

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 937

To combat commercial sexual 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 sexual activities, to reduce trafficking in persons, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

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

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## A BILL

To combat commercial sexual 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 sexual activities, to reduce trafficking in persons, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “End Demand for Sex  
5       Trafficking Act of 2005”.

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

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

4 (1) Commercial sexual activities have a dev-  
5 astating impact on society. The sex trade has a de-  
6 humanizing effect on all involved.

7 (2) According to a 2004 publication by the Of-  
8 fice to Monitor and Combat Trafficking in Persons  
9 of the State Department, prostitution and related  
10 activities, including pimping and patronizing or  
11 maintaining brothels, fuel the growth of modern-day  
12 slavery by providing a facade behind which sex traf-  
13 fickers operate. Where prostitution is tolerated,  
14 there is a greater demand for trafficking victims and  
15 nearly always an increase in the number of women  
16 and children trafficked into commercial sexual activi-  
17 ties.

18 (3) The Trafficking in Persons National Secu-  
19 rity Presidential Directive (February 25, 2003)  
20 states that prostitution and related activities, which  
21 are inherently harmful and dehumanizing, contribute  
22 to the phenomenon of trafficking in persons. In Sep-  
23 tember 2003, President George W. Bush gave a  
24 speech at the United Nations in which he character-  
25 ized the victimization of children in the sex trade as  
26 a “special evil”. He specifically condemned the de-

1 mand for victims by saying, “Those who patronize  
2 this industry debase themselves and deepen the mis-  
3 ery of others”.

4 (4) An alarming number of individuals who are  
5 used for commercial sexual activities are socially and  
6 economically marginalized, and kept in effective  
7 bondage by threats or acts of physical and sexual  
8 abuse. Engaging in commercial sex acts, such as  
9 prostitution, renders them vulnerable to violence at  
10 the hands of pimps, purchasers, and other predators  
11 such as serial killers and rapists, as well as degrada-  
12 tion resulting from commercial sexual activities.  
13 Women and children are at a disproportionately  
14 higher risk for exploitation.

15 (5) Although current laws punish sex traf-  
16 fickers, exploiters, and purchasers of commercial  
17 sexual activities, these laws are typically enforced  
18 disproportionately against women and children, in-  
19 stead of against the sex traffickers, exploiters, and  
20 purchasers.

21 (6) According to recent studies—

22 (A) 11 females used in commercial sexual  
23 acts were arrested in Boston for every arrest of  
24 a male purchaser;

1 (B) 9 females used in commercial sexual  
2 acts were arrested in Chicago for every arrest  
3 of a male purchaser; and

4 (C) 6 females used in commercial sexual  
5 acts were arrested in New York City for every  
6 arrest of a male purchaser.

7 (7) Some studies reveal that commercial sex is  
8 a frequent gateway crime for women who later com-  
9 mit more serious criminal offenses. Over 70 percent  
10 of female inmates in United States prisons were first  
11 arrested for engaging in commercial sexual acts. For  
12 every 3 women in jails in the United States today,  
13 1 was arrested for prostitution, and 7 of every 10  
14 women imprisoned on felony convictions were ini-  
15 tially arrested for prostitution.

16 (8) The emotional and physical ramifications of  
17 sex trafficking of children and women are stag-  
18 gering, leading to an increased risk of—

19 (A) sexual and physical assault;

20 (B) violence;

21 (C) suicide;

22 (D) pregnancy;

23 (E) abortion;

24 (F) sexually transmitted diseases, includ-  
25 ing AIDS;

1 (G) post-traumatic stress disorder; and

2 (H) death.

3 (9) Sex trafficking has a particularly dev-  
4 astating and alarming impact upon children. Accord-  
5 ing to some estimates, between 100,000 to 300,000  
6 children are victimized by sex trafficking at any  
7 given time. According to the CyberTipline of the Na-  
8 tional Center for Missing and Exploited Children,  
9 reports of child sexual exploitation, including child  
10 pornography, child prostitution, online enticement of  
11 children, and child sex tourism, have increased 750  
12 percent over the past 5 years.

13 (10) Runaway children are especially vulnerable  
14 to sex traffickers, who lure these children into dev-  
15 astating lives as victims of commercial sexual acts  
16 with promises of food, clothing, and shelter.

