

JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2014

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MAY 15, 2014.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
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Mr. GOODLATTE, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 3530]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3530) to provide justice for the victims of trafficking, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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**The Amendment**

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Justice for Victims of Trafficking Act of 2014”.

**SEC. 2. AVAILABILITY OF SUMS IN CRIME VICTIMS FUND.**

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended in subsection (d) by inserting before paragraph (2) the following:

- “(1) Of the amounts available in the Fund, exactly—
- “(A) \$805,000,000 shall be available for obligation in fiscal year 2016;
  - “(B) \$825,000,000 shall be available for obligation in fiscal year 2017;
  - “(C) \$845,000,000 shall be available for obligation in fiscal year 2018;
  - “(D) \$866,000,000 shall be available for obligation in fiscal year 2019; and
  - “(E) \$890,000,000 shall be available for obligation in fiscal year 2020.”.

**SEC. 3. VICTIM-CENTERED SEX TRAFFICKING DETERRENCE GRANT PROGRAM.**

Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b) is amended—

- (1) by redesignating subsection (g) as subsection (j);  
 (2) by striking subsections (a) through (f), and inserting the following:

“(a) GRANTS AUTHORIZED.—The Attorney General may make grants to eligible entities 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 victims of child human trafficking;
- “(C) facilitate the rescue of victims of child human trafficking;
- “(D) investigate and prosecute acts of child 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; and
- “(E) implement and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of victims of child human trafficking for prostitution offenses;

“(2) the establishment or enhancement of dedicated anti-child human 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-child human 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 offenses, 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 services to victims of child human trafficking;
- “(3) the establishment or enhancement of problem solving court programs for child human trafficking victims that include—
  - “(A) 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;
  - “(B) the development of specialized and individualized treatment programs 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; and
  - “(C) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and non-governmental organizations to provide services to victims and encourage cooperation with law enforcement; and
- “(4) the establishment or enhancement of victims’ services programs for victims of child human trafficking, which offer services including—
  - “(A) residential care, including temporary or long-term placement, as appropriate;
  - “(B) 24-hour emergency social services response systems; and
  - “(C) counseling and case management services.
- “(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) disclose—
      - “(i) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (b) for which the eligible entity has applied, and which application is pending on the date of the submission of an application under this section; and
      - “(ii) any other such grant funding that the eligible entity has received during the 5 year period prior to the date of the submission of an application under this section;
    - “(B) describe the activities for which assistance under this section is sought;
    - “(C) include a detailed plan for the use of funds awarded under the grant; and
    - “(D) 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) and (2) 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, and shall submit any such evaluation to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

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

“(g) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 5 percent of the total amount appropriated to carry out this section.

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

- “(1) 70 percent in the first year;
- “(2) 60 percent in the second year; and
- “(3) 50 percent in the third year.

“(i) 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; and
  - “(C) has developed a workable, multi-disciplinary plan to combat child human trafficking.”; and
- (3) in subsection (j) (as so redesignated)—
  - (A) by striking “Secretary of Health and Human Services” and inserting “Attorney General, in consultation with the Secretary of Health and Human Services.”; and
  - (B) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2015 through 2019”.

**SEC. 4. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE ACT OF 1990.**

(a) REAUTHORIZATION OF VICTIMS OF CHILD ABUSE ACT OF 1990.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

- (1) in subsection (a), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2015 through 2019”; and
- (2) in subsection (b), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2015 through 2019”.

(b) 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 specialized programs to identify and provide direct services to victims of child pornography.”.

(c) OVERSIGHT AND ACCOUNTABILITY.—

- (1) LOCAL CHILDREN’S ADVOCACY CENTERS.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as amended by this Act, is further amended by inserting at the end the following:

“(f) OVERSIGHT AND ACCOUNTABILITY.—

- “(1) ACCOUNTABILITY REQUIREMENT.—A grant recipient under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.
- “(2) DISCLOSURE OF ADDITIONAL SOURCES OF FEDERAL FUNDING.—An application for a grant under this section shall disclose—
  - “(A) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (a) for which the entity has applied, and which application is pending on the date of the submission of an application under this section; and

“(B) any other such grant funding that the entity has received during the 5 year period prior to the date of the submission of an application under this section.”.

(2) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) is amended by inserting at the end the following:

“(d) OVERSIGHT AND ACCOUNTABILITY.—

“(1) ACCOUNTABILITY REQUIREMENT.—A grant recipient under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.

“(2) DISCLOSURE OF ADDITIONAL SOURCES OF FEDERAL FUNDING.—An application for a grant under this section shall disclose—

“(A) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (a) for which the organization has applied, and which application is pending on the date of the submission of an application under this section; and

“(B) any other such grant funding that the organization has received during the 5 year period prior to the date of the submission of an application under this section.”.

**SEC. 5. 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. 6. ENHANCING HUMAN TRAFFICKING REPORTING.**

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. 7. 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. 8. 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 Violent Crimes Against Children Program 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. 9. 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. 10. OVERSIGHT AND ACCOUNTABILITY.**

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

(b) **MANDATORY EXCLUSION.**—A covered grantee that is found to have an unresolved audit finding shall not be eligible for an allocation of grant funds from the covered grant program from which it received a grant award during the first 2 fiscal years beginning after the end of the 12-month period described in subsection (g)(3).

