

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5575

To establish a grant program to benefit domestic minor victims of sex trafficking, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2010

Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. BLUMENAUER, Mr. COHEN, Mr. POE of Texas, Ms. RICHARDSON, and Mr. WU) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a grant program to benefit domestic minor victims of sex trafficking, 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 “Domestic Minor Sex  
5       Trafficking Deterrence and Victims Support Act of  
6       2010”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

1           (1) Human trafficking is modern-day slavery. It  
2 is one of the fastest-growing, and the second largest,  
3 criminal enterprise in the world. Human trafficking  
4 generates an estimated profit of \$32,000,000,000  
5 per year, world wide.

6           (2) In the United States, human trafficking is  
7 an increasing problem. This criminal enterprise vic-  
8 timizes individuals in the United States, many of  
9 them children, who are forced into prostitution, and  
10 foreigners brought into the country, often under  
11 false pretenses, who are coerced into forced labor or  
12 commercial sexual exploitation.

13           (3) Sex trafficking is one of the most lucrative  
14 areas of human trafficking. Criminal gang members  
15 in the United States are increasingly involved in re-  
16 cruiting young women and girls into sex trafficking.  
17 Interviews with gang members indicate that the  
18 gang members regard working as an individual who  
19 solicits customers for a prostitute (commonly known  
20 as a “pimp”) to being as lucrative as trafficking in  
21 drugs, but with a much lower chance of being crimi-  
22 nally convicted.

23           (4) National Incidence Studies of Missing, Ab-  
24 ducted, Runaway and Throwaway Children, the de-  
25 finitive study of episodes of missing children, found

1 that of the children who are victims of non-family  
2 abduction, runaway or throwaway children, the po-  
3 lice are alerted by family or guardians in only 21  
4 percent of the cases. In 79 percent of cases there is  
5 no report and no police involvement, and therefore  
6 no official attempt to find the child.

7 (5) In 2007, the Administration of Children  
8 and Families, Department of Health and Human  
9 Services, reported to the Federal Government  
10 265,000 cases of serious physical, sexual, or psycho-  
11 logical abuse of children.

12 (6) Experts estimate that each year at least  
13 100,000 children in the United States are exploited  
14 through prostitution.

15 (7) Children who have run away from home are  
16 at a high risk of becoming exploited through sex  
17 trafficking. Children who have run away multiple  
18 times are at much higher risk of not returning home  
19 and of engaging in prostitution.

20 (8) The vast majority of children involved in sex  
21 trafficking have suffered previous sexual or physical  
22 abuse, live in poverty, or have no stable home or  
23 family life. These children require a comprehensive  
24 framework of specialized treatment and mental

1 health counseling that addresses post-traumatic  
2 stress, depression, and sexual exploitation.

3 (9) The average age of first exploitation  
4 through prostitution is 13. Seventy-five percent of  
5 minors exploited through prostitution have a pimp.  
6 A pimp can earn \$200,000 per year prostituting 1  
7 sex trafficking victim.

8 (10) Sex trafficking of minors is a complex and  
9 varied criminal problem that requires a multi-dis-  
10 ciplinary, cooperative solution. Reducing trafficking  
11 will require the Government to address victims,  
12 pimps, and johns, and to provide training specific to  
13 sex trafficking for law enforcement officers and  
14 prosecutors, and child welfare, public health, and  
15 other social service providers.

16 (11) Human trafficking is a criminal enterprise  
17 that imposes significant costs on the economy of the  
18 United States. Government and non-profit resources  
19 used to address trafficking include those of law en-  
20 forcement, the judicial and penal systems, and social  
21 service providers. Without a range of appropriate  
22 treatments to help trafficking victims overcome the  
23 trauma they have experienced, victims will continue  
24 to be exploited by criminals and unable to support  
25 themselves, and will continue to require Government

1 resources, rather than being productive contributors  
2 to the legitimate economy.

3 (12) Minor sex trafficking victims are under the  
4 age of 18. Because minors do not have the capacity  
5 to consent to their own commercial sexual exploi-  
6 tation, minor sex trafficking victims should not be  
7 charged as criminal defendants. Instead, minor vic-  
8 tims of sex trafficking should have access to treat-  
9 ment and services to help them recover from their  
10 sexual exploitation, and should also be provided ac-  
11 cess to appropriate compensation for harm they have  
12 suffered.

