

108TH CONGRESS
2D SESSION

S. 2916

To combat unlawful commercial sex activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sex activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2004

Mr. CORNYN (for himself, Mr. SCHUMER, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat unlawful commercial sex activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sex activities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Domestic Trafficking Victims Protection Act of 2004”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Prosecution of purchasers, traffickers, and exploiters of commercial sex acts.

Sec. 5. Strengthening prosecution and punishment of traffickers, purchasers, and exploiters of commercial sex acts.

Sec. 6. Special operating group participation.

Sec. 7. Reports.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The unlawful trafficking of persons for com-
5 mercial sexual activities has a devastating impact on
6 society.

7 (2) An alarming number of individuals who are
8 used for unlawful commercial sexual activities are
9 socially and economically marginalized, and kept in
10 effective bondage by threats or acts of physical and
11 sexual abuse. These individuals are victimized by the
12 prevalence of unlawful commercial sex. A dispropor-
13 tionate number of these victims are women and chil-
14 dren.

15 (3) Although current laws punish traffickers,
16 exploiters, and purchasers of unlawful commercial
17 sex activities, these laws are typically enforced dis-
18 proportionately against the individuals, predomi-
19 nantly women and girls, who are used in the unlaw-
20 ful activities, instead of against the traffickers, ex-

1 ploiters, and purchasers, who are predominantly
2 men.

3 (4) According to recent studies—

4 (A) 11 females used in unlawful commer-
5 cial sex acts were arrested in Boston for every
6 arrest of a male purchaser;

7 (B) 9 females used in unlawful commercial
8 sex acts were arrested in Chicago for every ar-
9 rest of a male purchaser; and

10 (C) 6 females used in unlawful commercial
11 sex acts were arrested in New York City for
12 every arrest of a male purchaser.

13 (5) Some studies reveal that unlawful commer-
14 cial sex is a frequent gateway crime for women who
15 later commit more serious criminal offenses. Over 70
16 percent of female inmates in American prisons were
17 first arrested for engaging in commercial sex acts.
18 For every 3 women in jails in the United States
19 today, 1 was arrested for prostitution, and 7 of
20 every 10 women imprisoned on felony convictions
21 were initially arrested for prostitution.

22 (6) The emotional and physical ramifications of
23 unlawful sex trafficking of children as well as women
24 are staggering, leading to an increased risk of—

25 (A) sexual and physical assault;

- 1 (B) violence;
- 2 (C) suicide;
- 3 (D) pregnancy;
- 4 (E) abortion;
- 5 (F) sexually transmitted diseases, includ-
- 6 ing AIDS;
- 7 (G) post-traumatic stress disorder; and
- 8 (H) death.

9 (7) Unlawful sex trafficking has a particularly
10 devastating and alarming impact upon children. Ac-
11 cording to some estimates, between 100,000 to
12 300,000 children are victimized by unlawful sex traf-
13 ficking at any given time. According to the
14 CyberTipline of the National Center for Missing and
15 Exploited Children, reports of child sexual exploi-
16 tation, including child pornography, child prostitu-
17 tion, online enticement of children, and child sex
18 tourism, have increased 750 percent over the past 5
19 years.

20 (8) Runaway children are especially vulnerable
21 to unlawful sex traffickers, who lure these children
22 into devastating lives as victims of commercial sex
23 acts, with promises of food, clothing, and shelter.

1 (9) According to the Office of Juvenile Justice
2 and Delinquency Prevention in the Department of
3 Justice, in 2002—

4 (A) over 1,300,000 children were missing
5 in the United States;

6 (B) as many as 775,000 of these children
7 are runaways; and

8 (C) 76 percent of runaway children who
9 call the National Runaway Switchboard are
10 girls under the age of 18.

11 (10) The United Nations estimates that unlaw-
12 ful sex trafficking, including sex tourism, generates
13 approximately \$5,000,000,000 a year in revenues.
14 There are a number of United States-based compa-
15 nies that overtly and explicitly facilitate sex tours,
16 often involving the sexual exploitation of children.
17 According to some estimates, up to 1/4 of inter-
18 national sex tourists are American.

19 (11) Under the Trafficking Victims Protection
20 Act of 2000 (22 U.S.C. 7101 et seq.), the United
21 States is committed to ending the international traf-
22 ficking of persons for slavery, including sex slavery.
23 The achievement of significant progress in reducing
24 unlawful sex trafficking within our own borders will
25 bolster United States efforts to eliminate inter-

1 national trafficking of persons for slavery, including
2 sex slavery, around the world.