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

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

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was erroneously awarded grant funds.

(d) **NONPROFIT ORGANIZATION REQUIREMENTS.**—

(1) **DEFINITION.**—For purposes of this section, the term “nonprofit”, when used with respect to an 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.

(2) **PROHIBITION.**—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, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(3) **DISCLOSURE.**—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied upon to determine such compensation.

(e) **CONFERENCE EXPENDITURES.**—

(1) **LIMITATION.**—No amounts made available under a covered grant program may be used to host or support a conference that uses more than \$20,000 in funds made available by 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 approval that the funds may be expended to host or support such conference, except that a conference that uses more than \$20,000 in such funds, but less than \$500 in such funds for each attendee of the conference, shall not be subject to the limitation under this paragraph.

(2) **WRITTEN APPROVAL.**—Written approval under paragraph (1) 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.

(3) **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 subsection.

(f) **PROHIBITION ON LOBBYING ACTIVITY.**—

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

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) **PENALTY.**—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

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

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

(g) **DEFINITIONS.**—In this section, the following definitions apply:

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

(A) The grant program under section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b).

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

(2) The term “covered grantee” means a recipient of a grant from a covered grant program.

(3) The term “unresolved audit finding” means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program 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.

**SEC. 11. CRIME VICTIMS’ RIGHTS.**

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

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

“(9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.

“(10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims’ Rights Ombudsman of the Department of Justice.”;

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

(3) in subsection (e)—

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

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

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

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

“(2) CRIME VICTIM.—

“(A) IN GENERAL.—The term”;

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

“(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case”; and

(C) by adding at the end the following:

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

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

(1) IN GENERAL.—Section 3771(d)(3) of title 18, United States Code, as amended by subsection (a)(2) of this section, is amended by inserting after the fifth sentence the following: “In deciding such application, the court of appeals shall apply ordinary standards of appellate review.”.

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

**SEC. 12. SENSE OF CONGRESS.**

It is the sense of Congress that child human trafficking (as such term is defined in section 203(h) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b), as added by this Act) has no place in a civilized society, and that persons who commit crimes relating to child human trafficking should be prosecuted to the fullest extent of the law.

## Purpose and Summary

H.R. 3530, as reported, is a comprehensive response to the growing crime of minor sex trafficking. Among other things, this legislation addresses victim services and provides additional resources to law enforcement through the new victim-centered grant program; helps to facilitate these investigations by providing that sex trafficking and other similar crimes are predicate offenses for state wiretap applications; addresses the demand side of this crime by clarifying that under existing 18 U.S.C. § 1591, it is a Federal crime to solicit or patronize for sex minors, or adults who are involved in the sex trade through force, fraud, or coercion; and reauthorizes the funding stream for Child Advocacy Centers, which are

often the first line of service providers for the victims of this and other crimes.

### Background and Need for the Legislation

According to the Federal Bureau of Investigation, sex trafficking is the fastest-growing business of organized crime and the third-largest criminal enterprise in the world.<sup>1</sup> Because this crime usually occurs outside of the public eye, it is difficult to estimate the number of minor victims of sex trafficking.<sup>2</sup>

The problem, however, is extensive. Demand for the prostitution (and other forms of commercial sexual exploitation) of children is steady, and profit to sex pimps (or more aptly called “traffickers”), has increased. One study estimates that over 290,000 American youth are at risk of becoming a victim of sex trafficking, and the National Center for Missing and Exploited Children estimates that one of every seven endangered runaways reported to the Center are likely victims of minor sex trafficking.<sup>3</sup> And, from 2004 through 2008, the Internet Crimes Against Children Task Forces have experienced an increase of more than 900 percent in the number of child victims of prostitution.<sup>4</sup>

Victims of sex trafficking are exploited by traffickers who may operate alone or as part of a criminal network. Shared Hope International estimates that human trafficking in the United States is a \$9.8 billion industry.<sup>5</sup> It is more profitable for a trafficker to sell the sexual services of a child or adult than to commit other crimes such as dealing in drugs—drugs can only be sold once, whereas victims can be, and are, prostituted multiple times a day.<sup>6</sup> In fact, traffickers will often set daily monetary quotas for their victims, usually ranging between \$500 and \$1,000, which goes to the trafficker and not the victim. Failure to meet these quotas can result in violence and other types of retaliation against the victim.<sup>7</sup>

Many traffickers increase their profits by working together and sharing information about “hot spots” where there may be higher demand or areas of increased police activity to avoid. For example, traffickers will often transport their victims to cities that are hosting major sporting events or conventions in order to find increased demand. The practice of moving children from city to city also makes it more difficult for law enforcement to investigate and stop trafficking enterprises.

<sup>1</sup> See AMANDA WALKER-RODRIGUEZ & RODNEY HILL, THE FBI, FBI Law Enforcement Bulletin: Human Sex Trafficking, Mar. 2011, available at [http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march\\_2011/human\\_sex\\_trafficking](http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking).

