

113TH CONGRESS
2D SESSION

S. 2564

To provide justice for the victims of trafficking, to stop exploitation through trafficking, and to amend title 18, United States Code, by providing a penalty for knowingly selling advertising that offers certain commercial sex acts.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2014

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide justice for the victims of trafficking, to stop exploitation through trafficking, and to amend title 18, United States Code, by providing a penalty for knowingly selling advertising that offers certain commercial sex acts.

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 “End Trafficking Act of 2014”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Purpose.

TITLE I—STOP ADVERTISING VICTIMS OF EXPLOITATION

- Sec. 101. Short title.
- Sec. 102. Advertising that offers certain commercial sex acts.

TITLE II—CHILD TRAFFICKING VICTIMS PROTECTION

- Sec. 201. Short title.
- Sec. 202. Court-based pilot program for domestic child trafficking survivors.
- Sec. 203. Government Accountability Office reports.
- Sec. 204. Expanded definition of child abuse and neglect.
- Sec. 205. Recommendations for combating domestic child trafficking.
- Sec. 206. Education and outreach to trafficking survivors.
- Sec. 207. Enhanced penalty for fraud in labor contracting.
- Sec. 208. Expanded statute of limitations for civil actions by child trafficking survivors.
- Sec. 209. Edward Byrne Memorial Justice Assistance Grants.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) Recent studies indicate that thousands of
 4 children and youth are at risk for human trafficking
 5 in the United States.

6 (2) A significant percentage of children and
 7 youth who are trafficked in the United States will
 8 commit prostitution offenses or other nonviolent of-
 9 fenses in connection with their exploitation by a traf-
 10 ficker.

11 (3) The prostitution statutes in many jurisdic-
 12 tions do not differentiate between adult prostitutes
 13 and children or youths who have been commercially
 14 sexually exploited.

1 (4) Evidence suggests that runaway or home-
2 less children and youth and young adults leaving the
3 foster care system are especially vulnerable to com-
4 mercial sexual exploitation.

5 (5) The majority of children and youths who
6 are involved in the criminal or justice systems are
7 responsive to interventions that integrate treatment,
8 rehabilitation, and support services.

9 (6) Collaborative programs between services
10 providers and criminal or juvenile justice systems
11 that ensure the provision of counseling, housing and
12 related services for trafficking victims can reduce the
13 number of such individuals in corrections facilities.

14 **SEC. 4. PURPOSE.**

15 (a) IN GENERAL.—The purpose of this Act is to com-
16 bat domestic human trafficking by facilitating collabora-
17 tion among the criminal justice system, juvenile justice
18 system, and support services.

19 (b) COLLABORATION.—The collaboration described in
20 subsection (a) is needed—

21 (1) to protect public safety by intervening with
22 juvenile offenders who have been trafficked;

23 (2) to provide courts, including new trafficking
24 victims' courts, with appropriate treatment options;

1 (3) to maximize the use of alternatives to pros-
2 ecution in appropriate cases involving youths who
3 have committed nonviolent offenses, such as pros-
4 titution, in connection with their exploitation by a
5 trafficker;

6 (4) to promote adequate training for criminal
7 justice system personnel about the unique challenges
8 facing juveniles who have been trafficked and the
9 appropriate response to such children and youths in
10 the criminal justice system;

11 (5) to promote communication among adult or
12 juvenile justice personnel, medical personnel, mental
13 health treatment personnel, and support services
14 such as housing, job placement, community, faith
15 based, and crime victims organizations; and

16 (6) to promote communication and collaboration
17 among governmental officials with respect to all
18 forms of human trafficking in the United States.

19 **TITLE I—STOP ADVERTISING**
20 **VICTIMS OF EXPLOITATION**

21 **SEC. 101. SHORT TITLE.**

22 This title may be cited as the “Stop Advertising Vic-
23 tims of Exploitation Act of 2014” or the “SAVE Act of
24 2014”.