3 (12) Stronger enforcement of laws prohibiting
4 commercial sex against traffickers, exploiters, and
5 purchasers may dramatically improve enforcement
6 and reduce the victimization of women and children
7 used in unlawful sex trafficking.

8 (13) Additional research and statistics at the
9 national, State, and local level will help us to under-
10 stand more fully the extent of unlawful commercial
11 sex activities within the United States, and the most
12 effective strategies for combating such unlawful ac-
13 tivities.

14 (b) PURPOSES.—The purposes of this Act are—

15 (1) to support the development of more effective
16 means of combating unlawful commercial sex activi-
17 ties by targeting demand;

18 (2) to protect children from the predators and
19 exploiters who use them in commercial sex activities;

20 (3) to clarify that the operation of sex tours is
21 prohibited under Federal law; and

22 (4) to assist State and local governments in
23 their enforcement of existing laws dealing with com-
24 mercial sex activities.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following definitions shall apply:

3 (1) **COMMERCIAL SEX ACT.**—The term “com-
4 mercial sex act” means any sex act for which any-
5 thing of value is directly or indirectly given to, or re-
6 ceived by, traffickers, exploiters, or purchasers of sex
7 acts.

8 (2) **DOMESTIC TRAFFICKING.**—The term “do-
9 mestic trafficking” means any unlawful commercial
10 sex act performed in the United States.

11 (3) **EXPLOITER OF A COMMERCIAL SEX ACT.**—
12 The term “exploiter of a commercial sex act” means
13 any person who, for financial gain, procures, sells, or
14 purveys a victim of a commercial sex act.

15 (4) **PURCHASER OF A COMMERCIAL SEX ACT.**—
16 The term “purchaser of a commercial sex act”
17 means any person who solicits or purchases a com-
18 mercial sex act from an exploiter or victim of a com-
19 mercial sex act.

20 (5) **QUALIFIED NON-GOVERNMENTAL ORGANI-**
21 **ZATION.**—The term “qualified non-governmental or-
22 ganization” means any organization that the Attor-
23 ney General, the Assistant Secretary of Children and
24 Families of the Department of Health and Human
25 Services, or the chief law enforcement officer of a
26 State or political subdivision of a State determines

1 is engaged or plans to engage in efforts to protect
 2 and rehabilitate victims of commercial sex acts on a
 3 not for profit basis.

4 (6) **TRAFFICKER OF A COMMERCIAL SEX ACT.**—
 5 The term “trafficker of a commercial sex act”
 6 means any person who, for financial gain, recruits,
 7 harbors, transports, provides, or obtains a person for
 8 the purpose of causing the person to become a vic-
 9 tim of a commercial sex act.

10 (7) **VICTIM OF A COMMERCIAL SEX ACT.**—The
 11 term “victim of a commercial sex act” means any
 12 person offered for use in a commercial sex act.

13 **SEC. 4. PROSECUTION OF PURCHASERS, TRAFFICKERS,**
 14 **AND EXPLOITERS OF COMMERCIAL SEX**
 15 **ACTS.**

16 (a) **GRANTS AUTHORIZED.**—The Attorney General
 17 shall award grants to States and their political subdivi-
 18 sions to establish model law enforcement programs that
 19 promote the effective prosecution of purchasers, exploiters,
 20 and traffickers of commercial sex acts.

21 (b) **USE OF GRANT FUNDS.**—Funds received from a
 22 grant awarded under subsection (a) may be used by the
 23 grantee, either directly or through subgrants to qualified
 24 non-governmental organizations, for—

1 (1) prosecutions against purchasers of unlawful
2 commercial sex acts, through—

3 (A) educational programs instructing first-
4 time purchasers of unlawful commercial sex on
5 the devastation caused by such offenses;

6 (B) the publication of names and addresses
7 of repeat purchasers;

8 (C) the use of female decoys;

9 (D) statutory rape and felony assault pros-
10 ecutions against purchasers; and

11 (E) other programs designated by the At-
12 torney General to enhance the prosecution of
13 purchasers and to reduce the demand for un-
14 lawful commercial sex activities;

15 (2) prosecutions against traffickers and exploit-
16 ers of unlawful commercial sex acts, through—

17 (A) surveillance of places of business en-
18 gaged in unlawful commercial sex acts;

19 (B) rape and sexual assault prosecutions
20 against exploiters and traffickers;

21 (C) tax evasion prosecutions against ex-
22 ploitors and traffickers; and

23 (D) the use of restitution provisions to
24 supplement public financing of shelters and so-
25 cial services for victims of unlawful commercial

1 sex acts and to compensate victims of unlawful
2 commercial sex acts; and

3 (3) social service programs operated by non-
4 governmental organizations with special expertise in
5 assisting victims of unlawful commercial sex activi-
6 ties, whose programs offer protection, education,
7 food, and shelter for victims of unlawful commercial
8 sex acts, provided that special consideration shall be
9 given to such programs that offer assistance to vic-
10 tims who assist in the prosecution of traffickers, ex-
11 ploitors, and purchaser-exploiters of unlawful com-
12 mercial sex activities.