<sup>2</sup> Starting in January 2013, the FBI began collecting data regarding sex trafficking specifically as part of its Uniform Crime Report program. This information should help to provide a more fulsome picture of the impact of minor sex trafficking nationwide. See FBI, UCR Program Continues to Adapt, Evolve, <http://www.fbi.gov/about-us/cjis/cjis-link/september-2011/ucr-program-continues-to-adapt-evolve>.

<sup>3</sup> *Oversight Hearing: The State of Efforts to Stop Human Trafficking*, H. Subcomm. on Commerce, Justice, Science, and Related Agencies of the H. Comm. on Appropriations, 113th Congress (statement of John Ryan, CEO, National Center for Missing and Exploited Children).

<sup>4</sup> U.S. DEPARTMENT OF JUSTICE, *The National Strategy for Child Exploitation Prevention and Interdiction*, 32, 2010, available at <http://www.justice.gov/psc/docs/natsstrategyreport.pdf>.

<sup>5</sup> SHARED HOPE INTERNATIONAL, Domestic Minor Sex Trafficking in the U.S., <http://sharedhope.org/wp-content/uploads/2013/11/DMSTInfographic.pdf>.

<sup>6</sup> U.S. DEPARTMENT OF JUSTICE, *supra* note 4 at 32–33.

<sup>7</sup> Domestic Sex Trafficking: The Criminal Operations of the American Pimp, Polaris Project, available at [http://www.dcls.virginia.gov/victims/humantrafficking/vs/documents/Domestic\\_Sex\\_Trafficking\\_Guide.pdf](http://www.dcls.virginia.gov/victims/humantrafficking/vs/documents/Domestic_Sex_Trafficking_Guide.pdf).



The average age of minors entering the sex trade is between 12 and 14 years.<sup>8</sup> Traffickers often target vulnerable youth, who are more easily lured into prostitution and other forms of child exploitation. For example, runaways and children in the foster care system are particularly vulnerable to becoming victims of sex trafficking—one federally funded study found that approximately 1.7 million youth had run away from home or were forced to leave their homes at some point in 1999, and that, while away from home, an estimated 38,600 (2.2%) of these youth were sexually assaulted, were in the company of someone known to be sexually abusive, or were engaged in sexual activity in exchange for money, drugs, food, or shelter.<sup>9</sup> Victims of minor sex trafficking, however, are not always runaways or in foster homes. Instead, these victims can and do come from any type of home or socioeconomic background.<sup>10</sup>

Traffickers are often able to lure victims with false promises to address their emotional and physical vulnerabilities. These manipulative, abusive, and traumatizing relationships, however, can help to ensure that the victims will remain loyal to their traffickers in spite of their victimization. Other reasons that victims are often unable to leave their traffickers include being kept in captivity or confinement, the use of violence and threats, debt bondage, and fear of retaliation or arrest.<sup>11</sup> This applies not only to child victims but also adults who, by force, fraud, or coercion, are victims of traffickers.

The investigation and prosecution of human trafficking has often been carried out by state and local law enforcement. Congress has focused recent attention on domestic sex trafficking of children, which includes commercial sex acts involving children under the age of 18. Under the Victims of Trafficking and Violence Protection Act of 2000 (TVPA), the primary law that addresses trafficking, sex trafficking of children in interstate commerce is a Federal crime.<sup>12</sup> Further, regardless of whether a child is believed to have consented to sex or whether the child represents himself or herself as an adult, the child is considered a trafficking victim under Federal law.<sup>13</sup>

While much of the efforts to combat this crime have focused on the supply-side of sex trafficking, it is also a Federal (and state) crime to purchase sex with a minor.<sup>14</sup> There is no uniform profile of a buyer of commercial sex with a minor, making buyers particularly difficult to identify. Research has suggested that these preda-

<sup>8</sup> RIGHTS4GIRLS, Trafficking of Girls, <http://www.rights4girls.org/#/trafficking-of-girls/cthj>.

<sup>9</sup> HEATHER HAMMER, DAVID FINKELHOR, & ANDREA J. SEDLAK, U.S. DEPARTMENT OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, OJJDP NISMART Bulletin RUNAWAY/THROWNAWAY CHILDREN: NATIONAL ESTIMATES AND CHARACTERISTICS, Oct. 2002, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf>.

<sup>10</sup> See “You’re Pretty—You Could Make Some Money,” *Washingtonian Mag.*, June 10, 2013 (discussing the growth of minor sex trafficking victims coming from “the affluent Northern Virginia suburbs”).

<sup>11</sup> See Domestic Sex Trafficking: The Criminal Operations of the American Pimp, *supra* note 7.

<sup>12</sup> P.L. 106–386.

<sup>13</sup> 18 U.S.C. § 1591.