1 **SEC. 102. ADVERTISING THAT OFFERS CERTAIN COMMER-**
 2 **CIAL SEX ACTS.**

3 Section 1591 of title 18, United States Code, is
 4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by inserting “adver-
 7 tises,” after “obtains,”;

8 (B) in the undesignated matter following
 9 paragraph (2), by inserting “, except where, in
 10 an offense under paragraph (2), the act consti-
 11 tuting the violation of paragraph (1) is adver-
 12 tising,” after “knowing, or”; and

13 (2) in subsection (b), by striking “or obtained”
 14 each place such term appears and inserting “ob-
 15 tained, or advertised”.

16 **TITLE II—CHILD TRAFFICKING**
 17 **VICTIMS PROTECTION**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Child Trafficking Vic-
 20 tims Protection Act”.

21 **SEC. 202. COURT-BASED PILOT PROGRAM FOR DOMESTIC**
 22 **CHILD TRAFFICKING SURVIVORS.**

23 (a) IN GENERAL.—Title I of the Omnibus Crime
 24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 25 et seq.) is amended by adding at the end the following:

1 **“PART LL—TRAFFICKING SURVIVORS’ COURTS**

2 **“SEC. 3021. GRANTS AUTHORIZED.**

3 “(a) IN GENERAL.—The Attorney General may
4 award grants to States, State courts, local courts, units
5 of local government, and Indian tribal governments, acting
6 directly or through agreements with other public or private
7 entities, for court-based programs that involve—

8 “(1) continuing judicial supervision over offend-
9 ers who—

10 “(A) are younger than 18 years of age;

11 “(B) have been trafficked; and

12 “(C) are not violent offenders; and

13 “(2) the integrated administration of other
14 sanctions and services, which shall include—

15 “(A) housing placement and the pursuit of
16 a high school education or its equivalent during
17 any period of supervised release or probation
18 for each participant;

19 “(B) therapies that address issues faced by
20 each participant, including—

21 “(i) healing from physical, sexual, and
22 emotional abuse;

23 “(ii) depression; and

24 “(iii) self-injurious behaviors;

25 “(C) diversion, probation, or other super-
26 vised release involving the possibility of prosecu-

tion, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

“(D) programmatic, offender management, and other aftercare services for each participant who requires such services, including—

“(i) domestic violence counseling;

“(ii) substance abuse treatment;

“(iii) health care;

“(iv) education;

“(v) job placement; and

“(vi) child care or other family support services.

“(b) APPLICATION REQUIREMENTS.—An entity described in subsection (a) may apply for a grant under this section by submitting an application to the Attorney General that includes—

“(1) a description of the population that is targeted for the program to be funded with the grant;

“(2) guidelines that can be used by personnel of an adult or juvenile justice agency to identify qualified program participants;

“(3) plans for making housing and education available to qualified offenders at the time of their

1 release from the criminal justice or juvenile justice
2 system;

3 “(4) plans for determining the program partici-
4 pants’ eligibility for Federal benefits;

5 “(5) plans to make available, to the extent
6 practicable, other support services that will ensure
7 each trafficking victim’s successful reintegration into
8 the community, such as crisis counseling, peer-to-
9 peer support, job placement, mentoring, health care,
10 and the services of faith-based and community orga-
11 nizations; and

12 “(6) a certification that the grant funds re-
13 ceived under this section will be used to supplement,
14 and not supplant, funding sources that would other-
15 wise be available.

16 “(c) PRIORITY.—Priority in grant funding under this
17 section shall be accorded to grant applicants—

18 “(1) whose application details a plan for ensur-
19 ing that the grant’s target population will receive
20 pro bono assistance in seeking expungement of any
21 charges committed in connection with an individual’s
22 exploitation by a trafficker, upon the completion by
23 the individual of the court-based program of judicial
24 supervision;

“(d) RECORDS EXPUNGEMENT.—If a participant successfully completes a program of judicial supervision that receives grant funding under this section, the participants shall be notified of the opportunity to seek the expungement of any juvenile court records relating to the crimes for which he or she was originally charged.