17 (11) According to the Office of Juvenile Justice  
18 and Delinquency Prevention in the Department of  
19 Justice, in 2002—

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

22 (B) as many as 775,000 of these children  
23 are runaways; and

1           (C) 76 percent of runaway children who  
2           call the National Runaway Switchboard are  
3           girls under the age of 18.

4           (12) The United Nations estimates that sex  
5           trafficking, including sex tourism, generates approxi-  
6           mately \$5,000,000,000 a year in revenues. There  
7           are a number of United States-based companies that  
8           overtly and explicitly facilitate sex tours, often in-  
9           volving the sexual exploitation of children. According  
10          to some estimates, up to  $\frac{1}{4}$  of international sex  
11          tourists are American.

12          (13) Under the Trafficking Victims Protection  
13          Act of 2000 (22 U.S.C. 7101 et seq.), the United  
14          States is committed to ending the international traf-  
15          ficking of persons for slavery, including sex slavery.  
16          The achievement of significant progress in reducing  
17          sex trafficking within the United States will bolster  
18          United States efforts to eliminate international traf-  
19          ficking in persons for slavery, including sex slavery,  
20          around the world.

21          (14) Stronger enforcement of laws against sex  
22          traffickers, exploiters, and purchasers may dramati-  
23          cally reduce demand for commercial sexual acts and  
24          related sex trafficking and reduce the exploitation of  
25          persons engaged in commercial sexual activities.

1           (15) More services are needed for victims of  
2 commercial sexual activities to ensure that they are  
3 treated with dignity and respect and are able to ac-  
4 cess benefits and programs designed to help them  
5 escape the sex trade and regain their health and  
6 safety.

7           (16) Additional research and statistics at the  
8 national, State, and local level will clarify the extent  
9 of commercial sexual activities within the United  
10 States, and the most effective strategies for com-  
11 bating such unlawful activities.

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

13           (1) to support the development of more effective  
14 means of combating commercial sexual activities by  
15 targeting demand;

16           (2) to protect children from the predators and  
17 exploiters who use them in commercial sexual activi-  
18 ties;

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

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

24 **SEC. 3. DEFINITIONS.**

25       In this Act, the following definitions shall apply:

1           (1) COMMERCIAL SEX ACT.—The term “com-  
2           mercial sex act” means any sex act on account of  
3           which anything of value is given to, or received by,  
4           any person.

5           (2) EXPLOITER.—The term “exploiter” means  
6           any person who, for financial gain, procures, sells, or  
7           purveys a person for the purpose of engaging in an  
8           unlawful commercial sex act, including pimps, pan-  
9           derers, procurers, and brothel operators.

10          (3) PURCHASER.—The term “purchaser”  
11          means any person who solicits or purchases an un-  
12          lawful commercial sex act.

13          (4) QUALIFIED NON-GOVERNMENTAL ORGANI-  
14          ZATION.—The term “qualified non-governmental or-  
15          ganization” means any organization that the Attor-  
16          ney General, the Assistant Secretary for Children  
17          and Families of the Department of Health and  
18          Human Services, or the chief law enforcement offi-  
19          cer of a State or political subdivision of a State de-  
20          termines is engaged or plans to engage in efforts to  
21          protect and rehabilitate persons engaged in commer-  
22          cial sexual activities on a not-for-profit basis.

23          (5) SEX TRAFFICKER.—The term “sex traf-  
24          ficker” means any person who, for financial gain, re-  
25          cruits, harbors, transports, provides, or obtains a

1 person for the purpose of using them for unlawful  
2 commercial sex acts.

3 (6) VICTIM OF A COMMERCIAL SEX ACT.—The  
4 term “victim of a commercial sex act” means any  
5 person offered for use in a commercial sexual act.

6 **SEC. 4. PROSECUTION OF PURCHASERS, SEX TRAFFICKERS,**  
7 **AND EXPLOITERS.**

8 (a) GRANTS AUTHORIZED.—The Attorney General  
9 may award grants to States and their political subdivisions  
10 to establish model law enforcement programs that promote  
11 the effective prosecution of purchasers, exploiters, and sex  
12 traffickers and to assist victims of a commercial sex act.