<sup>14</sup> *United States v. Jungers*, 702 F.3d 1066, 1075 (8th Cir. 2013) (holding that purchasers of minor sex services can be held criminally liable under 18 U.S.C. § 1591). See also UNITED STATES ATTORNEY’S OFFICE FOR THE WESTERN DISTRICT OF MISSOURI, LEBANON MAN SENTENCED TO 20 YEARS FOR COERCING A MINOR TO BECOME A SEX SLAVE (announcing the conviction of sex trafficking customers), available at <http://www.justice.gov/usao/mow/news2013/bagley.sen.html> (announcing the conviction of sex trafficking customers).

tors are often encouraged by online solicitations, temptations, and exploitation. In addition to those actively seeking out sex with minors, some buyers may engage in sex with minors unknowingly, to wit, those perpetrators may assume that a prostituted individual is an adult, not a child. Alternatively, they may or may not inquire about the age of that individual and may still decide to engage in a sex act even if she or he is a minor.<sup>15</sup>

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 3530.

### **Committee Consideration**

On April 30, 2014, the Committee met in open session and ordered the bill H.R. 3530 favorably reported with an amendment, by voice vote, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 3530.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

### **Congressional Budget Office Cost Estimate**

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3530, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

<sup>15</sup>See generally Malika Saada Saar, *There is No Such Thing As A Child Prostitute*, Wash. Post, Feb, 17, 2014 (discussing Tami, who pleaded with her purchasers for months to take her to the police because she was a minor, but none did), available at [http://www.washingtonpost.com/opinions/there-is-no-such-thing-as-a-child-prostitute/2014/02/14/631ebd26-8ec7-11e3-b227-12a45d109e03\\_story.html](http://www.washingtonpost.com/opinions/there-is-no-such-thing-as-a-child-prostitute/2014/02/14/631ebd26-8ec7-11e3-b227-12a45d109e03_story.html)

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 13, 2014.*

Hon. BOB GOODLATTE, CHAIRMAN,  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3530, the “Justice for Victims of Trafficking Act of 2014.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,  
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

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**H.R. 3530—Justice for Victims of Trafficking Act of 2014.**

As ordered reported by the House Committee on the Judiciary  
on April 30, 2014.

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SUMMARY

H.R. 3530 would authorize the appropriation of \$25 million annually over the 2015–2019 period for the Department of Justice (DOJ) to provide grants to states and other recipients aimed at improving the enforcement of laws against human trafficking and to assist victims of such crimes. The bill also would establish levels of funding for 2016 through 2020 for DOJ’s Crime Victims Fund.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 3530 would cost \$125 million over the 2015–2024 period. We estimate that enacting the bill would not change total direct spending over the 2015–2024 period; it would reduce such spending during the 2016–2021 period and increase it over the subsequent years. We also estimate that bill would have an insignificant effect on revenues. Pay-as-you-go procedures apply because enacting the legislation would affect direct spending and revenues.

H.R. 3530 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3530 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015– 2019	2015– 2024
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
DOJ Grants												
Authorization Level	25	25	25	25	25	0	0	0	0	0	125	125
Estimated Outlays	4	11	17	21	25	22	14	8	4	0	78	125
CHANGES IN DIRECT SPENDING												
Crime Victims Fund												
Estimated Budget Authority	0	-1,819	-875	-755	-634	-610	4,693	0	0	0	-4,083	0
Estimated Outlays	0	-73	-435	-859	-1,207	-769	-463	572	1,405	1,830	-2,574	0

## BASIS OF ESTIMATE

*Spending Subject to Appropriation*

CBO estimates that implementing the bill would cost \$125 million over the 2015–2023 period. We assume that the bill will be enacted by the end of 2014, the authorized amounts will be provided each year, and spending will follow historical patterns for these programs.

H.R. 3530 would authorize the appropriation of a total of \$25 million annually over the 2015–2019 period for DOJ grants, as follows:

- \$5 million annually for state and local governments to improve the investigation and prosecution of child trafficking crimes and to assist victims;
- \$15 million annually to support children’s advocacy centers; and
- \$5 million annually for programs to train and assist attorneys and other personnel who prosecute child abuse cases in state and Federal courts.

*Direct Spending*

Collections of most Federal criminal penalties are recorded in the budget as revenues, deposited into the Crime Victims Fund, and later spent without further appropriation. In recent years deposits have ranged from \$1.5 billion (in 2013) to nearly \$2.8 billion (in 2012). For many years, however, the Congress has enacted annual caps on obligations from the fund at amounts ranging from \$500 million to \$745 million. As a result, large unobligated balances, currently estimated to total about \$11 billion, have accumulated in the Crime Victims Fund. We estimate that annual receipts to this fund will average about \$1.6 billion a year over the 2014–2024 period.

Under current law all of those amounts-unobligated balances and annual collections-are available to be spent after 2014. CBO estimates that, without any limitations, outlays from the fund would be about \$26 billion over the 2015–2024 period. H.R. 3530 would set caps on future obligations from the Crime Victims Fund as follows:

- \$805 million for 2016,
- \$825 million for 2017,
- \$845 million for 2018,

- \$866 million for 2019, and
- \$890 million for 2020.