20 “(a) IN GENERAL.—The Attorney General shall—

24 “(2) immediately suspend funding for any grant
25 under this part, pending compliance, if the Attorney

1 General determines that violent offenders are par-
 2 ticipating in any program funded under this part.

3 “(b) DEFINED TERM.—In this part, the term ‘violent
 4 offender’ means a person who—

5 “(1) is charged with, or convicted of, an of-
 6 fense, regardless of whether any of the cir-
 7 cumstances described in subparagraph (A), (B), or
 8 (C) is an element of the offense or conduct of which
 9 or for which the person is charged or convicted, dur-
 10 ing the course of which offense or conduct—

11 “(A) the person carried, possessed, or used
 12 a firearm or dangerous weapon;

13 “(B) there occurred the death of or serious
 14 bodily injury to any person; or

15 “(C) there occurred the use of force
 16 against the person of another;

17 “(2) has 1 or more prior convictions for a fel-
 18 ony crime of violence involving the use or attempted
 19 use of force against a person with the intent to
 20 cause death or serious bodily harm.

21 **“SEC. 3023. ADMINISTRATION.**

22 “(a) CONSULTATION.—The Attorney General shall
 23 consult with the Secretary of Health and Human Services
 24 and any other appropriate officials in carrying out this
 25 part.

1 “(b) USE OF COMPONENTS.—The Attorney General
2 may utilize any component or components of the Depart-
3 ment of Justice in carrying out this part.

4 “(c) APPLICATIONS.—

5 “(1) IN GENERAL.—To request funds under
6 this part, the chief executive or the chief justice of
7 a State or the chief executive or chief judge of a unit
8 of local government or Indian tribal government
9 shall submit an application to the Attorney General
10 in such form and containing such information as the
11 Attorney General may reasonably require.

12 “(2) CONTENTS.—In addition to any other re-
13 quirements that may be specified by the Attorney
14 General, an application for a grant under this part
15 shall include—

16 “(A) a long-term strategy and detailed im-
17 plementation plan;

18 “(B) an explanation of the applicant’s in-
19 ability to fund the program adequately without
20 Federal financial assistance;

21 “(C) a certification that the Federal finan-
22 cial assistance provided will be used to supple-
23 ment, and not to supplant, State, Indian tribal,
24 and local sources of funding that would other-
25 wise be available;

1 “(D) a description of related governmental
2 or community initiatives which complement or
3 will be coordinated with the proposal;

4 “(E) a certification that—

5 “(i) there has been appropriate con-
6 sultation with all affected agencies; and

7 “(ii) there will be appropriate coordi-
8 nation with all affected agencies in the im-
9 plementation of the program;

10 “(F) a certification that participating of-
11 fenders will be supervised by 1 or more des-
12 ignated judges with responsibility for the traf-
13 ficking survivors’ court program;

14 “(G) plans for obtaining necessary support
15 and continuing the proposed program after the
16 termination of Federal financial assistance; and

17 “(H) a description of the methodology that
18 will be used in evaluating the program.

19 “(d) GEOGRAPHIC DISTRIBUTION.—The Attorney
20 General shall ensure, to the extent practicable, that grant
21 awards under this part are equitably distributed geo-
22 graphically.

23 “(e) FEDERAL SHARE.—The Federal share of a
24 grant awarded under this part may not exceed 75 percent
25 of the total costs of the program described in the applica-

tion submitted under subsection (c) for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

“SEC. 3024. REPORTS.

“A State, Indian tribal government, or unit of local government that receives Federal financial assistance under this part during a fiscal year shall submit a report to the Attorney General not later than March 31 of the following fiscal year that describes the effectiveness of the program funded under this part.

“SEC. 3025. TECHNICAL ASSISTANCE, TRAINING, EVALUATIONS, AND RULEMAKING.