13 (c) REPORTS BY GRANTEE.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the end of the period for which a grant was made
16 under this section, and at such times as may be nec-
17 essary to effectively facilitate the reporting and dis-
18 semination requirements under section 6(a), each
19 grantee shall submit a report to the Attorney Gen-
20 eral.

21 (2) CONTENTS.—The report submitted under
22 paragraph (1) shall—

23 (A) identify and describe the activities car-
24 ried out with grant funds received under this
25 section; and

1 (B) include an evaluation by the grantee of
2 the effect of those activities.

3 (3) DISSEMINATION.—The Attorney General
4 shall ensure that the report submitted under para-
5 graph (1) is posted to the Department of Justice
6 website.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated, for each of the fiscal
9 years 2005 through 2007—

10 (1) \$15,000,000 for grants to carry out the ac-
11 tivities described in subsection (b)(1);

12 (2) \$15,000,000 for grants to carry out the ac-
13 tivities described in subsection (b)(2); and

14 (3) \$15,000,000 for grants to carry out the ac-
15 tivities described in subsection (b)(3).

16 **SEC. 5. STRENGTHENING PROSECUTION AND PUNISHMENT**
17 **OF TRAFFICKERS, PURCHASERS, AND EX-**
18 **PLOITERS OF COMMERCIAL SEX ACTS.**

19 Chapter 117 of title 18, United States Code, is
20 amended—

21 (1) in the table of sections, by amending the
22 item relating to section 2423 to read as follows:

“2423. Protection of minor victims of commercial sex acts.”.

23 (2) in section 2421, by inserting “, including a
24 purchaser of unlawful commercial sex acts” after
25 “any individual”;

1 (3) in section 2422(a), by inserting “, including
 2 a purchaser of unlawful commercial sex acts” after
 3 “any individual”; and

4 (4) in section 2423—

5 (A) by amending the header to read as fol-
 6 lows:

7 **“§ 2423. Protection of minor victims of commercial**
 8 **sex acts”;**

9 (B) by redesignating subsection (f) as sub-
 10 section (h);

11 (C) by redesignating subsection (e) as sub-
 12 section (f);

13 (D) in subsection (f), as redesignated, by
 14 striking “or (d)” and inserting “(d), or (e)”;
 15 and

16 (E) by inserting after subsection (d) the
 17 following:

18 “(e) EXPANDED FEDERAL JURISDICTION.—Any per-
 19 son who, in or affecting interstate or foreign commerce—

20 “(1)(A) knowingly transports, recruits, or har-
 21 bors a person who has not attained the age of 18
 22 years with the intent that the person engage in pros-
 23 titution, or in any sexual activity for which any per-
 24 son can be charged with a criminal offense;

1 “(B) travels for the purpose of engaging in any
2 illicit sexual conduct with another person;

3 “(C) engages in any illicit sexual conduct with
4 another person; or

5 “(D) arranges, induces, procures, or facilitates
6 the travel of a person for the purpose of commercial
7 advantage or private financial gain, knowing that
8 the person is traveling for the purpose of engaging
9 in illicit sexual conduct; and

10 “(2) who knew that the person has crossed
11 State or foreign territorial boundaries from the place
12 of the permanent residence of such person within 1
13 year of the date of the prohibited act,

14 shall be fined under this title, imprisoned not more than
15 30 years, or both.”.

16 **SEC. 6. SPECIAL OPERATING GROUP PARTICIPATION.**

17 The Department of Justice, the Department of
18 Labor, the Department of Health and Human Services,
19 and any other Federal agency involved in combating un-
20 lawful domestic sex trafficking and providing services to
21 victims of unlawful domestic sex trafficking shall coordi-
22 nate their activities with the Senior Policy Operating
23 Group to ensure that Federal programs directed at domes-
24 tic trafficking are consistent with Federal enforcement of

1 the Trafficking Victims Protection Act of 2000 (Public
2 Law 106–386).