13 (13) Several States have recently passed or are  
14 considering legislation that establishes a presump-  
15 tion that a minor charged with a prostitution offense  
16 is a severely trafficked person and should instead be  
17 cared for through the child protection system. Some  
18 such legislation also provides support and services to  
19 minor sex trafficking victims who are under the age  
20 of 18 years old. These services include safe houses,  
21 crisis intervention programs, community-based pro-  
22 grams, and law-enforcement training to help officers  
23 identify minor sex trafficking victims.

24 (14) Sex trafficking of minors is not a problem  
25 that occurs only in urban settings. This crime also

1 exists in rural areas and on Indian reservations. Ef-  
2 forts to address sex trafficking of minors should in-  
3 clude partnerships with organizations that seek to  
4 address the needs of such underserved communities.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of the Congress that—

7 (1) the Attorney General should implement  
8 changes to the National Crime Information Center  
9 database to ensure that—

10 (A) a child entered into the database will  
11 be automatically designated as an endangered  
12 juvenile if the child has been reported missing  
13 not less than 3 times in a 1-year period;

14 (B) the database is programmed to cross-  
15 reference newly entered reports with historical  
16 records already in the database; and

17 (C) the database is programmed to include  
18 a visual cue on the record of a child designated  
19 as an endangered juvenile to assist law enforce-  
20 ment officers in recognizing the child and pro-  
21 viding the child with appropriate care and serv-  
22 ices;

23 (2) funds awarded under subpart 1 of part E  
24 of title I of the Omnibus Crime Control and Safe  
25 Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-

1 monly known as Byrne Grants) should be used to  
2 provide education, training, deterrence, and preven-  
3 tion programs relating to sex trafficking of minors;

4 (3) States should—

5 (A) treat minor victims of sex trafficking  
6 as crime victims rather than as criminal defend-  
7 ants or juvenile delinquents;

8 (B) adopt laws that—

9 (i) establish the presumption that a  
10 child under the age of 18 who is charged  
11 with a prostitution offense is a minor vic-  
12 tim of sex trafficking;

13 (ii) avoid the criminal charge of pros-  
14 titution for such a child, and instead con-  
15 sider such a child a victim of crime and  
16 provide the child with appropriate services  
17 and treatment; and

18 (iii) strengthen criminal provisions  
19 prohibiting the purchasing of commercial  
20 sex acts, especially with minors;

21 (C) amend State statutes and regula-  
22 tions—

23 (i) relating to crime victim compensa-  
24 tion to make eligible for such compensation  
25 any individual who is a victim of sex traf-

1           ficking as defined in section 1591(a) of  
2           title 18, United States Code, or a com-  
3           parable State law against commercial sex-  
4           ual exploitation of children, and who would  
5           otherwise be ineligible for such compensa-  
6           tion due to participation in prostitution ac-  
7           tivities because the individual is deter-  
8           mined to have contributed to, consented to,  
9           benefitted from, or otherwise participated  
10          as a party to the crime for which the indi-  
11          vidual is claiming injury; and

12                 (ii) relating to law enforcement re-  
13                 porting requirements to provide for excep-  
14                 tions to such requirements for victims of  
15                 sex trafficking in the same manner as ex-  
16                 ceptions are provided to victims of domes-  
17                 tic violence or related crimes; and

18           (4) demand for commercial sex with sex traf-  
19           ficking victims must be deterred through consistent  
20           enforcement of criminal laws against purchasing  
21           commercial sex.

22 **SEC. 4. SEX TRAFFICKING BLOCK GRANTS.**

23           (a) DEFINITIONS.—In this section—



1           (1) the term “Assistant Attorney General”  
2 means the Assistant Attorney General for the Office  
3 of Justice Programs of the Department of Justice;

4           (2) the term “eligible entity” means a State or  
5 unit of local government that—

6                   (A) has significant criminal activity involv-  
7 ing sex trafficking of minors;

8                   (B) has demonstrated cooperation between  
9 State and local law enforcement agencies, pros-  
10 ecutors, and social service providers in address-  
11 ing sex trafficking of minors;

12                   (C) has developed a workable, multi-dis-  
13 ciplinary plan to combat sex trafficking of mi-  
14 nors, including—

