

111TH CONGRESS
1ST SESSION

S. 2925

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 2009

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

A BILL

To establish a grant program to benefit 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 “Trafficking Deterrence
5 and Victims Support Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Human trafficking is modern-day slavery. It
9 is the fastest-growing, and second largest, criminal
10 enterprise in the world. Human trafficking generates

1 an estimated profit of \$32,000,000,000 per year,
2 world wide.

3 (2) In the United States, human trafficking is
4 an increasing problem. This criminal enterprise in-
5 cludes citizens of the United States, many of them
6 children, who are forced into prostitution, and for-
7 eigners brought into the country, often under false
8 pretenses, who are coerced into forced labor or com-
9 mercial sexual exploitation.

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

20 (4) Minors in the United States are highly vul-
21 nerable for sexual exploitation and sex trafficking.
22 As many as 2,800,000 children live on the streets.
23 Of the estimated 1,600,000 children who run away
24 each year, 77 percent return home within 1 week.
25 However, 33 percent of children who run away are

1 lured into prostitution within 48 hours of leaving
2 home.

3 (5) National Incidence Studies of Missing, Ab-
4 ducted, Runaway and Throwaway Children, the de-
5 finitive study of episodes of missing children, found
6 that of the children who are victims of non-family
7 abduction, runaway or throwaway children, the po-
8 lice are alerted by family or guardians in only 21
9 percent of the cases. In 79 percent of cases there is
10 no report and no police involvement, and therefore
11 no official attempt to find the child.

12 (6) In 2007, the Administration of Children
13 and Families, Department of Health and Human
14 Services, reported to the Federal Government
15 265,000 cases of serious physical, sexual, or psycho-
16 logical abuse of children.

17 (7) Experts estimate that over 100,000 children
18 in the United States are at risk for prostitution.

19 (8) Children who have run away from home are
20 at a high risk of becoming involved in sex traf-
21 ficking. Children who have run away multiple times
22 are at much higher risk of not returning home and
23 of engaging in prostitution.

24 (9) The vast majority of children involved in sex
25 trafficking have suffered previous sexual or physical

1 abuse, live in poverty, or have no stable home or
2 family life. These children require a comprehensive
3 framework of specialized treatment and mental
4 health counseling that addresses post-traumatic
5 stress, depression, and sexual exploitation.

6 (10) The average age of entry into prostitution
7 is 12. Seventy-five percent of minors engaged in
8 prostitution have a pimp. A pimp can earn \$200,000
9 per year prostituting 1 trafficking victim.

10 (11) Sex trafficking is a complex and varied
11 criminal problem that requires a multi-disciplinary,
12 cooperative solution. Reducing trafficking will re-
13 quire the Government to address victims, pimps, and
14 johns; and to provide training specific to sex traf-
15 ficking for law enforcement officers and prosecutors,
16 and child welfare, public health, and other social
17 service providers. A good model for this type of ap-
18 proach is the Internet Crimes Against Children task
19 force program.

20 (12) Human trafficking is a criminal enterprise
21 that imposes significant costs on the economy of the
22 United States. Government and non-profit resources
23 used to address trafficking include those of law en-
24 forcement, the judicial and penal systems, and social
25 service providers. Without a range of appropriate

1 treatments to help trafficking victims overcome the
2 trauma they have experienced, victims will continue
3 to be involved in crime, unable to support them-
4 selves, and continue to require Government re-
5 sources rather than being productive contributors to
6 the legitimate economy.

7 (13) Many domestic minor sex trafficking vic-
8 tims are younger than 18 years old and are below
9 the age of consent. Because trafficking victims have
10 been forced to engage in prostitution rather than
11 willfully to committing a crime, these victims should
12 not be charged as criminal defendants. Instead,
13 these victims of trafficking should have access to
14 treatment and services to help them escape and
15 overcome being sexually exploited, and should also
16 be allowed to seek appropriate remuneration from
17 crime victims' compensation funds.

18 (14) The State of New York has adopted a safe
19 harbor law that establishes a presumption a minor
20 charged with a prostitution offense is a severely traf-
21 ficked person. This law allows the child to avoid
22 criminal charges of prostitution and instead be con-
23 sidered a "person in need of supervision." The stat-
24 ute also provides support and services to sexually ex-
25 ploited youth who are under the age of 18 years old.

1 These services include safe houses, crisis interven-
2 tion programs, community-based programs, and law-
3 enforcement training to help officers identify sexu-
4 ally exploited youth.

5 (15) Sex trafficking is not a problem that oc-
6 curs only in urban settings. This crime exists also in
7 rural areas and on Indian reservations. Efforts to
8 address sex trafficking should include partnerships
9 with organizations that seek to address the needs of
10 such under-served communities.

11 **SEC. 3. SENSE OF THE SENATE.**

12 It is the sense of the Senate that—

13 (1) the Attorney General should implement
14 changes to the National Crime Information Center
15 database in order to ensure that—

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

20 (B) the database be programmed to cross-
21 reference newly entered reports with historical
22 records already in the database; and

23 (C) the database be programmed to in-
24 clude a visual cue on the record of a child des-
25 ignated as an endangered juvenile in order to

1 assist law enforcement officers in recognizing
2 the child and providing the child with appro-
3 priate care and services; and

4 (2) funds awarded under subpart 1 of part E
5 of title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
7 monly known as Byrne Grants) should be used to
8 provide programs relating to sex trafficking edu-
9 cation, training, deterrence, and prevention.