CBO estimates that those limitations would result in a decrease in spending from the fund over the 2016–2021 period, but an increase in spending in later years. Over the 2015–2024 period, CBO estimates, there would be no net change in direct spending from enacting H.R. 3530.

*Revenues*

H.R. 3530 would broaden the coverage of current laws against sex trafficking. As a result, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under the bill could be subject to criminal fines, the Federal government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO expects that any additional revenues (or direct spending) would not be significant because of the small number of cases likely to be affected.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

**CBO Estimate of Pay-As-You-Go Effects for H.R. 3530 as ordered reported by the House Committee on the Judiciary on April 30, 2014**

By Fiscal Year, in Millions of Dollars													
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014–2019	2014–2024
	NET INCREASE OR DECREASE (-) IN THE ON-BUDGET DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	-73	-435	-859	-1,207	-769	-463	572	1,405	1,830	-2,574	0

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3530 contains no intergovernmental or private-sector mandates as defined in UMRA. State and local governments would benefit from grants authorized in the bill. Any costs to those governments would be incurred voluntarily as a condition of Federal assistance.

ESTIMATE PREPARED BY:

Federal Spending: Mark Grabowicz  
 Impact on State, Local, and Tribal Governments: Melissa Merrell  
 Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

Theresa Gullo  
 Deputy Assistant Director for Budget Analysis

### **Duplication of Federal Programs**

No provision of H.R. 3530 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

### **Disclosure of Directed Rule Makings**

The Committee estimates that H.R. 3530 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. 551.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R.3530 is a comprehensive response to the growing crime of minor sex trafficking that focuses on prosecuting offenders and providing assistance and services to victims.

### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3530 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

### **Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

*Sec. 1. Short Title.* This section cites the short title of the bill as the “Justice for Victims of Trafficking Act of 2014.”

*Sec. 2. Availability of Sums in Crime Victims Fund.* This section increases the obligation cap for the Justice Department’s Crime Victims Fund by approximately 2.5 percent per years for fiscal years 2016 through 2020, ultimately reaching \$890 million per year. The Crime Victims Fund is funded through Federal criminal fines, forfeited bail bonds, penalties, and special assessments and is intended to support victim assistance programs and victim compensation. In fiscal year 2014, Congress set the obligation cap for the Fund at \$745 million, despite the fact that the Fund carried over approximately \$9 billion from the previous fiscal year. Increasing the obligation incrementally over 5 years will help to provide additional support to crime victims, including the victims of sex trafficking, without threatening the Fund’s stability.

*Sec. 3. Victim-Centered Sex Trafficking Deterrence Grant Program.* This section creates a victim-centered model grant program to help States and local governments develop and implement comprehensive victim-centered programs to train law enforcement, rescue exploited children, prosecute human traffickers, and restore the lives of victims. Specifically, these grant funds could be used for specialized training programs, the establishment of anti-trafficking task forces, victims’ services, and the establishment or enhancement of problem-solving court programs for trafficking victims all

focused on victim rescue and restoration. This grant program amends and reauthorizes the existing grant program codified at 42 U.S.C. § 14044b, and has the same authorization of \$5 million a year over 5 years.

*Sec. 4. Amendments to the Victims of Child Abuse Act of 1990.* This section reauthorizes two programs under the Victims of Child Abuse Act of 1990 that provide funding to support regional and local Child Advocacy Centers (CACs) and training and technical assistance to improve the criminal prosecution of child abuse. CACs help to provide a multi-disciplinary response to child abuse (e.g., law enforcement, child protection/social service, medical, mental health) in a manner that ensures child abuse victims (and any non-offending family members) receive the support services they need and do not experience the investigation of child abuse as an added trauma. There are over 750 CACs located in all 50 states and the District of Columbia, as well as four regional centers. Despite being unauthorized since 2005, these programs have received appropriations every year. This section reauthorizes the funding for the regional and local CACs at \$15 million a year for 5 years, which is the same as the current authorization. This section also reauthorizes the funding for training and technical assistance at \$5 million a year for 5 years, which is the same as the current authorization. Finally, this section clarifies that the local CACs may provide assistance and services to the victims of child pornography and minor sex trafficking, and extends additional accountability measures to these grantees.

*Sec. 5. Streamlining State and Local Human Trafficking Investigations.* Under current law (18 U.S.C. § 2516), state and local law enforcement may obtain a wiretap warrant in their state courts upon a showing that the investigation may provide evidence of “murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marijuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than 1 year[.]” State courts have struggled with whether human trafficking and prostitution investigations provide evidence of one of the listed classes of offenses, which in some cases has precluded state human trafficking task forces from obtaining wiretaps in these critical cases.<sup>16</sup> To address this problem, this section clarifies that the principle prosecuting attorney of a state or its political subdivision may obtain a wiretap warrant in a state court pursuant to a showing of probable cause that the wiretap will provide evidence of a crime of human trafficking, child sexual exploitation, or child pornography production.

*Sec. 6. Enhancing Human Trafficking Reporting.* This section requires law enforcement organizations who file missing children reports with the FBI’s National Crime Information Center (NCIC) to include a recent photograph of the missing child in their report where available, and requires the National Center for Missing and Exploited Children (NCMEC) to be notified of each report received relating to a child reported missing from a foster care family home or childcare institution.