15                           (i) the establishment of a shelter for  
16 minor victims of sex trafficking, through  
17 existing or new facilities;

18                           (ii) the provision of rehabilitative care  
19 to minor victims of sex trafficking;

20                           (iii) the provision of specialized train-  
21 ing for law enforcement officers and social  
22 service providers for all forms of sex traf-  
23 ficking, with a focus on sex trafficking of  
24 minors;

1 (iv) prevention, deterrence, and prosecution of offenses involving sex trafficking  
2 of minors;  
3

4 (v) cooperation or referral agreements  
5 with organizations providing outreach or  
6 other related services to runaway and  
7 homeless youth; and

8 (vi) law enforcement protocols or procedures to screen all individuals arrested  
9 for prostitution, whether adult or minor,  
10 for victimization by sex trafficking and by  
11 other crimes, such as sexual assault and  
12 domestic violence;  
13

14 (D) has a victim certification process for  
15 eligibility and access to State-administered  
16 medical care to ensure that minor victims of sex  
17 trafficking who are not eligible for interim assistance under section 107(b)(F) of the Trafficking Victims Protection Act (22 U.S.C. 7105(b)(F)) are granted eligibility for, and have access to, State-administered medical care immediately upon certification as such a victim, or as soon as practicable thereafter but not later than the period determined by the Assistant Attorney General in consultation with the  
24  
25

1 Assistant Secretary for Children and Families  
2 of the Department of Health and Human Serv-  
3 ices; and

4 (E) provides an assurance that, under the  
5 plan under subparagraph (C), a minor victim of  
6 sex trafficking shall not be required to collabo-  
7 rate with law enforcement to have access to any  
8 shelter or services provided with a grant under  
9 this section;

10 (3) the term “minor victim of sex trafficking”  
11 means an individual who is—

12 (A) under the age of 18 years old, and is  
13 a victim of an offense described in section  
14 1591(a) of title 18, United States Code, or a  
15 comparable State law; or

16 (B) at least 18 years old but not more  
17 than 20 years old, and who, on the day before  
18 the individual attained 18 years of age, was de-  
19 scribed in subparagraph (A) and was receiving  
20 shelter or services as a minor victim of sex traf-  
21 ficking;

22 (4) the term “qualified non-governmental orga-  
23 nization” means an organization that—

1 (A) is not a State or unit of local govern-  
2 ment, or an agency of a State or unit of local  
3 government;

4 (B) has demonstrated experience providing  
5 services to victims of sex trafficking or related  
6 populations (such as runaway and homeless  
7 youth), or employs staff specialized in the treat-  
8 ment of sex trafficking victims; and

9 (C) demonstrates a plan to sustain the  
10 provision of services beyond the period of a  
11 grant awarded under this section; and

12 (5) the term “sex trafficking of a minor” means  
13 an offense described in subsection (a) of section  
14 1591 of title 18, United States Code, the victim of  
15 which is a minor.

16 (b) GRANTS AUTHORIZED.—

17 (1) IN GENERAL.—The Assistant Attorney Gen-  
18 eral, in consultation with the Assistant Secretary for  
19 Children and Families of the Department of Health  
20 and Human Services, is authorized to award block  
21 grants to not more than 6 eligible entities in dif-  
22 ferent regions of the United States to combat sex  
23 trafficking, and not fewer than 1 of the block grants  
24 shall be awarded to an eligible entity with a State  
25 population of less than 5,000,000.

1           (2) GRANT AMOUNT.—Subject to the avail-  
2           ability of appropriations under subsection (f)(1) to  
3           carry out this subsection, each grant awarded under  
4           this subsection shall be for an amount not less than  
5           \$2,000,000 and not greater than \$2,500,000.

6           (3) DURATION.—

7           (A) IN GENERAL.—A grant awarded under  
8           this section shall be for a period of 1 year.

9           (B) RENEWAL.—

10           (i) IN GENERAL.—The Assistant At-  
11           torney General may renew a grant under  
12           this section for two 1-year periods.

13           (ii) PRIORITY.—In awarding grants in  
14           any fiscal year after the first fiscal year in  
15           which grants are awarded under this sec-  
16           tion, the Assistant Attorney General shall  
17           give priority to applicants that received a  
18           grant in the preceding fiscal year and are  
19           eligible for renewal under this subpara-  
20           graph, taking into account any evaluation  
21           of such applicant conducted pursuant to  
22           subsection (e), if available.