“(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

“(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

“(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized under this section

1 may be carried out directly by the Attorney General, in
 2 collaboration with the Secretary of Health and Human
 3 Services, or through grants, contracts, or other coopera-
 4 tive arrangements with other entities.

5 “(d) RULEMAKING.—The Attorney General may
 6 issue regulations and guidelines necessary to carry out this
 7 part.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 of title I of the Omnibus Crime Control and Safe Streets
 10 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by add-
 11 ing at the end the following:

“PART LL—TRAFFICKING SURVIVORS’ COURTS

“Sec. 3021. Grants authorized.

“Sec. 3022. Prohibition of participation by violent offenders.

“Sec. 3023. Administration.

“Sec. 3024. Reports.

“Sec. 3025. Technical assistance, training, evaluations, and rulemaking.”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 13 1001(a) of the Omnibus Crime Control and Safe Streets
 14 Act of 1968 (42 U.S.C. 3793(a)) is amended by adding
 15 at the end the following:

16 “(27) There are authorized to be appropriated to
 17 carry out part LL—

18 “(A) \$10,000,000 for fiscal year 2015;

19 “(B) \$15,000,000 for fiscal year 2016; and

20 “(C) \$15,000,000 for fiscal year 2017.”.

1 **SEC. 203. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
2 **PORTS.**

3 (a) STUDY.—The Comptroller General of the United
4 States shall conduct a study of the effectiveness and im-
5 pact of grants authorized under part LL of title I of the
6 Omnibus Crime Control and Safe Streets Act of 1968, as
7 added by section 202.

8 (b) DOCUMENTS AND INFORMATION.—The Attorney
9 General and grant recipients shall provide the Comptroller
10 General with all relevant documents and information that
11 the Comptroller General considers necessary to conduct
12 the study under subsection (a), including the identities
13 and criminal records of program participants.

14 (c) CRITERIA.—In assessing the effectiveness of the
15 grants made under programs authorized under part LL
16 of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968, the Comptroller General shall consider,
18 among other things—

- 19 (1) recidivism rates of program participants;
20 (2) completion rates among program partici-
21 pants; and
22 (3) the costs of the program to the criminal jus-
23 tice system.

24 (d) GRANT EFFECTIVENESS REPORT.—Not later
25 than January 1, 2017, the Comptroller General shall sub-

1 mit a report to Congress that contains the results of the
2 study conducted under subsection (a).

3 (e) SERVICE GAP REPORT.—Not later than 1 year
4 after the date of the enactment of this Act, the Comp-
5 troller General of the United States shall submit a report
6 to the appropriate congressional committees that identi-
7 fies—

8 (1) the extent of any service gap that may per-
9 sist between trafficking victims who are United
10 States citizens or lawful permanent residents and
11 foreign nationals residing in the United States since
12 the completion of the study required under 213(b) of
13 the William Wilberforce Trafficking Victims Protec-
14 tion Act (Public Law 110–457);

15 (2) if a service gap described in paragraph (1)
16 persists—

17 (A) the progress that Federal agencies
18 have made in closing the gap since 2009; and

19 (B) the deficiencies remaining as of the
20 date of the enactment of this Act;

21 (3) the extent to which efficiencies could be
22 achieved and duplication could be avoided by consoli-
23 dating existing Federal grant programs for traf-
24 ficking survivors that are administered by the De-

1 partment of Health and Human Services and the
2 Department of Justice; and

3 (4) options for additional legislative or regu-
4 latory changes to help ensure that the Nation’s
5 criminal justice policies are adequate to combat sex
6 trafficking of minors.

7 **SEC. 204. EXPANDED DEFINITION OF CHILD ABUSE AND NE-**
8 **GLECT.**

9 The Child Abuse Prevention and Treatment Act (42
10 U.S.C. 5106g(2)) is amended—

11 (1) in section 3(2) (42 U.S.C. 5101 note), by
12 inserting “(including commercial sexual exploi-
13 tation)” after “exploitation”; and

14 (2) in section 111(4)(A) (42 U.S.C.
15 5106g(4)(A)), by inserting “for commercial purposes
16 or” before “for the purpose of”.