*Sec. 7. Reducing Demand for Sex Trafficking.* The TVPA defines a sex trafficker as a person who “knowingly—recruits, entices, har-

<sup>16</sup>See, e.g., *State v. Rivers*, 660 So.2d 1360 (Fla. 1995).

bors, transports, provides, obtains, or maintains by any means a person . . . knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion . . . or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act.” In *United States vs. Jungers*, 702 F.3d 1066 (8th Cir. 2013), the Eighth Circuit ruled that 18 U.S.C. § 1591 applied to persons who purchase illicit sexual acts with trafficking victims after the U.S. District Court for the District of South Dakota erroneously granted motions to acquit these buyers in two separate cases. This section clarifies existing law and codifies the *Jungers* decision by adding the words “solicits or patronizes” to the sex trafficking statute, thereby clarifying Congress’s intent that 18 U.S.C. § 1591 criminalizes those who purchase sexual acts from human trafficking victims.

This section of the bill also clarifies that 18 U.S.C. § 1591(c) provides that the government not need prove beyond a reasonable doubt that a defendant knew or recklessly disregarded the fact that the victim was under the age of 18 if the defendant had “a reasonable opportunity to observe the person,” i.e., the victim. This clarifying amendment is meant to codify *United States v. Robinson*, 702 F.3d 22, 34 (2d Cir. 2012) in which the Second Circuit held that in a “prosecution under § 1591, the government may satisfy its burden of proof with respect to the defendant’s awareness of the victim’s age by proving any of the following beyond a reasonable doubt: (1) the defendant knew that the victim was under eighteen, (2) the defendant recklessly disregarded the fact that the victim was under eighteen, or (3) the defendant had a reasonable opportunity to observe the victim.” This clarification is intended to direct law enforcement’s investigative and prosecutorial focus on the purchasers of these illegal services, who create the market for the traffickers.

*Sec. 8. Using Existing Task Forces to Target Offenders Who Exploit Children.* This section directs the Justice Department to use its existing law enforcement task forces through the Innocence Lost National Initiative to focus on fighting demand for human trafficking through the investigation, arrest, and prosecution of persons who purchase sexual acts with human trafficking victims.

*Sec. 9. Holding Sex Traffickers Accountable.* Current Federal law allows interstate child predators to claim an affirmative defense under the Mann Act (18 U.S.C. § 2423) where they can show, by a preponderance of the evidence (more likely than not), that they believed the person with whom they engaged in a commercial sex act was 18 years of age or older. This section increases the standard for claiming this affirmative defense by requiring defendants to show by clear and convincing evidence that they believed the victim to be 18 years of age or older.

*Sec. 10. Oversight and Accountability.* This section provides accountability measures for the new Victim-Centered Sex Trafficking Deterrence Grant Program and the grantees under the Victims of Child Abuse Act of 1990 by allowing the DOJ Inspector General to conduct audits of grant recipients under the bill in order to prevent waste, fraud, and abuse of funds by grantees; prohibiting grantees with unresolved audit findings from receiving grant funds for a 2-



year period; giving grantee priority to eligible entities that have not had an unresolved audit finding for the previous 3-years; and ensuring that grantees under the bill who have improperly received funds are required to reimburse the Federal Government in an amount equal to the improper award, among other things. This section also provides that grantees must seek approval when using more than \$20,000 in grant funds to support or host a conference, except that a conference that uses more than \$20,000 but less than \$500 in grant funds per person is not subject to the approval requirements. This is intended to encourage grantees to be cost effective when holding conferences, and to not discourage large conferences that provide information and training in an efficient manner.

*Sec. 11. Crime Victim's Rights.* This section clarifies Congress' intent with regard to several important provisions of the Crime Victims' Rights Act (CVRA), enacted in 2004, and makes several technical and conforming changes to the CVRA. The CVRA gives crime victims "the right to participate in the system," including the "right to be treated with fairness and with respect for the victim's dignity and privacy" and "the reasonable right to confer with the attorney for the Government in the case." The law also instructs that these rights must be provided not just by the Justice Department but by "other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime." Despite this mandate, in 2010, the Justice Department's Office of Legal Counsel issued an opinion concluding that the CVRA does not confer rights on victims of Federal crimes until prosecutors initiate formal criminal proceedings via the filing of a complaint, information, or indictment. The result of this opinion is that Federal prosecutors are not required to notify crime victims of plea bargain or deferred prosecution agreement negotiations that occur prior to the filing of a formal charge. This section clarifies Congress' intent that crime victims be notified of plea bargains or deferred prosecution agreements, including those that may take place prior to a formal charge.

The CVRA also empowers crime victims to challenge the denial of their rights through a writ of mandamus. However, since its enactment, the circuit courts have split on the issue of what standard of review should apply to such writs. This section adopts the approach followed by the Ninth Circuit in *Kenna v. U.S. District Court for Central District of California*, 435 F.3d 1011 (9th Cir. 2006), and the Second Circuit Circuit in *In re W.R. Huff Asset Management Company*, 409 F.3d 555 (2d Cir. 2005), namely that, despite the use of a writ of mandamus as a mechanism for victims' rights enforcement, Congress intended that such writs be reviewed under ordinary appellate review standards.