13 (b) USE OF GRANT FUNDS.—Funds received from a  
14 grant awarded under this Act may be used by the grantee,  
15 either directly or through subgrants to local law enforce-  
16 ment entities or qualified non-governmental organizations,  
17 for the following purposes:

18 (1) PURCHASERS.—The prosecution and deter-  
19 rence of purchasers, through—

20 (A) prosecutions of purchasers for statu-  
21 tory rape, sexual assault, felony assault, and re-  
22 lated offenses;

23 (B) educational programs for first-time  
24 purchasers explaining the devastation caused by  
25 such offenses;

1 (C) the publication of names and addresses  
2 of individuals who have been convicted for re-  
3 peated purchases, if reasonable procedures are  
4 established for the correction of names and ad-  
5 dresses that are improperly published;

6 (D) the use of decoys; and

7 (E) other programs the Attorney General  
8 determines will enhance the prosecution of pur-  
9 chasers and reduce the demand for unlawful  
10 commercial sexual activities.

11 (2) SEX TRAFFICKERS AND EXPLOITERS.—The  
12 prosecution of sex traffickers and exploiters,  
13 through—

14 (A) surveillance of places of business en-  
15 gaged in commercial sexual activities;

16 (B) prosecutions of exploiters and sex traf-  
17 fickers for statutory rape, sexual assault, felony  
18 assault, and related offenses;

19 (C) tax evasion prosecutions against ex-  
20 ploiters and sex traffickers; and

21 (D) proceedings under restitution laws to  
22 supplement public financing of shelters and so-  
23 cial services and to compensate victims of do-  
24 mestic sex trafficking.

1           (3) QUALIFIED NON-GOVERNMENTAL ORGANI-  
2           ZATIONS.—

3           (A) IN GENERAL.—To assist social service  
4           programs operated by qualified non-govern-  
5           mental organizations with special expertise in  
6           assisting victims of commercial sexual activities  
7           and whose programs offer protection, education,  
8           food, and shelter for victims of commercial sex-  
9           ual activities.

10          (B) SPECIAL CONSIDERATION.—In award-  
11          ing grants under this paragraph, the Attorney  
12          General shall give special consideration to pro-  
13          grams operated by qualified non-governmental  
14          organizations that offer assistance to persons  
15          involved in the prosecution of sex traffickers,  
16          exploiters, and purchasers.

17          (c) REPORTS BY GRANTEEES.—

18           (1) IN GENERAL.—Not later than 90 days after  
19           the end of the period for which a grant was made  
20           under this section, each grantee shall submit a re-  
21           port to the Attorney General.

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

1 (A) identify and describe the activities car-  
2 ried out with grant funds received under this  
3 section; and

4 (B) include an evaluation by the grantee of  
5 the effect of those activities.

6 (3) SUPPLEMENTAL REPORTS.—The Attorney  
7 General may require additional reports at such times  
8 as may be necessary to effectively facilitate the re-  
9 porting and dissemination requirements under sec-  
10 tion 7(a).

11 (4) DISSEMINATION.—The Attorney General  
12 shall ensure that each report submitted under this  
13 subsection is posted to the Department of Justice  
14 website.

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

18 (1) \$15,000,000 for grants to carry out the ac-  
19 tivities described in subsection (b)(1);

20 (2) \$15,000,000 for grants to carry out the ac-  
21 tivities described in subsection (b)(2); and

22 (3) \$15,000,000 for grants to carry out the ac-  
23 tivities described in subsection (b)(3).

1 **SEC. 5. STRENGTHENING PROSECUTION AND PUNISHMENT**  
2 **OF SEX TRAFFICKERS AND PURCHASERS AND**  
3 **EXPLOITERS.**

4 (a) **TRANSPORTATION.**—Section 2421 of title 18,  
5 United States Code, is amended by inserting after “any  
6 individual” the following: “, including a purchaser of com-  
7 mercial sexual activities as defined by section 2422,”.

8 (b) **COERCION AND ENTICEMENT.**—Section 2422 of  
9 title 18, United States Code, is amended—

10 (1) in subsection (a), by inserting after “any in-  
11 dividual” the following: “, including a purchaser of  
12 commercial sexual acts,”; and

13 (2) by adding at the end the following:

14 “(c) As used in sections 2421 and 2422, the term  
15 ‘purchaser of commercial sexual acts’ means any person  
16 who solicits or purchases an unlawful commercial sex act  
17 in exchange for anything of value given to or received by,  
18 or to be given to or received by, any person.”.

