim of trafficking for the purpose of engaging in a
23 commercial sex act with that person, are committing
24 a human trafficking offense under Federal law; and

1 (4) the demand for commercial sex is a primary
2 cause of the human rights violation of human traf-
3 ficking, and the elimination of that human rights
4 violation requires the elimination of that demand.

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