*Sec. 12. Sense of Congress.* This section provides a sense of Congress that minor sex trafficking is a terrible crime that should be prosecuted to the fullest extent of the law.

### **Changes in Existing Law Made by the Bill, as Reported**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**VICTIMS OF CRIME ACT OF 1984**

\* \* \* \* \*

**CHAPTER XIV—VICTIM COMPENSATION AND ASSISTANCE**

\* \* \* \* \*

**CRIME VICTIMS FUND**

**SEC. 1402. (a) \* \* \***

\* \* \* \* \*

- (d) The Fund shall be available as follows:
  - (1) *Of the amounts available in the Fund, exactly—*
    - (A) *\$805,000,000 shall be available for obligation in fiscal year 2016;*
    - (B) *\$825,000,000 shall be available for obligation in fiscal year 2017;*
    - (C) *\$845,000,000 shall be available for obligation in fiscal year 2018;*
    - (D) *\$866,000,000 shall be available for obligation in fiscal year 2019; and*
    - (E) *\$890,000,000 shall be available for obligation in fiscal year 2020.*

\* \* \* \* \*

**TRAFFICKING VICTIMS PROTECTION  
REAUTHORIZATION ACT OF 2005**

\* \* \* \* \*

**TITLE II—COMBATting DOMESTIC TRAFFICKING IN  
PERSONS**

\* \* \* \* \*

**SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.**

**[(a) ESTABLISHMENT OF PILOT PROGRAM.—**Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

**[(b) PURPOSES.—**The purposes of the pilot program established pursuant to subsection (a) are to—

- [(1)** provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;
- [(2)** assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the

most efficient and cost-effective means of providing such facilities; and

[(3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

[(c) SELECTION OF SITES.—The Secretary of Health and Human Services shall select three sites at which to operate the pilot program established pursuant to subsection (a).

[(d) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations that—

[(1) have relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation; or

[(2) have entered into partnerships with organizations that have expertise as described in paragraph (1) for the purpose of implementing the contracts or grants.

[(e) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

[(f) DEFINITION.—In this section, the term “juvenile subjected to trafficking” means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.]

(a) *GRANTS AUTHORIZED.*—*The Attorney General may make grants to eligible entities 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 victims of child human trafficking;*

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

(D) *investigate and prosecute acts of child 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; and*

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

(2) the establishment or enhancement of dedicated anti-child human 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-child human 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 offenses, 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 services to victims of child human trafficking;

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

(A) 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;

(B) the development of specialized and individualized treatment programs 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; and

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

(4) the establishment or enhancement of victims' services programs for victims of child human trafficking, which offer services including—

(A) residential care, including temporary or long-term placement, as appropriate;

(B) 24-hour emergency social services response systems; and

(C) counseling and case management services.

(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) disclose—

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

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

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

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

(D) 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) and (2) 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, and shall submit any such evaluation to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.*

*(f) OVERSIGHT AND ACCOUNTABILITY.—An eligible entity that receives a grant under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.*

*(g) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 5 percent of the total amount appropriated to carry out this section.*

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

- (1) 70 percent in the first year;*
- (2) 60 percent in the second year; and*
- (3) 50 percent in the third year.*

*(i) 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; and*

*(C) has developed a workable, multi-disciplinary plan to combat child human trafficking.*

**[(g)] (j) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to the **[Secretary of Health and Human Services]** Attorney General, in consultation with the Secretary of Health and Human Services, to carry out this section \$5,000,000 for each of the **[fiscal years 2008 through 2011]** fiscal years 2015 through 2019.

\* \* \* \* \*

VICTIMS OF CHILD ABUSE ACT OF 1990

\* \* \* \* \*

TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

\* \* \* \* \*

Subtitle A—Improving Investigation and Prosecution of Child Abuse Cases

\* \* \* \* \*

SEC. 212. DEFINITIONS.

For purposes of this subtitle—

(1) \* \* \*

\* \* \* \* \*

(5) the term “child abuse” means physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography;

\* \* \* \* \*

SEC. 214. LOCAL CHILDREN’S ADVOCACY CENTERS.

(a) \* \* \*

(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 specialized programs to identify and provide direct services to victims of child pornography.

[(b)] (c) GRANT CRITERIA.—(1) \* \* \*

\* \* \* \* \*

[(c)] (d) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Director shall ensure that grants are distributed to both large and small States and to rural, suburban, and urban jurisdictions.

[(d)] (e) CONSULTATION WITH REGIONAL CHILDREN’S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children’s advocacy centers in its census region that are grant recipients under section 213.

(f) OVERSIGHT AND ACCOUNTABILITY.—

(1) ACCOUNTABILITY REQUIREMENT.—A grant recipient under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.