3 **SEC. 7. REPORTS.**

4 (a) ANNUAL REPORT ON BEST PRACTICES TO RE-
5 DUCE DEMAND FOR COMMERCIAL SEX ACTS.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, and annually
8 thereafter, the Attorney General shall submit a full
9 and detailed report of the implementation of this Act
10 to the Committee on the Judiciary of the Senate and
11 the Committee on the Judiciary of the House of
12 Representatives.

13 (2) CONTENTS.—The report submitted under
14 paragraph (1) shall include—

15 (A) a detailed explanation of the standards
16 by which the Attorney General has—

17 (i) awarded grants to States and their
18 political subdivisions under section 4; and

19 (ii) evaluated the success of grant
20 awards in enhancing the prosecution and
21 conviction of purchasers, traffickers, and
22 exploiters of unlawful commercial sex acts,
23 and in reducing demand for unlawful com-
24 mercial sex activity; and

1 (B) a full and detailed report of the imple-
2 mentation of the amendments under para-
3 graphs (2) and (3) of section 5, including num-
4 bers of arrests, prosecutions, and convictions;
5 and

6 (C) a full and detailed report of the imple-
7 mentation of the amendment under section
8 5(4)(E), including numbers of arrests, prosecu-
9 tions, and convictions.

10 (3) ANNUAL CONFERENCES.—

11 (A) IN GENERAL.—The Attorney General,
12 at each annual conference conducted by the De-
13 partment of Justice, shall—

14 (i) announce and evaluate the findings
15 contained in the report submitted under
16 paragraph (1); and

17 (ii) disseminate best methods and
18 practices for training State and local law
19 enforcement personnel involved in enforce-
20 ing laws prohibiting commercial sex acts.

21 (B) PARTICIPATION.—Each annual con-
22 ference under this paragraph shall involve the
23 full participation of leading experts in the field,
24 including—

- 1 (i) local police and prosecutorial offi-
2 cials;
- 3 (ii) appropriate State officials;
- 4 (iii) academic experts on unlawful
5 commercial sex activity;
- 6 (iv) appropriate medical personnel;
- 7 and
- 8 (v) qualified representatives of non-
9 governmental organizations.

10 (b) COMPREHENSIVE STATISTICAL REVIEW ON UN-
11 LAWFUL COMMERCIAL SEX ACTS.—

12 (1) IN GENERAL.—The Attorney General shall
13 carry out a biennial comprehensive statistical review
14 and analysis of unlawful commercial sex acts.

15 (2) CONTENTS.—The statistical review and
16 analysis under this subsection shall include—

17 (A) the number of persons used in unlaw-
18 ful commercial sex acts;

19 (B) the number of traffickers, exploiters,
20 and purchasers of unlawful commercial sex
21 acts;

22 (C) the ethnicity, age, and sex of victims of
23 unlawful commercial sex acts;

1 (D) the ethnicity and sex of traffickers,
2 purchasers, and exploiters of unlawful commer-
3 cial sex acts;

4 (E) the number of investigations, arrests,
5 prosecutions, and incarcerations of victims of
6 unlawful commercial sex acts by States and
7 their political subdivisions;

8 (F) the number of investigations, arrests,
9 prosecutions, and incarcerations of traffickers,
10 exploiters, or purchasers of unlawful commer-
11 cial sex acts; and

12 (G) the differences in the enforcement of
13 laws relating to unlawful commercial sex acts
14 by similarly situated jurisdictions.

15 (3) SOLICITATION OF VIEWS.—In conducting
16 the statistical review and analysis under this sub-
17 section, the Attorney General shall solicit views
18 from—

19 (A) Federal and State prosecutorial offi-
20 cials;

21 (B) Federal, State, county, and municipal
22 law enforcement officials;

23 (C) persons used in unlawful commercial
24 sex acts;

25 (D) researchers; and

1 (E) other experts in the area of commer-
2 cial sex acts.

3 (4) REPORT.—Not later than 1 year after the
4 date of enactment of this Act, the Attorney General
5 shall submit a report containing the results of the
6 statistical review and analysis under this section to
7 the Committee on the Judiciary of the Senate and
8 the Committee on the Judiciary of the House of
9 Representatives.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated—

12 (1) \$1,000,000 for each of the fiscal years 2005
13 through 2007 to carry out subsection (a); and

14 (2) \$1,000,000 for each of the fiscal years 2005
15 and 2007 to carry out subsection (b).

○