23           (4) CONSULTATION.—In carrying out this sub-  
24           section, consultation by the Assistant Attorney Gen-  
25           eral with the Assistant Secretary for Children and

1 Families of the Department of Health and Human  
2 Services shall include consultation with respect to  
3 grantee evaluations, the avoidance of unintentional  
4 duplication of grants, and any other areas of shared  
5 concern.

6 (c) USE OF FUNDS.—

7 (1) ALLOCATION.—For each grant awarded  
8 under subsection (b)—

9 (A) not less than 50 percent of the funds  
10 shall be used by the eligible entity to provide  
11 shelter and services (as described in subpara-  
12 graphs (A) through (D) of paragraph (2)) to  
13 minor victims of sex trafficking through quali-  
14 fied nongovernmental organizations; and

15 (B) not less than 10 percent of the funds  
16 shall be awarded by the eligible entity to one or  
17 more qualified nongovernmental organizations  
18 with annual revenues of less than \$750,000, to  
19 provide services to minor victims of sex traf-  
20 ficking or training for service providers related  
21 to sex trafficking of minors.

22 (2) AUTHORIZED ACTIVITIES.—Grants awarded  
23 pursuant to subsection (b) may be used for—

1 (A) providing shelter to minor victims of  
2 trafficking, including temporary or long-term  
3 placement as appropriate;

4 (B) providing 24-hour emergency social  
5 services response for minor victims of sex traf-  
6 ficking;

7 (C) providing minor victims of sex traf-  
8 ficking with clothing and other daily necessities  
9 needed to keep such victims from returning to  
10 living on the street;

11 (D) case management services for minor  
12 victims of sex trafficking;

13 (E) mental health counseling for minor vic-  
14 tims of sex trafficking, including specialized  
15 counseling and substance abuse treatment;

16 (F) legal services for minor victims of sex  
17 trafficking;

18 (G) specialized training for law enforce-  
19 ment personnel and social service providers,  
20 specific to issues related to sex trafficking, in-  
21 cluding sex trafficking of minors;

22 (H) funding salaries, in whole or in part,  
23 for law enforcement officers, including patrol  
24 officers, detectives, and investigators, except  
25 that the percentage of the salary of the law en-

1           forcement officer paid for by funds from a  
2           grant awarded under subsection (b) shall not be  
3           more than the percentage of the officer's time  
4           on duty that is dedicated to working on cases  
5           involving sex trafficking of minors;

6           (I) funding salaries for State and local  
7           prosecutors, including assisting in paying trial  
8           expenses for prosecution of sex trafficking of-  
9           fenders;

10          (J) investigation expenses for cases involv-  
11          ing sex trafficking of minors, including—

12                 (i) wire taps;

13                 (ii) consultants with expertise specific  
14                 to cases involving sex trafficking of minors;

15                 (iii) travel; and

16                 (iv) any other technical assistance ex-  
17                 penditures;

18          (K) outreach and education programs to  
19          provide information about deterrence and pre-  
20          vention of sex trafficking of minors; and

21          (L) programs to provide treatment to indi-  
22          viduals charged or cited with purchasing or at-  
23          tempting to purchase sex acts in cases where—

24                 (i) a treatment program can be man-  
25                 dated as a condition of a sentence, fine,



1           suspended sentence, or probation, or is an  
2           appropriate alternative to criminal prosecu-  
3           tion; and

4                   (ii) the individual was not charged  
5           with purchasing or attempting to purchase  
6           sex acts with a minor.

7           (3) PROHIBITED ACTIVITIES.—Grants awarded  
8           pursuant to subsection (b) shall not be used for  
9           medical care (as defined in section 2791(a)(2) of the  
10          Public Health Service Act (42 U.S.C. 300gg–91)),  
11          except that grants may be used for mental health  
12          counseling as authorized under paragraph (2)(E).

13          (d) APPLICATION.—

14                  (1) IN GENERAL.—Each eligible entity desiring  
15          a grant under this Act shall submit an application  
16          to the Assistant Attorney General at such time, in  
17          such manner, and accompanied by such information  
18          as the Assistant Attorney General may reasonably  
19          require.