(2) DISCLOSURE OF ADDITIONAL SOURCES OF FEDERAL FUNDING.—An application for a grant under this section shall disclose—

(A) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (a) for which the entity has applied, and which application is

*pending on the date of the submission of an application under this section; and*

*(B) any other such grant funding that the entity has received during the 5 year period prior to the date of the submission of an application under this section.*

**SEC. 214A. GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.**

(a) \* \* \*

\* \* \* \* \*

(d) *OVERSIGHT AND ACCOUNTABILITY.—*

*(1) ACCOUNTABILITY REQUIREMENT.—A grant recipient under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.*

*(2) DISCLOSURE OF ADDITIONAL SOURCES OF FEDERAL FUNDING.—An application for a grant under this section shall disclose—*

*(A) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (a) for which the organization has applied, and which application is pending on the date of the submission of an application under this section; and*

*(B) any other such grant funding that the organization has received during the 5 year period prior to the date of the submission of an application under this section.*

**SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.**

(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, \$15,000,000 for each of **【fiscal years 2004 and 2005】** *fiscal years 2015 through 2019.*

(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, \$5,000,000 for each of **【fiscal years 2004 and 2005】** *fiscal years 2015 through 2019.*

\* \* \* \* \*

**TITLE 18, UNITED STATES CODE**

\* \* \* \* \*

**PART I—CRIMES**

\* \* \* \* \*

**CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS**

\* \* \* \* \*

**§ 1591. Sex trafficking of children or by force, fraud, or coercion**

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains,



**[or maintains]** *maintains, patronizes, or solicits* by any means a person; or

\* \* \* \* \*

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, **[or obtained]** *obtained, patronized, or solicited* had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, **[or obtained]** *obtained, patronized, or solicited* had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained **[or maintained]**, *maintained, patronized, or solicited*, the Government need not prove that the defendant **[knew that the person]** *knew, or recklessly disregarded the fact, that the person* had not attained the age of 18 years.

\* \* \* \* \*

**CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES**

\* \* \* \* \*

**§ 2423. Transportation of minors**

(a) \* \* \*

\* \* \* \* \*

(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by **[a preponderance of the evidence]** *clear and convincing evidence*, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

\* \* \* \* \*

**CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS**

\* \* \* \* \*

**§ 2516. Authorization for interception of wire, oral, or electronic communications**

(1) \* \* \*

(2) The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make ap-

plication to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications, may apply to such judge for, and such judge may grant in conformity with section 2518 of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, *human trafficking, child sexual exploitation, child pornography production*, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year, designated in any applicable State statute authorizing such interception, or any conspiracy to commit any of the foregoing offenses.

\* \* \* \* \*

**PART II—CRIMINAL PROCEDURE**

\* \* \* \* \*

**CHAPTER 237—CRIME VICTIMS' RIGHTS**

**§ 3771. Crime victims' rights**

(a) RIGHTS OF CRIME VICTIMS.—A crime victim has the following rights:

(1) \* \* \*

\* \* \* \* \*

(9) *The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.*

(10) *The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.*

\* \* \* \* \*

(d) ENFORCEMENT AND LIMITATIONS.—

(1) \* \* \*

\* \* \* \* \*

(3) MOTION FOR RELIEF AND WRIT OF MANDAMUS.—The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the pe-

tion has been filed, *unless the litigants, with the approval of the court, have stipulated to a different time period for consideration. In deciding such application, the court of appeals shall apply ordinary standards of appellate review.* In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.

\* \* \* \* \*

(e) DEFINITIONS.—For the purposes of [this chapter, the term] *this chapter:*

(1) COURT OF APPEALS.—*The term “court of appeals” means—*

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

(B) *for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.*

(2) CRIME VICTIM.—

(A) *IN GENERAL.—The term “crime victim” means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia. [In the case]*

(B) *MINORS AND CERTAIN OTHER VICTIMS.—In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim’s estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim’s rights under this chapter, but in no event shall the defendant be named as such guardian or representative.*

(3) DISTRICT COURT; COURT.—*The terms “district court” and “court” include the Superior Court of the District of Columbia.*

\* \* \* \* \*

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**SECTION 3702 OF THE CRIME CONTROL ACT OF 1990**

\* \* \* \* \*

**SEC. 3702. STATE REQUIREMENTS.**

Each State reporting under the provisions of this title shall—

(1) \* \* \*

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; [and]

\* \* \* \* \*

(4) provide that after receiving reports as provided in [paragraph (2)] *paragraph (3)*, the law enforcement agency

that entered the report into the National Crime Information Center shall—

(A) no later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records *and a photograph taken within the previous 180 days*;

(B) institute or assist with appropriate search and investigative procedures; **and**

*(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*

**[(C)]** *(D) maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.*

**SECTION 103 OF THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

**SEC. 103. DEFINITIONS.**

In this division:

(1) \* \* \*

\* \* \* \* \*

(10) **SEX TRAFFICKING.**—The term “sex trafficking” means the recruitment, harboring, transportation, provision, **or obtaining** *obtaining, patronizing, or soliciting* of a person for the purpose of a commercial sex act.

\* \* \* \* \*