17 **SEC. 205. RECOMMENDATIONS FOR COMBATING DOMESTIC**
18 **CHILD TRAFFICKING.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 submission of the study required under section 203(e), the
21 Attorney General, in consultation with other Federal agen-
22 cies involved in the protection of human trafficking victims
23 who are minors, shall submit a report to Congress that
24 describes any deficiencies that exist in the services that

1 are available from private and public sources to child vic-
 2 tims of human trafficking in the United States.

3 (b) COMPONENTS.—The report required under sub-
 4 section (a) shall include—

5 (1) recommendations for legislative or regu-
 6 latory changes to ensure the adequacy of, and parity
 7 in, services and legal assistance to all child traf-
 8 ficking victims in the United States by—

9 (A) eliminating any perceived gaps in serv-
 10 ices; and

11 (B) avoiding overlap and duplication in
 12 Federal programs; and

13 (2) a list of best practices for State and local
 14 jurisdictions seeking to discourage the sex traf-
 15 ficking of minors in the United States through the
 16 adoption of demand-reduction strategies.

17 **SEC. 206. EDUCATION AND OUTREACH TO TRAFFICKING**
 18 **SURVIVORS.**

19 The Attorney General shall make available, through
 20 the website of the Department of Justice’s Office of Juve-
 21 nile Justice and Delinquency Prevention, a database of in-
 22 formation for trafficking victim advocates, crisis hotline
 23 personnel, foster parents, law enforcement personnel, and
 24 crime survivors on counseling and hotline resources, hous-

1 ing resources, legal assistance, and other services to traf-
 2 ficking survivors.

3 **SEC. 207. ENHANCED PENALTY FOR FRAUD IN LABOR CON-**
 4 **TRACTING.**

5 Section 1351(a) of title 18, United States Code, is
 6 amended by striking “that employment” and all that fol-
 7 lows and inserting the following: “that employment—

8 “(1) shall be fined under this title, imprisoned
 9 for not more than 5 years, or both; and

10 “(2) if the offense results in sexual abuse or
 11 trafficking of a foreign national who is younger than
 12 21 years of age, shall be fined under this title, im-
 13 prisoned for not more than 10 years, or both.”.

14 **SEC. 208. EXPANDED STATUTE OF LIMITATIONS FOR CIVIL**
 15 **ACTIONS BY CHILD TRAFFICKING SUR-**
 16 **VIVORS.**

17 Section 1595(c) of title 18, United States Code, is
 18 amended by striking “not later than 10 years after the
 19 cause of action arose.” and inserting the following: “not
 20 later than the later of—

21 “(1) 10 years after the cause of action arose;
 22 or

23 “(2) 10 years after the victim reaches 18 years
 24 of age, in the case of a victim who was a minor at
 25 the time of the alleged offense.”.

1 **SEC. 209. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE**
2 **GRANTS.**

3 (a) TECHNICAL ASSISTANCE.—The Secretary of
4 Health and Human Services shall provide technical assist-
5 ance to States, upon request, to assist with the implemen-
6 tation of demand reduction strategies that focus on the
7 psychology of demand for commercial sex.

8 (b) GRANT FUNDING PRIORITIZATION.—Section 501
9 of the Omnibus Crime Control and Safe Streets Act of
10 1968 (42 U.S.C. 3751) is amended by adding at the end
11 the following:

12 “(h) PRIORITY FOR GRANT FUNDING.—Beginning on
13 October 1, 2016, in awarding grants under this section,
14 the Attorney General shall give priority to States and
15 units of local government that have adopted demand re-
16 duction strategies designed to combat minor sex traf-
17 ficking in the United States, in accordance with criteria
18 established by the Attorney General.”.

○