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

11 (a) DEFINITIONS.—In this section—

12 (1) the term “Assistant Attorney General”
13 means the Assistant Attorney General for the Office
14 of Justice Programs of the Department of Justice;

15 (2) the term “domestic minor” means an indi-
16 vidual who is—

17 (A) a citizen of the United States or a law-
18 ful permanent resident of the United States;
19 and

20 (B) under the age of 18 years old; and

21 (3) the term “eligible entity” means a State or
22 unit of local government that—

23 (A) has significant sex trafficking activity;

24 (B) has demonstrated cooperation between
25 State and local law enforcement agencies, pros-

1 ecutors, and social service providers in address-
2 ing sex trafficking; and

3 (C) has developed a workable, multi-dis-
4 ciplinary plan to combat sex trafficking, includ-
5 ing—

6 (i) the establishment of a shelter for
7 sex trafficking victims;

8 (ii) the provision of comprehensive
9 services to domestic minor victims;

10 (iii) the provision of specialized train-
11 ing for law enforcement officers and social
12 service providers; and

13 (iv) deterrence and prosecution of sex
14 trafficking offenses.

15 (b) GRANTS AUTHORIZED.—

16 (1) IN GENERAL.—The Assistant Attorney Gen-
17 eral is authorized to award 6 block grants to eligible
18 entities in different regions of the United States to
19 combat sex trafficking, and not less than 1 of the
20 block grants shall be awarded to an eligible entity
21 with a State population of less than 5,000,000.

22 (2) GRANT AMOUNT.—Each grant awarded
23 under this section shall be in the amount of
24 \$2,500,000.

25 (3) DURATION.—

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

3 (B) RENEWAL.—The Secretary may renew
4 a grant under this section for two 1-year peri-
5 ods.

6 (c) USE OF FUNDS.—

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

9 (A) not less than 25 percent of the funds
10 shall be used to provide shelter and services to
11 victims of sex trafficking; and

12 (B) not less than 10 percent of the funds
13 shall be awarded by the eligible entity to a sub-
14 contractor with annual revenues of less than
15 \$750,000, to provide services to victims of sex
16 trafficking or training for law enforcement and
17 social service providers.

18 (2) OTHER ACTIVITIES.—Grants awarded pur-
19 suant to subsection (b) may be used for activities
20 such as—

21 (A) providing shelter to domestic minor
22 trafficking victims, including temporary or long-
23 term placement as appropriate;

24 (B) providing trafficking victims with
25 clothing and other daily necessities needed to

1 keep the trafficking victims from returning to
2 living on the street;

3 (C) counseling and legal services for vic-
4 tims of sex trafficking, including substance
5 abuse treatment, trauma-informed care, and
6 sexual abuse or other mental health counseling;

7 (D) specialized training for law enforce-
8 ment personnel and social service providers,
9 specific to sex trafficking issues;

10 (E) funding salaries, in whole or in part,
11 for law enforcement officers, including patrol
12 officers; detectives; and investigators; provided
13 that the percentage of the salary of the law en-
14 forcement officer paid for by funds from a
15 grant awarded under subsection (b) shall be no
16 less than the percentage of the time dedicated
17 to working on sex trafficking cases by the law
18 enforcement officer;

19 (F) funding salaries for State and local
20 prosecutors, including assisting in paying trial
21 expenses for prosecution of sex trafficking law
22 offenders;

23 (G) investigation expenses, including—
24 (i) wire taps;

1 (ii) consultants with expertise specific
2 to sex trafficking cases;

3 (iii) travel; and

4 (iv) any other technical assistance ex-
5 penditures; and

6 (H) outreach and education programs to
7 provide information about deterrence and pre-
8 vention of sex trafficking, including programs
9 to provide treatment to men charged with solici-
10 tation of prostitution in cases where—

11 (i) a treatment program is an appro-
12 priate alternative to criminal prosecution;
13 and

14 (ii) the men were not charged with so-
15 licitation of sex with a minor.

16 (d) APPLICATION.—

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

23 (2) CONTENTS.—Each application submitted
24 pursuant to paragraph (1) shall—

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

3 (B) provide such additional assurances as
4 the Secretary determines to be essential to en-
5 sure compliance with the requirements of this
6 Act.

7 (e) EVALUATION.—The Assistant Attorney General
8 shall, in consultation with the Comptroller General of the
9 United States, enter into a contract with an academic or
10 non-profit organization that has experience in sex traf-
11 ficking issues and evaluation of grant programs to conduct
12 an annual evaluation of grants made under this section
13 to determine the impact and effectiveness of programs
14 funded with grants awarded under subsection (b).

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

19 (1) \$45,000,000 to fund grants awarded under
20 subsection (b).

21 (2) \$1,500,000 to conduct the evaluation under
22 subsection (e).

23 (3) \$3,500,000 to the Attorney General, to de-
24 sign and implement improvements to the NCIC
25 database.

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.”.

20 (2) REGULATIONS.—The Secretary of Health
21 and Human Services shall promulgate regulations
22 implementing the amendment made by paragraph
23 (1). The regulations promulgated under this sub-
24 section shall include provisions to withhold Federal
25 funds to any State that fails to substantially comply

1 with the requirement imposed under the amendment
2 made by paragraph (1).

3 (3) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall take effect on October 1,
5 2010, without regard to whether final regulations re-
6 quired under paragraph (2) have been promulgated
7 by that date.

8 (b) ANNUAL STATISTICAL SUMMARY.—Section
9 3701(c) of the Crime Control Act of 1990 (42 U.S.C.
10 5779(c)) is amended by inserting “, that includes the total
11 number of reports received and the total number of entries
12 made to the National Crime Information Center (NCIC)
13 database” after “of this title”.

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

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

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

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

23 (4) by redesignating subparagraph (C) as sub-
24 paragraph (D); and

1 (5) by inserting after subparagraph (B) the fol-
2 lowing:

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

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