19 **SEC. 6. SENIOR OPERATING GROUP PARTICIPATION.**

20 Federal agencies involved in combating sex traf-  
21 ficking and providing services to victims of commercial sex  
22 acts inside the United States shall coordinate their activi-  
23 ties with the Senior Policy Operating Group established  
24 by section 105 of the Victims of Trafficking and Violence  
25 Protection Act of 2000 (22 U.S.C. 7103), under the proce-  
26 dures established by the Senior Policy Operating Group,

1 to ensure that Federal programs are consistent with Fed-  
2 eral enforcement of the Trafficking Victims Protection Act  
3 of 2000 (22 U.S.C. 7101 et seq.).

4 **SEC. 7. REPORTS.**

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

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

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

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

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

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

1 (B) a detailed description of the implemen-  
2 tation of the amendments under section 5, in-  
3 cluding the number of arrests, prosecutions,  
4 and convictions.

5 (3) ANNUAL CONFERENCES.—

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

9 (i) announce and evaluate the findings  
10 contained in the report submitted under  
11 paragraph (1); and

12 (ii) disseminate best methods and  
13 practices for training State and local law  
14 enforcement personnel involved in enforce-  
15 ing laws prohibiting commercial sexual  
16 acts.

17 (B) PARTICIPATION.—Each annual con-  
18 ference under this paragraph shall involve the  
19 full participation of leading experts in the field,  
20 including—

21 (i) local law enforcement and prosecu-  
22 torial officials;

23 (ii) appropriate State officials;

24 (iii) academic experts on commercial  
25 sexual activity;

- 1 (iv) appropriate medical personnel;  
2 and  
3 (v) representatives of qualified non-  
4 governmental organizations.

5 (b) COMPREHENSIVE STATISTICAL REVIEW OF COM-  
6 Mercial Sexual Acts.—

7 (1) IN GENERAL.—The Attorney General shall  
8 carry out a biennial comprehensive statistical review  
9 and analysis of commercial sexual acts in the United  
10 States.

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

13 (A) the estimated number of persons used  
14 in commercial sexual acts;

15 (B) the estimated number of sex traf-  
16 fickers, exploiters, and purchasers;

17 (C) the ethnicity, age, and sex of victims of  
18 commercial sexual acts;

19 (D) the ethnicity and sex of sex traffickers,  
20 purchasers, and exploiters;

21 (E) the number of investigations, arrests,  
22 prosecutions, and incarcerations of persons en-  
23 gaged in unlawful commercial sexual activities  
24 by acts by States and their political subdivi-  
25 sions;

1 (F) the number of investigations, arrests,  
2 prosecutions, and incarcerations of sex traf-  
3 fickers, exploiters, or purchasers; and

4 (G) the differences in the enforcement of  
5 laws relating to unlawful commercial sexual ac-  
6 tivities by similarly situated jurisdictions.

7 (3) SOLICITATION OF VIEWS.—In conducting  
8 the statistical review and analysis under this sub-  
9 section, the Attorney General shall solicit views  
10 from—

11 (A) Federal and State prosecutorial offi-  
12 cials;

13 (B) Federal, State, county, and municipal  
14 law enforcement officials;

15 (C) persons used in commercial sexual ac-  
16 tivities;

17 (D) academic experts on commercial sexual  
18 activity; and

19 (E) other experts in the area of commer-  
20 cial sexual acts.

21 (4) DEADLINES.—Not later than 1 year after  
22 the date of enactment of this Act, and every 2 years  
23 thereafter, the Attorney General shall submit a re-  
24 port regarding the results of the statistical review  
25 and analysis under this section to the Committee on

1 the Judiciary of the Senate and the Committee on  
2 the Judiciary of the House of Representatives.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated—

5 (1) \$1,000,000 for each of the fiscal years 2005  
6 through 2007 to carry out subsection (a); and

7 (2) \$1,000,000 for each of the fiscal years 2005  
8 and 2007 to carry out subsection (b).

○