20                  (2) CONTENTS.—Each application submitted  
21          pursuant to paragraph (1) shall—

22                          (A) describe the activities for which assist-  
23                          ance under this section is sought; and

24                          (B) provide such additional assurances as  
25                          the Assistant Attorney General determines to

1           be essential to ensure compliance with the re-  
2           quirements of this Act.

3           (e) EVALUATION.—The Assistant Attorney General  
4 shall, in consultation with the Comptroller General of the  
5 United States, enter into a contract with an academic or  
6 non-profit organization that has experience in issues re-  
7 lated to sex trafficking of minors and evaluation of grant  
8 programs to conduct an annual evaluation of grants made  
9 under this section to determine the impact and effective-  
10 ness of programs funded with grants awarded under sub-  
11 section (b).

12          (f) AUTHORIZATION OF APPROPRIATIONS.—For fis-  
13 cal years 2011 through 2014, there are authorized to be  
14 appropriated, to carry out the provisions of this section,  
15 the following sums:

16           (1) \$45,000,000 to fund grants awarded under  
17           subsection (b).

18           (2) \$1,500,000 to conduct the evaluation under  
19           subsection (e).

20           (3) \$3,500,000 to the Attorney General, to de-  
21           sign and implement improvements to the National  
22           Crime Information Center database of the Federal  
23           Bureau of Investigation, established pursuant to sec-  
24           tion 534 of title 28, United States Code.

1 **SEC. 5. REPORTING REQUIREMENTS.**

2 (a) REPORTING REQUIREMENT FOR STATE CHILD  
3 WELFARE AGENCIES.—

4 (1) REQUIREMENT FOR STATE CHILD WELFARE  
5 AGENCIES TO REPORT CHILDREN MISSING OR AB-  
6 DUCTED.—Section 471(a) of the Social Security Act  
7 (42 U.S.C. 671(a)) is amended—

8 (A) in paragraph (32), by striking “and”  
9 after the semicolon;

10 (B) in paragraph (33), by striking the pe-  
11 riod and inserting “; and”; and

12 (C) by inserting after paragraph (33) the  
13 following:

14 “(34) provides that the State has in effect pro-  
15 cedures that require the State agency to promptly  
16 report information on missing or abducted children  
17 to the law enforcement authorities for entry into the  
18 National Crime Information Center (NCIC) data-  
19 base of the Federal Bureau of Investigation, estab-  
20 lished pursuant to section 534 of title 28, United  
21 States Code.”.

22 (2) REGULATIONS.—The Secretary of Health  
23 and Human Services shall promulgate regulations  
24 implementing the amendments made by paragraph  
25 (1). The regulations promulgated under this sub-  
26 section shall include provisions to withhold Federal

1 funds from any State that fails to substantially com-  
2 ply with the requirement imposed under the amend-  
3 ments made by paragraph (1).

4 (3) EFFECTIVE DATE.—The amendment made  
5 by paragraph (1) shall take effect on the date that  
6 is 6 months after the date of the enactment of this  
7 Act, without regard to whether final regulations re-  
8 quired under paragraph (2) have been promulgated.

9 (b) ANNUAL STATISTICAL SUMMARY.—Section  
10 3701(c) of the Crime Control Act of 1990 (42 U.S.C.  
11 5779(c)) is amended by inserting “, which shall include  
12 the total number of reports received and the total number  
13 of entries made to the National Crime Information Center  
14 (NCIC) database of the Federal Bureau of Investigation,  
15 established pursuant to section 534 of title 28, United  
16 States Code.” after “this title”.

17 (c) STATE REPORTING.—Section 3702 of the Crime  
18 Control Act of 1990 (42 U.S.C. 5780) is amended in para-  
19 graph (4)—

20 (1) by striking “(2)” and inserting “(3)”;

21 (2) in subparagraph (A), by inserting “, and a  
22 photograph taken within the previous 180 days”  
23 after “dental records”;

24 (3) in subparagraph (B), by striking “and”  
25 after the semicolon;

1           (4) by redesignating subparagraph (C) as sub-  
2           paragraph (D); and

3           (5) by inserting after subparagraph (B) the fol-  
4           lowing:

5                   “(C) notify the National Center for Miss-  
6           ing and Exploited Children of each report re-  
7           ceived relating to a child reported missing from  
8           a foster care family home or childcare institu-  
9           tion; and”.

○